## The Politics of American Party Ideology Development

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## THE POLITICS OF AMERICAN PARTY IDEOLOGY DEVELOPMENT

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## CHAPTER 1

# A POLITICAL INSTITUTIONAL THEORY OF AMERICAN PARTY IDEOLOGY DEVELOPMENT

I remember once being much amused at seeing two partially intoxicated men engage in a fight with their great-coats on, which fight, after a long, and rather harmless contest, ended in each having fought himself out of his own coat, and into that of the other. If the two leading parties of this day are really identical with the two in the days of Jefferson and Adams, they have performed about the same feat as the two drunken men.

- Abraham Lincoln (1859)

#### 1 Introduction

On March 19, 1859, Henry L. Pierce and a committee of Boston Republicans sent a letter to Abraham Lincoln inviting him to speak at an upcoming celebration in honor of Thomas Jefferson's birthday. In his reply, Lincoln noted the irony of this situation: "Bearing in mind that about seventy years ago, two great political parties were first formed in this country, that Thomas Jefferson was the head of one of them, and Boston the head-quarters of the other, it is both curious and interesting that those supposed to descend politically from the party opposed to Jefferson, should now be celebrating his birth-day in their own original seat of empire, while those claiming political descent from him have nearly ceased to breathe his name everywhere" (Lincoln 1859). Lincoln then went on to relate the parable quoted above. What Lincoln noticed, but what partisans tend to forget, is that party positions and ideologies change over time. Many partisans are embarrassed by party position change—perhaps they think it indicates a lack of seriousness, a lack of sincerity, or a lack of

integrity—and so they often insist that their party has always held the same principles and positions. After all, their party has been, for all times and places, the party of the right, and their opponents have been, always and everywhere, the party of the wrong.

Our tendency to view the past anachronistically often causes us to forget how parties used to speak and act differently than they do today. For example, during the early 1930s the Republican Party, as it had for most of its history, called for higher taxes, more federal spending, and greater government intervention in the economy to regulate large corporations and help those in need. Likewise, the Democratic Party, as it had for most of its history, called for lower taxes, less federal spending, and free markets. Thus, in the 1932 campaign, FDR criticized the Hoover administration for being "committed to the idea that we ought to center control of everything in Washington as rapidly as possible...I regard reduction in Federal spending as one of the most important issues of this campaign. In my opinion it is the most direct and effective contribution that Government can make to business" (F. Roosevelt 1932). Because the party's positions and ideologies, with regard to government intervention in the economy, changed in the mid-1930s during the New Deal, it is tempting to mistakenly think that FDR's Democratic Party has always advocated increased government spending and economic intervention while Herbert Hoover's Republican Party has always advocated laissez faire economics.

<sup>&</sup>lt;sup>1</sup> For a description of how the Republican Party founded the welfare state in America, see Skocpol (1992). For a description of how Theodore Roosevelt returned the GOP to being "the radical progressive party of the Nation again," see chapter 10 of Theodore Roosevelt's autobiography (T. Roosevelt 1913) and chapter 6 of *The Politics Presidents Make* (Skowronek 1997).

## 1.1 Previous Approaches to American Party Development

Unfortunately, this anachronistic view of party ideology development has also been prevalent in the political science discipline.<sup>2</sup> Whether they measure party ideology using party rhetoric (Croly 1909, Beard 1928, Hartz 1955, Reichley 1992, Gerring 1998, Brewer and Stonecash 2009) or party voting (Poole and Rosenthal 1997, McCarty, Poole and Rosenthal 2006), historians of American parties have generally argued that a single, unifying theme has undergirded all of the more superficial changes we observe over the course of American history. In both cases, the approaches over-emphasize continuity and under-emphasize change.

In the case of scholarship that focuses on rhetoric—in the writings of party leaders, the platforms of party conventions, and the speeches of party candidates—scholars analyze the language used by parties in the past specifically searching for some single theme that has characterized and differentiated the two parties. When they find this one critical factor, they then conclude that this characteristic is essential to the nature of the parties: not only is it found in all past eras, but we can expect it to characterize the parties in all future eras. What typically happens, however, in the decades following this analysis, is that the parties evolve in some way that invalidates the generalization. Later scholars must try again to find a different unifying and essential theme. For example, Herbert Croly (1909) argued that the two parties have always been divided between a theory of national power and union (characterizing the Federalists, Whigs, and Republicans) and a theory of democracy and individual liberty (characterizing the Jeffersonian Republicans and Democrats). When Woodrow Wilson's

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<sup>&</sup>lt;sup>2</sup> There are some exceptions to this rule (Karol 2009, Noel 2014).

<sup>&</sup>lt;sup>3</sup> The subsequent history of the twentieth century would prove this generalization to be false: every Democratic administration from Woodrow Wilson to the present, including FDR's New Deal and LBJ's Great Society, would employ a theory of national government power. Likewise, the Republican Party since the New Deal has embraced Jeffersonian rhetoric of limited government and individual liberty.

Democratic Party falsified this claim, Charles Beard (1928) argued that the two major parties have always clearly and consistently been divided over government support of agriculture (the Jeffersonian Republicans and Democrats) or industry (the Hamiltonian Federalists, Whigs, and Republicans). When FDR's Democratic New Deal coalition falsified this claim, James Reichley (1992) argued that the two parties have always been divided between "republicanism" (the Federalists, Whigs, and Republicans) and "liberalism" (the Anti-Federalists, Jeffersonian Republicans, and Democrats).

More recent scholars have admitted that American party history has been characterized by significant discontinuities, but they generally still try to find some overarching theme that ties it all together. According to one account, "through all periods of American history one party has adhered to the interests of business and the advance of a capitalist economy, whereas the other has often been more critical of this advance" (Gerring 1998, 20). Ironically, in this formulation, the Jeffersonian Republicans and Democrats are the conservatives, and the Federalists, Whigs, and Republicans are those pushing change and "advance." According to another account, "For much of American history...the Democratic Party's concern for the have-nots has persisted. Republicans, on the other hand, have largely defended free markets and represented those who have fared relatively well....Partisan conflict in the United States has always reflected this cleavage to some degree" (Brewer and Stonecash 2009, 4). As we will see in chapter 2, the Democrats have, in fact, for much of American history, "defended free markets," and they have often defended those who have

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<sup>&</sup>lt;sup>4</sup> The subsequent history of the twentieth century would prove this generalization to be false, as well: FDR's New Deal coalition famously brought together urban labor and rural farmers, and since 1933 the Democrats have been committed to government policies aimed at aiding labor unions. At the time of Beard's writing, the two parties were divided between a Republican industrial North and a Democratic agrarian South. In the intervening eight decades, the two parties have switched with Democrats now dominant in the industrial Northeast, upper Midwest, and West Coast, and Republicans dominant in the rural South, lower Midwest, and Mountain West.

<sup>&</sup>lt;sup>5</sup> This claim is vague to the point of being non-falsifiable. "Liberalism" and "republicanism" have taken on radically different meanings over the course of American history.

fared relatively well. Likewise, the Republican Party's commitment to free markets has only characterized a third of American history, and they have, on occasion, expressed concern for the have-nots.<sup>6</sup>

In the case of scholarship that focuses on party voting, scholars deductively posit that an ideal preference point on an ideological spectrum determines the voting behavior of politicians. For example, Poole and Rosenthal analyze roll call voting in Congress throughout American history, and find "that a simple abstract model accounts for the data." This abstraction is a "continuum of ideological positions...ranging from Left to Right or from very liberal to moderate to very conservative" (Poole and Rosenthal 2007, 3). When they find that legislators generally vote more often with co-partisans than cross-partisans, they conclude that the two parties have constantly and continuously been divided by ideology on this liberal-conservative spectrum. The main problem with this approach is that it does not consider how the content and meaning of ideologies evolve. As David Karol has pointed out, "a reinterpretation of the stability in 'spatial' positions of members of Congress revealed by roll-call scaling or 'ideal point' estimation techniques is in order [because] the ideological poles themselves have changed greatly over time. What it meant to be a liberal in 1963 was different in several ways from what it implied in 1983, and such changes cannot be usefully understood by viewing politics in a uni-dimensional way" (2009, 3). If ideology is what causes Republicans and Democrats to change their voting patterns and switch positions on so many different issues over time, it does not make much sense to say that the reason that members of Congress (MCs) have consistently voted with their co-partisans is because the two parties have always been divided between Democratic liberals and Republican conservatives on a static, left-right, ideological spectrum.

<sup>&</sup>lt;sup>6</sup> Notably, the GOP abolished slavery and pushed through Reconstruction, in the face of Democratic opposition, in hopes of helping the least well off in American society at that time.

#### 1.2 Contributions and Outline of the Dissertation

Given these misunderstandings of the history of American party positions and ideologies, this dissertation attempts to improve our understanding of American party ideology development. It is important to understand how party ideologies evolve because the particular meaning and content of the two major parties' ideologies have a tremendous impact on American social and political life. To a large extent, party ideology "is the basis for choice in large, mass electorates" (Hinich and Munger 1994, 95). The ideologies that the two major parties present to the electorate shape the way Americans think about politics, the issues they debate, and the policies they pursue. This dissertation attempts to improve our understanding of American party ideology development in two ways. First, it makes a methodological and conceptual contribution by suggesting that we should think of ideologies as endogenous structures; we should treat them in the same way that neo-institutional scholars have analyzed other political structures. By conceiving of ideologies in this way, we can better understand what ideologies are, what they do, and how they evolve.

Second, once we understand that ideologies—including party ideologies—can, and do, change, this dissertation points out that a polity-centered theory can help *explain* how and why party ideologies evolve. In three empirical chapters, it evaluates three different hypotheses derived from this theory. Chapter 2 shows how party control of unified government influences change in party theories of economic intervention; chapter 3 shows how party control of the presidency influences change in party theories of foreign intervention; and chapter 4 shows how party control of the Supreme Court influences change in party theories of judicial intervention. Before getting to these empirical parts of the dissertation, this introductory chapter proceeds as follows: section 2 defines party ideology development for the purposes of this dissertation; section 3 questions the current

dominant method of measuring party ideology development; section 4 suggests how we can improve our conceptualization of party ideology development; and section 5 outlines a theory to explain variation in party ideologies, which will then be applied in the subsequent chapters.

## 2 Defining Parties, Ideologies, and Development

The definitions of parties, ideologies, and development used in this dissertation are not new. A political party is a team of individuals "seeking to control the governing apparatus by gaining office in a duly constituted election" (Downs 1957). These individuals may seek to control governing institutions because they want to implement certain principles (Burke 1770/1981), because they simply want to enjoy the benefits of holding office, or both. Parties are not only a team of individuals, but they are also organizations. They are endogenous political institutions created and transformed by politicians, partisan activists, and ambitious office seekers and officeholders (Aldrich 1995). These party actors who construct and change parties are often theoretically minded politicians like Hamilton, Jefferson, Madison, Van Buren, TR, Wilson, and FDR (Ceaser 1979, Milkis 1993, Skowronek 1993). Parties are also diverse "coalitions of groups with intense preferences on issues managed by politicians" (Karol 2009). These politicians both aggregate and articulate the preferences, attitudes, and ideas of the groups in their coalition (Key 1964, 22). Thus, parties are constituted in government, in party organizations, and in the electorate.<sup>7</sup> Parties are characterized by caucuses of politicians who seek to control government institutions; by formal organizations with officers and resources like the Democratic National Convention,

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<sup>&</sup>lt;sup>7</sup> This dissertation will focus on parties at the national level. Specifically, in analyzing party ideology, this dissertation follows Gerring (1998) in focusing on the "presidential wing" of the party; that is, the national messages that parties articulate through presidents and presidential candidates.

the Virginia Republican Party, or a city political machine; and by interests and ideologies that shape the way party members talk and act in dealing with each other and with the public.

It is important to distinguish between political parties and political ideologies because even though they do similar things—organize coalitions of individuals—they do so in different ways (Noel 2014, 2, 8, Hinich and Munger 1994). This dissertation defines a political ideology as a "verbal image of the good society and the chief means of constructing such a society" (Downs 1957). Because an ideology has a broad idea about what the good society looks like, and what society now looks like, it includes a variety of specific means of achieving the desired ends. Thus, an ideology includes several different issue positions that are linked together through this "verbal image." In the words of Philip Converse, an ideology is a "configuration of ideas and attitudes" (1964, 207). This configuration of political ideas, attitudes, and issue positions are linked together by, and constrained by, the verbal image of the good society.

While previous scholars have examined issue evolution (Carmines and Stimson 1989, Berkman 1993, Burns 1997, G. Adams 1997, Wolbrecht 2000, Fordham 2007) and party position change (Karol 2009), this dissertation examines party *ideology* development. That is, it examines evolution in the configuration of ideas, general principles, and theories that parties articulate over time. These changing ideas and theories (ideology) give structure and coherence to the variety of different issue positions which parties take, and change, over time.

Following Hinich and Munger, this dissertation distinguishes between ideologies and "individual belief systems or schema" (1994, 10). A personal belief system is ideology at the individual level. There are innumerable personal belief systems and schema at the individual level because each person who thinks ideologically holds a slightly different verbal image and

a slightly different configuration of ideas, attitudes, and issue positions. At the group level, an ideology is a shared "verbal image." That is, while each person who subscribes to this image might imagine the good society slightly differently, there are generally shared ideas and attitudes that are configured in similar ways across a large number of people. Groups, including political parties, articulate ideologies partly because they are "economizing device[s]" that simplify decision-making for individuals who identify with, or subscribe, to the ideology (North 1981, 49). "Ideologies are the basis for choice in group decisions, and provide the language in which groups debate and disagree" (Hinich and Munger 1994, 5). This dissertation will focus on these ideologies at the group level: the verbal images and configurations of ideas that constrain the attitudes and actions of large groups of people. Because these shared political ideologies are described and debated in language communities, they have names and labels (which may or may not be associated with a political party) like republicanism, Toryism, Anti-federalism, Federalism, liberalism, Democracy, Radical Republicanism, Liberal Republicanism, socialism, progressivism, New Dealism, conservatism, etc.8

Converse's definition of ideology as a "configuration of ideas and attitudes in which the elements are bound together by some form of constraint or functional interdependence" introduces the important concept of ideology as a constraint (1964, 207). A political ideology, like a political institution, is a structure that constrains the attitudes and actions of individuals. For example, given the particular configuration of ideas and attitudes in a particular group ideology, if we know that an individual subscribes to a certain group

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<sup>&</sup>lt;sup>8</sup> An ideological construct like liberalism is tricky to define because, like the two major parties, it has changed enough over time and place that it has held together, at different times, very different people with very different attitudes and issues positions. For example, at some points in time liberalism has held together ideas like limited government, free markets, and free trade. At other points in time it has held together ideas and issue positions like expansive government power, economic intervention, and trade regulations. The same kinds of transformations have occurred within conservatism (Lewis 2012).

ideology, and we know that she holds a particular attitude toward one issue, we can predict the other attitudes or issue positions that she also holds. Furthermore, an ideology is a mental framework that not only gives coherence to disparate attitudes and ideas, but also structures the way people think and talk. Thus, an ideology is the "more or less coherent body of assumptions, values, and ideas that [bind people] together as it shape[s] their common understanding of society and politics and len[ds] a common meaning to events" (Banning 1978, 15). Ideology constrains political debate both within and between members of ideological groups (Hinich and Munger 1994, 62).

One of the important things to keep in mind is that not only does ideology constrain political actors, but it is also subject to change by them. Political ideologies, like political parties, are endogenous structures. In other words, political ideologies, like political parties, are created and transformed by political actors; they do not exist outside of politics. "The shaping of belief systems of any range into apparently logical wholes that are credible to large numbers of people is an act of creative synthesis" (Converse 1964, 211). While some political scientists have theorized about how ideologies originate and succeed in shaping politics, the methodological contribution of this dissertation is to subject ideologies to a historical institutional analysis.<sup>10</sup>

This dissertation defines a party ideology in just the way that we would expect given these definitions of parties and ideologies. A party ideology is a "verbal image of the good society" and a "configuration of ideas and attitudes" shared between individuals in a political

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<sup>&</sup>lt;sup>9</sup> An ideology need not be coherent to the outside observer in order for it to do the work of structuring disparate attitudes and ideas. That is, an ideology does not need to meet the standards of coherence on some pre-fabricated objective scale. As long as it is a verbal image of the good society that configures political ideas and attitudes, then it meets the definition.

<sup>&</sup>lt;sup>10</sup> While many rational choice and historical institutional scholars takes ideology as given and exogenous to their theoretical models, some scholars have sought to account for how ideologies are created and emerge (Hinich and Munger 1994). However, this dissertation goes another step farther by showing how ideologies have actually developed over the course of American political history.

party. Thus, a party ideology is a "consetellation of ideas...which ma[kes] it possible for members of the party to perceive a pattern in the happenings around them, to define a group identity in terms related to that pattern, and to sketch a course of action that would make the pattern change" (Banning 1978, 15). A party ideology may or may not be different from other general ideologies shared by groups of people like liberalism, conservatism, and socialism. For most of American history, the ideologies of the two major parties have been distinct from other general ideologies, but in recent years the changing meaning and content of Republican Party ideology (what we might call Republicanism) has tracked very closely to the changing meaning and content of conservatism. Likewise, the evolution of Democratic Party ideology has tracked very closely to the evolution of liberalism and progressivism (Noel 2014). Regardless of the labels we use to describe them, at all points in American history the two major parties have articulated some ideology (Gerring 1998, Hinich and Munger 1994, 61).

Finally, this dissertation defines party ideology development as the change, or lack of change, in party ideologies over time. It focuses on the ideologies of the two major parties over the course of American history. Specifically, this dissertation focuses on certain aspects of party ideologies—theories of governance and theories of intervention—and finds that these aspects of party ideologies have changed significantly over time, while other aspects of party ideologies—like party theories of ends and party ideological foundations—have remained more static over time. I will return to these terms and explain what I mean by "theories of governance," "theories of intervention," "theories of ends," and "ideological foundations" in section 5.1 of this chapter.

## 3 Problems with Our Current Understanding of Party Ideology Development

As mentioned earlier, one of the problems with our current understanding of American party ideology development is the over-emphasis on stasis and under-emphasis on dynamics. With respect to party histories that focus on party voting, this is often the product of a mischaracterization of ideology as exogenous to politics. Since this approach is the dominant method of measuring party ideology in American political science today, this section will explain more clearly why this exogenous approach to ideology is problematic for understanding party ideology development.

In his seminal study of political ideology, Converse explained that the neglect of ideology as a subject of study by political scientists is a primary exhibit "for the doctrine that what is important to study cannot be measured and what can be measured is not important to study" (1964, 206). In the decades since, political scientists have taken up Converse's challenge and attempted to measure ideology. In fact, in recent years, the political science discipline has become preoccupied with the concept of ideology (Lee 2009, 29-30). The dominant conception and measurement of ideology used is the spatial model of ideology based on congressional roll call votes. Specifically, the most common way that political scientists measure party ideology is by using scaling applications, which posit that ideological positions on a static liberal-conservative spectrum determine the roll call voting behavior of a party's MCs. While the following critique applies to any measure of party ideology that proceeds in this way, the most widely used measure is Poole and Rosenthal's NOMINATE scaling application, and so I will focus on this well-known example in order to illustrate the conceptual problems we face. These spatial models and scaling applications represent one of the biggest breakthroughs in political science in recent years. "The analysis of scaled roll call

estimates has spawned hundreds of pathbreaking articles and books that have significantly advanced our understanding of Congress, interbranch relations, elections, and democracy itself" (Aldrich, Montgomery and Sparks 2014, 4). Despite the value of this approach for improving our understanding of many different political phenomena, it does not, as currently employed, advance our understanding of party ideology development.

The reason that roll call scaling applications do not tell us much about party ideology development is that they do not explain how the meaning and content of their liberal-conservative spectrum changes over time. Roll call scaling applications are impressive feats of data compilation and quantitative analysis. In deriving their index of scores, they code millions of roll call votes cast by thousands of MCs over hundreds of years. Given the mountain of data they collect, they cannot take the time to describe the meaning and content of these millions of votes. They concede that they are merely using the term "ideology" as "shorthand" to describe the tendency in voting behavior of MCs, but they also hypothesize that "ideology" is what constrains MC voting behavior (Poole and Rosenthal 2007, 3). However, it remains unclear what ideas, bound together in what structure, acting as a constraint in what way, are constraining MC voting behavior in the form of ideology over time. It is unclear what it means to say that a politician in 1950 and a politician in 2000 have the same DW-NOMINATE score and, thus, the same ideological constraint.

Because "ideal points" on this static liberal-conservative spectrum are assumed to explain the roll call votes cast by MCs throughout all of American history, Jeffersonian Republicans and Democrats who always vote together are coded as "liberals" and Federalists, Whigs, and Republicans who always vote together are coded as "conservatives." Thus, a "conservative" score might be assigned to an MC calling for more government intervention in the economy, or it might be assigned to an MC calling for less economic

intervention.<sup>11</sup> This entirely depends on historical context. Despite this fundamental problem, many of the political scientists who use roll call scaling applications claim that we can measure party ideology change over time by measuring the average scores of the party members in Congress (Hacker and Pierson 2005, McCarty, Poole and Rosenthal 2006, Hare and Poole 2014). While these scaling applications *do* tell us who votes with whom in government—and the indices give us this information with remarkable and admirable precision—they do not tell us what these votes mean in terms of ideology.

It is not entirely clear that ideology—as the term is commonly understood in both an academic and colloquial sense—is the dominant determinant of a legislator's voting preferences and voting behavior (Hinich and Munger 1994, Lee 2009). However, even if we grant that each legislator has some quantifiable ideology-value existing within their head, which gets revealed through repeated vote choices—just as a person's body temperature is revealed through a thermometer—we know nothing about what this ideology number means in practice. What, exactly, does it mean to be a 0.7 conservative or a -0.3 liberal? That depends entirely on context, which is always changing. A quick survey of DW-NOMINATE's historical data shows that "liberal" and "conservative" scores have meant, at some points in time, the opposite of what they have meant at other points in time on virtually every public policy issue. For example, at some points in history, "liberalism" refers to MCs and parties calling for less government intervention in the economy, less redistribution of wealth, lower taxes, less spending, less trade protections, and more foreign military intervention. At other points in history, however, "liberalism" refers to MCs and parties calling for the opposite.

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<sup>&</sup>lt;sup>11</sup> Government intervention in the economy is the presumed ideological dimension that is most important in these scaling applications.

Despite the radical transformations in the meanings of Democratic Party ideology and Republican Party ideology, Poole and Rosenthal claim that the liberal-conservative ideology continuum they identify in American politics has had "remarkable stability since the Civil War" (2007, 7). Even though their ideology continuum is stable, and even though the positions and ideologies of the parties have changed dramatically over time, the NOMINATE scores of the Democratic and Republican Parties never switch positions in ideological space throughout American history (Hare and Poole 2014).

The problems with this approach can be illustrated by examining well-known legislators in the past to see if their ideology scores match with our understanding of American history. For example, roll call scaling tells us that Henry Cabot Lodge (R-MA), Barry Goldwater (R-AZ), and Jesse Helms (R-NC) had the same ideal point (0.6 DW-NOMINATE score) on a supposedly stable liberal-conservative spectrum (Carroll, et al. 2015). About the only thing those three senators have in common is a party label. It would be hard to find any political attitude, issue, or idea on which all three of those politicians agree—even though they presumably share the same ideological space. Or, to take another example, according to this approach, Jimmy Carter (-.52) was the most liberal president since the Civil War—even though Carter is widely understood as a centrist (Aldrich 1980, 160).

When those who claim that politicians can be meaningfully placed on a static ideological spectrum do, in fact, attempt to define these labels, the incoherence of this approach is revealed. For example, in the roll call scaling approach, the most conservative president in American history—defined by those who use the spectrum as the president who advocated the least amount of government intervention in the economy—was not Thomas Jefferson, Andrew Jackson, or Grover Cleveland. It was not even Ronald Reagan. The smallest-government president in American history was George W. Bush (.73). On the other

end of the spectrum, according to Poole and Rosenthal, "a contemporary liberal...is likely to support increasing the minimum wage, oppose a reduction in capital gains tax...support mandatory affirmative action programs, and support federal funding for healthcare and daycare programs" (Poole and Rosenthal 2007, 12). Our current president has probably taken stronger stands in favor of all of these issues than any president in history, but he is scored as the second most moderate Democrat since the Civil War. The only Democrat to be weaker on these issues, apparently, was the president who pushed through the Great Society: LBJ is the only president with a weaker liberalism score. The reason that these results are so at odds with our common understanding of ideology is because they bear no relation to ideology. Roll call scaling scores simply tell us who votes with whom—they do not tell us why, how, or in what way.

The problems with this approach can also be illustrated by examining average party ideology scores in the past to see if these developments match our understanding of American history. For example, Figure 1 tracks each party's average DW-NOMINATE scores in the Senate over time. According to this index of ideology scores, the Democratic Party's high-water mark for liberalism was in the 1880s and early 1890s during the Democratic administrations of Grover Cleveland. However, in reality, the Democratic Party during this time famously advocated relatively *laissez faire* economic policies (lower taxes, less spending, less regulation, freer trade, a smaller welfare state): the opposite of the policies that political scientists identify with "liberalism." According to this measure, the Democratic Party of Woodrow Wilson, FDR, LBJ, and Barack Obama is much more conservative than the Democratic Party of Cleveland. These scores suggest that the Democratic Party moved rightward toward the political center during the late 1890s (when the party merged with the Populist Party), the 1910s (during the Progressive Era), and the 1930s-40s (during the New

Deal)—almost reaching the political center by the end of FDR's administration. This characterization of the movement of Democratic Party ideology is again the opposite of how we normally think about "left" and "right." After apparently returning to extreme liberalism in the late 1940s and 1950s, according to the party DW-NOMINATE scores, the party remained relatively stable during the 1960s—even though the party advocated and passed the Great Society reforms during that time. The scaling application's description of Republican Party history since Reconstruction is equally puzzling.

Senate 1879-2014
Party Means on Liberal-Conservative Dimension

Republicans

Southern Democrats

Northern Democrats

Figure 1: Party Ideology Development since 1879 according to DW-NOMINATE scores<sup>12</sup>

## 4 Improving Our Understanding of Party Ideology Development

To improve our understanding of how American party ideologies change over time, we would benefit from returning to Lincoln's story about the fighting men in their "great-coats." In this metaphor, the combatants, of course, represent the political parties. In

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<sup>&</sup>lt;sup>12</sup> This figure is taken from Poole and Rosenthal (2015)

particular, the drunken men under their coats represent the sometimes unwieldy coalition of groups in each party that agree to work together to fight their opponents in hopes of achieving some objective. The coats, on the other hand, represent the ideologies worn by the parties. These great-coats, when worn during battle, are structures that limit and constrain the way the men fight. The coats constrain how high the fighters can raise their arms and in what direction they throw their punches. Similarly, party ideologies structure and constrain the attitudes expressed and the issue positions taken by party members. The coats, of course, are not the only factors that affect the behavior we observe, but they are important.

Furthermore, the nature of their constraint is not entirely fixed—they are great-coats and not straight-jackets. Over the course of party battle, the form and shape of the coats/ideologies change. This analogy represents a better approach to understanding what ideology is, what party ideologies do, and how party ideologies evolve. Ideologies are endogenous structures that, like the coats, shape the behavior of political actors—and whose structural shape is subject to change by those same actors.

In recent years, political scientists attuned to the discontinuities of history have begun to improve our understanding of party ideology development in just this way. Rather than treating ideology as a given, exogenous independent variable for the purposes of studying some other variable of interest (like polarization or public policy), they have treated ideology as an endogenous variable that is subject to change by political actors, and that is of interest in its own right. That is, scholars have begun to understand that ideology is not something fixed that exists outside of politics, but it is constructed and transformed over time within politics. In 1998, John Gerring wrote a macro-narrative of American party history that emphasized change and discontinuity in American party ideologies. However, Gerring ended his study by concluding that there is "no general factor at work that might

explain the development of American party ideologies" (Gerring 1998, 274). He faulted the previous "society-centered" attempts at explaining American party ideology development as misconceiving the role that the mass public has in shaping party ideologies, and as being unable to account for many of the changes observed in American party history.

More recent scholars have taken up this challenge to show how polity-centered factors have influenced party ideology evolution. For example, Scott James has pointed out how "electoral college constraints and national party competition were proximate causes behind a dramatic shift in Democratic commitments of interest and ideology" between 1884 and 1936 (James 2000, 17). David Karol has demonstrated that MCs do, in fact, switch positions on various political issues even though their NOMINATE scores remain static, and he explained, like James, how the exigencies of coalition management affect party position change (Karol 2009). Most recently, Hans Noel has demonstrated that the two major parties have not always been divided between liberals and conservatives, and he explained how the political entrepreneurship of "academic scribblers" and "coalition merchants" brought about changes in party ideologies (Noel 2014). Like these more recent scholars, this dissertation also takes up Gerring's challenge to see if a "polity-centered" approach can improve our understanding of change in party ideologies.

In the next section, I posit a "political institutional" theory of party ideology development, which focuses on party control of government institutions. According to this theory, change in party control of different government institutions can help explain change in some (but certainly not all) aspects of party ideologies over time.

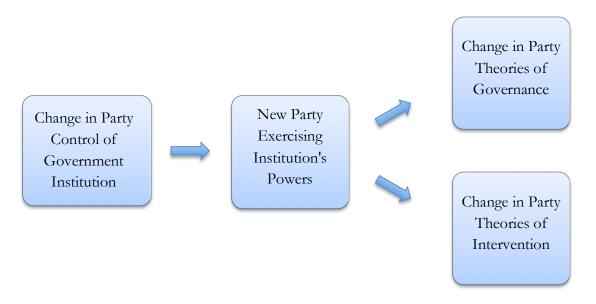
## 5 A Political Institutional Theory of American Party Ideology Development

Building on previous theories of the American presidency, which explain that politicians almost universally seek to maximize their power, 13 this dissertation argues that the tendency for politicians to expand their power has implications for party ideology evolution through a series of steps. First, party control of government institutions provides incentives for members of the party in power to exercise and expand the powers at their disposal. Second, actively exercising the powers of government institutions provides incentives for members of the party in power to develop their theory of governance in a way that justifies the exercise of government power by those institutions. Likewise, by the logic of party competition (Lee 2009), members of the party out of power face incentives to develop their party's theory of governance in a way that calls for restraint by those institutions. Third, and in a similar way, actively exercising the powers of government institutions provides incentives for members of the party in power to develop their theories of intervention in ways that justify those institutions intervening in society and the world. Likewise, by the logic of party competition, members of the party out of power face incentives to develop their party's theories of intervention in ways that call for less intervention by those institutions (see Figure 2).

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<sup>&</sup>lt;sup>13</sup> See, for example, Publius (1787/2003), Neustadt (1960), Skowronek (1993), Moe and Howell (1999), and Howell (2013).

Figure 2: Changes in Party Control of Government Institutions Lead to Changes in Party Ideologies



This dissertation examines the implications of this theory for three different aspects of party ideology: economic policy, foreign policy, and judicial policy. This is not an exhaustive list of the dimensions of party ideology, but these aspects are still consequential. Chapter 2 examines how members of a party in simultaneous control of the presidency and Congress have incentives to change their party's theory of governance to advocate for a strong national government, centralized federalism, and judicial deference to Congress and the president. Since intervening in the economy is one of the primary powers that the party in control of government can exercise, they are also likely to advocate for more economic intervention. Conversely, members of the party in opposition to unified government have incentives to change their party's theory of governance to advocate for limited national government power, decentralized federalism, and judicial checks on the elected branches of government. Furthermore, the opposition party is likely to advocate for less economic intervention.

Chapter 3 examines how members of the party in control of the White House have incentives to change their party's theory of governance to advocate for a strong presidency, centralized bureaucratic administration, and unilateral executive action. Since intervening in foreign affairs is one of the primary powers that the party in control of the presidency can exercise, they are also likely to advocate for more foreign intervention. Conversely, members of the party in opposition to the White House have incentives to change their party's theory of governance to advocate for limited presidential power, decentralized bureaucratic administration, and working jointly with Congress. They also have incentives to change their party's theory of intervention in a way that advocates for less foreign intervention.

Chapter 4 examines how members of a party in control of the Supreme Court have incentives to change their party's theory of governance to advocate for a strong judiciary, judicial independence, and judicial supremacy. Since intervening to change politics and society is one of the primary powers that the party in control of the Supreme Court can exercise, they are also likely to advocate for more judicial intervention. Conversely, members of the party in opposition to the Supreme Court have incentives to change their party's theory of governance in a way that advocates for limited judicial power and judicial deference to the elected branches of government. A party that changes its theory of governance to advocate for less judicial power is also likely to change its ideology to advocate for less judicial intervention.

This dissertation evaluates these three hypotheses in three separate empirical chapters by tracing changes in party control of government institutions and changes in party ideologies over time. These three aspects of party ideology are not exhaustive. Many other aspects, like monetary policy or immigration policy, do not seem to be explained by party control of government institutions. The political institutional theory of party ideology

development has implications for some, but certainly not all, aspects of party ideologies. The three dimensions of party ideology examined in this dissertation were selected because they have an identifiable relationship to party control of government institutions. Other scholars may identify observable implications of the political institutional theory for other aspects of party ideology not treated here, and they are invited to test those hypotheses accordingly. Before proceeding to the empirical chapters of the dissertation, in this section I will more fully articulate the political institutional theory of American party ideology development. I will explain what is new in this approach, identify the premises underlying the theory, and define more clearly the causal mechanisms of the theory.

### 5.1 A New Approach to Party Ideology Development

As explained earlier, I define an ideology as a "configuration of ideas and attitudes" that are "bound together by some form of constraint" (Converse 1964, 207). Or, put somewhat differently, an ideology is a "far ranging structure of attitudes" (Campbell, Converse, et al. 1960, 192). In this approach, ideas have consequences: configurations of ideas in the public discourse (ideologies) significantly structure, shape, and constrain the thinking and acting of political actors. As a result, this dissertation treats ideologies to an institutional analysis. Ideologies are not formal organizational institutions like legislatures and political parties, but they are informal structures: prescriptions, mental frameworks, and norms that "constrain and shape human beliefs, values, [and] interests" (Katznelson and Weingast 2005, 14). As "mental frameworks," ideologies limit how political actors conceive of political events by providing "the languages, the concepts, categories, imagery of thought, and the systems of representation" that political actors use to engage with the world around them (Hall 1986, 25-26). As "attitude structures," ideologies help determine the attitudes and

issue positions held by those who identify with the ideology. Thus, ideologies should be thought of as structural constraints in politics. However, the causal relationship does not move in only one direction. The attitudes, and resulting actions, of political actors are not only structured by ideologies. Political actors also work to change the meaning and content of ideologies over time—just as they do with other political structures. Treating ideologies to a historical institutional analysis is the methodological contribution that this dissertation seeks to make.

### 5.1.1 Studying Ideologies as Part of the Study of Ideas in American Politics

Ideas in American politics can, and should, be analyzed and categorized by political scientists just as other political phenomena (Ceaser 2006, 5). They are not merely artificial rationalizations masking real, subterranean interests. <sup>14</sup> These ideas, as objects of study, include normative ideas about what "the ends of government and society" should be, what "the role of government in society" and the world should be, and "how power should be apportioned among different governing institutions" (Ceaser 1984, 58, Ceaser 2000). Other important ideas to study include "foundational" ideas that explain, justify and ground these normative ideas. As parts of a political ideology, these different kinds of ideas can be mapped hierarchically as a kind of pyramid (Ceaser 2006, 5). At the base, foundational ideas justify and ground ideas about the ends of government; ideas about the ends of government justify and ground ideas about the world; and ideas about the role of government justify and ground ideas about how power should be apportioned among governing institutions. In this scheme, foundational ideas at the base of

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<sup>&</sup>lt;sup>14</sup> The interests and objectives of political actors are not only mediated by ideas and beliefs about the world around them, but they are also shaped by those ideas (Goldstein and Keohane 1993).

the pyramid are the most permanent and ideas about institutional arrangements at the top of the pyramid are the most transitory.

## 5.1.2 Categorizing the Elements of a Party Ideology

A party ideology is a particular type of political ideology: "the configuration of ideas and attitudes" held by *party* members that involves all of the elements just discussed. For the purposes of this dissertation, it is important to differentiate between these different elements. Each one is a sub-set of ideas that helps make up the party's ideology. First, I refer to the sub-set of ideas that define how power should be apportioned among different governing institutions as a party's "theory of governance" (Ceaser 1984). Second, I refer to the sub-set of ideas that define the proper role of government as a party's "theory of intervention." Third, I refer to the sub-set of ideas that define the proper ends of government as a party's "theory of ends." And, fourth, I refer to the sub-set of ideas that ground these normative theories as a party's "ideological foundation." Each of these elements, of course, can be further divided into smaller sets of ideas that deal with only particular aspects of each element. 15

As an example, we can see how Jacksonian Democratic Party ideology in the early 1830s consisted of each of these four elements that make up a party's ideology. The Jacksonian Democrats' ideological foundation included American Idealism as seen in the doctrine of Manifest Destiny (Ceaser 2006, 40-42). The Jacksonian Democrats' theory of ends argued that the objectives of government and society should be equality and liberty. The Jacksonian Democratic theory of intervention included the idea that national

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<sup>&</sup>lt;sup>15</sup> For example, a party's "theory of intervention" is made up of different theories about, among others, foreign intervention, economic intervention, and cultural intervention. A party's theory of economic intervention can be further divided between theories about, among others, monetary intervention, trade intervention, and regulatory intervention. Each party ideology consists of innumerable particular ideas and sub-sets of ideas. My political institutional theory of party ideology development focuses, specifically, on party theories of governance and party theories of intervention.

government intervention in the economy should be strictly limited. And, finally, the Democratic theory of governance in the early 1830s argued that power should be apportioned among different governing institutions such that Congress and the president should wield more power than the Supreme Court. Certainly, the Jacksonian Democrats shared a variety of ideas with other political parties of their time, but this particular collection of ideas, this ideology, characterized the party in the 1830s in a unique way. It influenced the way Jacksonian Democrats thought, spoke, acted, and voted. Jacksonian Democratic Party ideology acted as a structural constraint in American politics.

## 5.1.3 The Causal Chain of Influence

The "polity-centered" theory of party ideology development articulated in this dissertation holds that change in party control of government influences party ideology development through a chain of influence between these different elements. Adding to James Ceaser's typology of political ideas (2006), which implies that the direction of influence between political ideas runs from the bottom up (from the most foundational ideas to the most transient), this dissertation examines whether the direction of influence can also, occasionally, run from the top down. First, a change in party control of government often influences a party's theory of governance and theory of intervention. Second, a change in a party's theory of intervention sometimes influences a party's theory of ends. Finally, on occasion, change in a party's theory of ends influences a party's foundational concepts. Thus, taking up Gerring's challenge, I argue that a polity-centered factor (changes in party control of government institutions) can help explain changes in some important aspects of party ideologies over time.

#### 5.2 Theoretical Premises

This theory is based on two theoretical premises. The first premise is the idea that human beings, in general, and politicians, in particular, tend to exercise the power they have at their disposal. This assumption fits with previous scholarship on the presidency. Neustadt (1960) explained that all presidents want to accumulate power in order to accomplish their ends—it is just that some presidents have been more effective than others in accumulating this power. According to Skowronek (1993, 12), all presidents have certain constitutional powers that come with the presidential office, and the desire to exercise these powers is "an impulse that all presidents share" in order to "realize their ambitions." Moe and Howell explain: "whatever else presidents might want, they must at bottom be seekers of power" (1999, 854). This exercise of power in government is not simply a naked power grab, however. Government officials often have incentives to exercise their power in ways that those who do not occupy the office cannot always understand. As Jefferson explained, only the president's position "command[s] a view of the whole ground" (1801).

The desire of politicians to exercise power almost always manifests as a desire to use government power to intervene in society and the world, and this has implications for change in a party's theory of intervention.<sup>17</sup> For example, when a presidential candidate comes to power, they have incentives to exercise the powers of their office even if they previously criticized the exercise of such powers by their predecessor. One of the greatest powers that a president has is that of commander-in-chief in foreign affairs, and so presidents typically become more interventionist on foreign policy than what we would

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<sup>&</sup>lt;sup>16</sup> For a review of this literature, see Sollenberger (2014).

<sup>&</sup>lt;sup>17</sup> It is feasible that politicians could exercise the power at their disposal by not intervening, or by even shrinking the size and/or role of government, but this is rare in American politics. Much more often, politicians simply use the power at their disposal to intervene in pursuit of different ends than their predecessors. Chapter 2 shows how the Jeffersonian Republicans briefly used the power at their disposal to shrink the size of government, but quickly changed course and changed their party's theory of national government power and theory of economic intervention accordingly.

expect from their rhetoric and ideology prior to assuming office. Thus, even though we have had many presidential candidates criticize incumbent presidents for hawkish or interventionist foreign policy since the turn of the twentieth century, it is something to reflect upon that few presidents—if any—have governed as non-interventionists during that time.

Differences in a party's theory of ends, however, may cause the president to intervene in ways different from how the previous party intervened. Arguably, the Republican Party's foreign interventionism during the Bush 43 administration was directed at different ends, and undergirded by different ideological foundations, than the Democratic Party's foreign interventionism during the Clinton administration. Similarly, in the case of unified government, the Democratic Party's economic interventionism during the New Deal was directed at different ends, and undergirded by different ideological foundations, than the Republican Party's economic interventionism during Reconstruction. Finally, in the case of the Supreme Court, the Democratic Party's judicial interventionism in the second half of the twentieth century was directed at different ends, and undergirded by different ideological foundations, than the Republican Party's judicial interventionism during the Lochner Era.

The second theoretical premise upon which this theory rests is the logic of party competition. In the zero-sum, two-party system, partisans have reasons to change their rhetoric in ways that justify the actions of their own party while criticizing the actions of the opposing party. While Frances Lee points out that the logic of party competition gives partisans incentives to act in ways that cannot simply be explained by ideology or preferences (2009), this dissertation's approach goes another step further to argue that the logic of party competition gives partisans incentives to act in ways that actually change their party's ideology. This feature can be seen prominently in two different ways.

First, the tendency for party politicians to exercise the institutional powers at their disposal, combined with the desire to justify co-partisans and criticize opponents, means that the party in control of an institution will typically change its ideology to advocate the exercise of power by that institution. Likewise, the party out of power will typically change its ideology to criticize the exercise of power by that institution. For example, in the case of the presidency, support for executive power and discretion is not a static feature of "the differences between liberals and conservatives, or Democrats and Republicans." This depends on which party controls the presidency (Mansfield 2006). In terms of foreign policy, Howell and Pevehouse demonstrate that party positions on foreign intervention depend mostly on the party identity of the president intervening in foreign affairs (2007).

Second, the logic of party competition means that external events and changes in public opinion often impact the development of the two parties' ideologies differently depending on who controls government institutions. For example, in the case of the presidency and foreign policy, if a war is unpopular, the party out of power faces incentives to change their ideology in a way that criticizes foreign intervention and hawkish foreign policy so that the out-party can justify its criticisms of the guilty commander-in-chief and his party. The party in control of the presidency will also want to change its ideology to become less hawkish and less interventionist on foreign policy, but party members are more constrained by the fact that their party chief is conducting the war. This seems to have been operating during the Iraq War when Republicans controlled the presidency and the Democrats opposed it: Democrats were free to change course, but Republicans were more reluctant (although Republicans now, unburdened by the presidency, mostly express the belief that the Iraq War was a mistake).

Likewise, if a war is popular, the party in power faces incentives to change its ideology in a way that advocates foreign intervention and hawkish foreign policy so that the party can claim credit for its prosecution of the war. The party out of power will also want to change its ideology to become more hawkish and more interventionist on foreign policy, but it will have less incentive because it cannot claim as much credit. This seems to have been operating during World War II when Democrats controlled the presidency and the Republicans opposed it. Democratic Party ideology quickly and easily became more interventionist on foreign policy, while Republicans moved in the same direction but more slowly. In sum, this dissertation argues that party control of government institutions not only influences the short-term, immediate position of the parties but also the long-term, ideological development of the parties.

## 5.2.1 American Constitutional Theory and Development

These two theoretical ideas—first, the idea that government officials tend to exercise and expand their powers and, second, the idea that parties tend to justify their co-partisans and criticize their opponents—are related to the changing constitutional order of American politics. The order established by the U.S. Constitution of 1787 reflected the framers' belief that government officials inevitably expand their powers. The emergence of the American two-party system, soon after ratification of the Constitution, complicated that order and began, at that critical juncture, a new path of development for the American constitution.

The first theoretical idea can be seen in the eighteenth century whiggish belief that those invested with power inevitably seek to expand that power. Both Federalists and Anti-Federalists held this belief. The Federalist Samuel Williams, one of the first American

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<sup>&</sup>lt;sup>18</sup> My interest in tracking change in the composition of the American constitutional order drives my research on party ideology development, and follows a long line of research within American political development including Lowi (1969), Ceaser (1979), Milkis (1993), Skowronek (1993), and Ackerman (1993-2014).

historians, argued that the tendency for individuals to seek to increase their power once in office is universal:

Any body of men who enjoy the powers and profits of public employments, will unavoidably wish to have those profits and powers increased...A natural love of power and profit, will not fail to convince all men in public employments, that it would be best for the public to put more confidence and power in them.... The effect seems to be universal. It has ever been the case that government has had an universal tendency, to increase its own powers, revenues, and influence. No people ought to expect that things will have a different tendency among them (Williams 1794).

The Anti-Federalist Brutus began with the same foundational assumptions in his arguments against ratification: "It is a truth confirmed by the unerring experience of ages, that every man, and every body of men, invested with power, are ever disposed to increase it, and to acquire a superiority over every thing that stands in their way" (Brutus 1787/2014).

Madison designed the separated powers system of the Constitution based on this same idea. "In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself" (Publius 1787/2003). For Madison, the great benefit of the Constitution's proposed system of separated powers was that it provided "auxiliary precautions" to the main check of popular sovereignty. Since, according to Madison, government officials will inevitably try to expand their powers, he suggested a "policy of supplying by opposite and rival interests, the defect of better motives." These opposite and rival interests are supplied through the institutional arrangement of powers under the Constitution:

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. The interest of the man must be connected with the constitutional rights of the place (Publius 1787/2003).

Madison hoped that the tendency of government officials to expand their power would be kept in check by institutional arrangements that caused each separate department to "resist encroachments of the others." In other words, not only would congressmen generally try to expand the power of Congress, they would also try to resist encroachments from the president and the Supreme Court. Likewise, presidents would generally try to expand the power of the presidency at the same time that they tried to resist encroachments from Congress and the Supreme Court. And, finally, Supreme Court justices would generally try to expand the power of the Supreme Court at the same time that they tried to resist encroachments from the president and Congress. Madison hoped this arrangement would keep each branch of government in check.

The second theoretical idea, the logic of party competition, significantly modified the Constitution's original basis. Although Madison helped found the two-party system in American politics, he did not foresee the effect parties would have in modifying his constitutional theory. Madison and Jefferson believed that founding the Republican Party was a temporary expedient needed to defeat the Federalist cabal in government, but their party efforts ended up creating a system of government by parties that is still with us today. The party system has altered the separation-of-powers theory by introducing another structural incentive with respect to institutional encroachments: in addition to the incentive noted by Madison for each government official to check the other institutions, partisans sometimes have a contrary incentive to support the expansion of a different government institution's power if it is controlled by co-partisans. By helping to found party government in America, Madison facilitated the emergence of what Tocqueville called "governmental centralization" (Tocqueville 1835/2000, Milkis 1993, 23). When a party controls multiple

branches of government simultaneously, it is able to partially overcome the obstacles to exercising government power set up by the original constitution of 1787.

Madison's part in founding the Republican Party is not only paradoxical in the sense that the system of party government this created ended up modifying the separated-powers-constitution he designed in 1787; it is also paradoxical because the Republican Party was founded for the specific purpose of checking the nationalist policies of the Hamiltonian Federalist Party. To oppose the "administrative centralization" (Tocqueville 1835/2000) of the Hamiltonian Federalists, Jefferson and Madison created a national political party that could wrest control of the government from the nationalists in power. After taking control of unified government in 1801, however, this new political party faced incentives to pursue their own party's interests by implementing the kind of nationalist policies that they had spent the last decade criticizing. "In their zeal to restrain the unfortunate effects of the administrative state, Jefferson and Madison also established a legacy of 'governmental centralization." (Milkis 1993, 23). As is demonstrated in chapter 2, when the Jeffersonian and Madisonian Republicans acted on their incentives to exercise national government power, they then faced incentives to change their party ideology to justify the exercise of national government power.

As previous scholarship has shown, the emergence of the two-party system has had many important effects on the unfolding of American political history. The party system that Hamilton, Madison, and Jefferson founded has modified several aspects of the original constitutional design, including the presidential selection system (Ceaser 1979), the presidency's relationship to American self-government and popular rule (Milkis 1993), and the presidency's relationship to political reconstructions (Skowronek 1993). Following this scholarship, this dissertation explores the effect of the party system on the development of

American political thought. Specifically, it examines how party control of government institutions influences the development of party ideologies.

#### 5.3 Causal Mechanisms

The structure of incentives that party actors face as parties change control of government is not, on its own, sufficient to explain party ideology evolution. One necessary component is a political issue over which the parties can debate (Stephenson 1999). Ideological change requires the articulation and exchange of political ideas. For example, in the case of party theories of foreign intervention, a political issue must arise within foreign policy that "entangles" the president and the parties in political debate. In the 1910s, World War I was a catalyst for changing party theories of governance (e.g., the role of the president in the American political system), party theories of intervention (e.g., how much America should intervene militarily in the world), and party theories of ends (e.g., the objective of spreading democracy). Similarly, in the 2000s, the Iraq War was a catalyst for changing those exact same aspects of party ideologies. Both episodes provided an opportunity for partisans to disagree, debate, and change their ideologies.

Ideologies, like institutions, are structures that are not easily changed. First of all, party leaders face incentives to maintain existing ideological positions: if ideologies are changed too often and too cavalierly, then they lose their usefulness as reputational signaling mechanisms to voters (Hinich and Munger 1994, 75). Second of all, because group ideologies are language discourses shared by millions of people, they typically cannot change their meaning for so many people all at once. It usually takes a long time for parties to stop

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<sup>&</sup>lt;sup>19</sup> Hinich and Munger point out that, because party ideologies are reputational signaling mechanisms, and because they must be somewhat stable to serve this goal, ideologies help induce stability in electoral politics.

using their previous rhetoric and for the new rhetoric to gain currency among politicians, interest groups, writers, activists, and party identifiers in the electorate. Finally, due to path dependence, the longer the two parties have held divergent ideological positions, the more calcified these ideologies become and the more difficult they are to change (Pierson 2004).

As a result, under normal circumstances, only a long-term (but not short-term) change in party control of a government institution provides enough dissonance between a party's institutional position (whether in or out of power) and ideological position (whether advocating more or less intervention by that institution) to effect a durable change in party ideology. Because party ideologies are sticky equilibria, party ideology change typically lags behind party control change. Thus, if a party takes control of a government institution, but then relinquishes power shortly afterwards, we do not expect to see a change in party ideologies during that short time period. For example, in the aftermath of Vietnam and Watergate, with Republicans in the White House, Democratic Party ideology advocated for a less imperial presidency (its theory of governance) and a less imperial foreign policy (its theory of foreign intervention). As a result, the Democratic Party nominated, and the country elected, Jimmy Carter on just such a platform in 1976. Once in office, Carter realized the expedience of a strong presidency and an interventionist foreign policy, but despite his own moves in that direction, Democratic Party ideology remained opposed to a strong presidency and foreign intervention. The incentives for party ideology change lasted only four years, and the ideology change lagged long enough that there was no substantive ideological change by the time Republicans regained control of the White House. With Reagan's election in 1980, the dissonance between institutional position and ideological position was resolved by a change in institutional control rather than a change in ideology.

In addition to a political issue to debate and a long period of change in party control, this model of party ideology development also requires a political entrepreneur who can recognize opportunities, and assemble the necessary resources, to act on these incentives for ideological change (Sheingate 2003). This approach appropriates Terry Moe's "logic of institutional development": on occasion, certain actors, operating in particular institutional settings, have the necessary incentives and resources to successfully change a party's ideology (1985). For example, recognizing an opportunity for change, Martin Van Buren and Andrew Jackson provided the political entrepreneurship needed to change their party's ideology in the 1820s. Despite not controlling the presidency, Van Buren's political connections to various party machines and factions, and Jackson's national popularity, provided the resources necessary for such a change. Similarly, Franklin Roosevelt provided the political entrepreneurship, and his bully pulpit as president provided the resources, needed to change his party's ideology in the 1930s.

To say that party ideologies evolve over time does not necessarily mean that the people who make up the two parties are constantly switching parties or changing their minds (although both phenomena do happen, and they are an important part of party ideology development). It can also mean that certain strands of thought within the two parties become more vocal or muted depending on circumstances (DiSalvo 2012). For example, the Antiwar Left has long been a part of the Democratic Party: it was suppressed during the Kennedy and Johnson administrations (a suppression resulting in riots at the 1968 party convention), but received the party's presidential nomination in 1972 once the Republicans controlled the White House and oversaw the Vietnam War. It was vocal during the Reagan

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<sup>&</sup>lt;sup>20</sup> In the twentieth century, this has usually meant collaboration between elite political actors and political thinkers referred to by Noel (2014) as "academic scribblers."

<sup>&</sup>lt;sup>21</sup> David Karol (2009) has shown that members of Congress do frequently change positions on a variety of issues.

Administration, muted during the Clinton Administration, and vocal again during the Bush Administration's Iraq War. Similarly, isolationists in the Republican Party lost their dominance in the 1950s during the Eisenhower Administration, were revived in the 1990s during the Clinton Administration, and muted again in the 2000s during the Bush Administration. This shift in emphasis—some groups within the party becoming more influential in shaping party platforms, candidate selection, and party stances at some times more than others—is a key ingredient in party ideology evolution.

When entrepreneurial political actors face incentives to change their party's ideology because of institutional dissonance, when they have sufficient resources, and when there is a salient political issue over which the two parties debate, then a party ideology is ripe for transformation. When this ideological shift is reflected in new discourses and rhetoric among party identifiers, the ideological change is complete. In this way, party ideology development is the product of the interaction of ideas, interests, and institutions as they change over time.

#### 5.4 Relative Ideological Movement vs. Absolute Ideological Positions

As mentioned earlier, party ideologies, as structures, are not entirely plastic. Early ideological choices made by party members create path dependence for future choices.

Absent external factors, the ideologies held and espoused by parties at time 1 are likely to be held and espoused at time 2, and the ideologies held and espoused by parties at time 2 are likely to be held and espoused at time 3, etc. This path dependence limits how much and how often party ideologies can change. New changes do not completely overturn or replace the content of previous ideologies, but are layered on top of them. Thus, the theory does not imply that a party's ideology at any given time will correspond to its institutional position—only that parties will, in general, tend to move in the direction of their institutional positions.

For example, in the case of the presidency and party foreign policy, we would not expect the *absolute* ideological *positions* of the parties to switch on foreign intervention with every change in party control of the White House; instead, we expect the *relative* ideological *movement* of the parties to change on foreign intervention in accordance with change in control of the presidency. For example, during the eight years of the Clinton administration, we would expect Democratic Party ideology to move in a more interventionist direction *relative* to Republican Party ideology, and for GOP ideology to move in a less interventionist direction *relative* to Democratic Party ideology, but it remains to be seen whether the two parties would move enough, relative to each other, to actually switch positions on an absolute scale of foreign intervention ideology. The eight years of the Clinton administration may not result in enough *relative* ideological movement between the two parties to overcome the *absolute* ideological distance created by twenty years of Republican control between 1969 and 1992.

Relative movement and absolute position of ideologies are not, however, unrelated. Political, or recurrent, changes in party ideology interact with secular, or linear, changes in party ideology resulting in the overall institutional development of party ideologies—in much the same way that Skowronek described the institutional development of the presidency (1993). In the case of this theory of party ideology development, the recurrent pattern in "political time" (alternating party control of government institutions) contributes to the linear pattern of regularity in "secular time." For example, when a party controls the presidency, that party's ideology is placed in political time in such a way that party actors have incentives to change their party's ideology be more interventionist on foreign policy. When a party opposes the presidency, that party's ideology is placed in political time in such a way that party actors have incentives to change their party's ideology is placed in political time in such a way that party actors have incentives to change their party's ideology to be less

on these incentives in every case, over time and on average, the party that controls the presidency is more likely to favor a more interventionist foreign policy than the party out of power. Since the party in control of the presidency has more influence in determining American foreign policy, and setting the new baseline of cultural expectations about the role of the U.S. in foreign affairs, the trend over time is for the consensus on American foreign policy to become more interventionist. This pattern in secular time moves in the same direction as, rather than in opposition to, other important historical forces—like increasing military and economic power—that have also pushed American public ideology to become more interventionist on foreign policy.

#### 5.5 Other Factors that Influence Party Ideology Development

Having outlined the causal mechanisms of the theory, I recognize that changes in party control, and the resulting changes in party ideologies, are not the only factors that influence party ideology development. The most significant driver of party ideology development is public ideology development, which is the product of innumerable historical contingencies and factors including major events (like wars and economic depressions) and major secular developments (like industrialization, immigration, urbanization, the development of the welfare state, the development of the national security state, and racial, class, religious, and ethnic conflicts). The parties change their positions and ideologies as the larger public changes its positions and ideologies. The study of American political culture and thought, which bears on public ideology change, has rightfully received a great deal of attention by historians and political scientists.

This dissertation does not pretend to explain all of these broader movements in American public ideology over time. Instead, this dissertation asks, more narrowly, what causes the ideologies of the two major parties to develop differently, in relation to each other, within this larger sphere of changes in public opinion and American political culture and thought. The number of scholars asking this question is much smaller, and almost all of these scholars have focused on society-centered factors like class, psychology, and ethnicity.<sup>22</sup> The particular contribution of this dissertation is to point out an important polity-centered factor that also helps explain the relative ideological movement between the parties.

#### 5.6 Historical Institutional Analysis of Party Ideologies

This theory of party ideology development is based on the methodological insight that a historical institutional approach can help us understand the development of ideological structures. Neoinstitutionalists have defined an institution as something that constrains political outcomes, <sup>23</sup> and scholars of ideology typically define ideology in just that way. Behavioralists have defined an ideology as something that constrains the attitudes of respondents in a social survey, and spatial modelers have defined ideology as something that constrains MC voting behavior (Converse 1964, Poole and Rosenthal 2007). A party's ideology provides a kind of constraint on the positions taken, and rhetoric used, by party members and leaders. <sup>24</sup> Those who feel too constrained are welcome to work outside the

<sup>&</sup>lt;sup>22</sup> Gerring (1998) reviews this literature in his concluding chapter.

<sup>&</sup>lt;sup>23</sup> For example, Krehbiel (1991).

<sup>&</sup>lt;sup>24</sup> From the standpoint of sociological institutionalism, ideology can be seen as a constraint in the sense that it provides a script to follow, or role to play, for those who identify with the ideology. Those within the ideological group think within the ideational framework provided by the ideology by habit. From the standpoint of rational choice institutionalism, ideology can be seen as a constraint in the sense that it is a

party or work to change the party's ideology, but whatever a party's ideology is at a given place and time, it functions as a structural constraint. "Ideological structures represent...the normative models people use to impose order on disorder, to make...behavior meaningful... Ideologies are social constructions of reality because they do not descend from the heavens and are not randomly generated—they are created and elaborated by certain groups" (Gillman 1993, 16). Thus, as a public norm that structures thought, induces preferences (Katznelson and Weingast 2005), and constrains attitudes, opinions, and behavior, party ideology is a structure analogous to an institution. Like other political structures, ideologies are not merely arenas where social forces are played out; they have an independent effect on political outcomes. They also exist in tension with multiple institutional orders within the polity and they are subject to change by political actors with sufficient resources and incentives.

This theory is also based on the recognition that party ideologies are elastic and dynamic. Like previous scholarship, this dissertation argues that theories of governance (Skowronek 2009) and ideologies (Noel 2014) are endogenous to the political system, and that their content and meanings change across time and place. For example, the terms "liberal" or "Democratic" have been used to describe vastly different political positions on foreign policy at different times: the hawkishness of FDR, Truman, JFK, and LBJ in the 1930s-60s, the dovishness of the Antiwar Left in the 1960s-80s, the international interventionism of Clinton in the 1990s, and the dovishness of the Antiwar Left during the Bush 43 Administration. Likewise, the terms "conservative" or "Republican" have been used to describe the isolationism of Taft Republicans in the 1930s-50s, the internationalism of

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structured equilibrium that the ideological participants have agreed to, and will continue to agree to, until it benefits them to alter the institution (the status quo equilibrium), which I demonstrate is more often than is commonly thought.

Eisenhower in the 1950s, the hawkish anticommunism of Goldwater in the 1960s, the neoconservative hawkishness of Nixon, Ford, Reagan, and the two Bushes in the 1970s-80s and 2000s, and the paleoconservative isolationism of Patrick Buchanan in the 1990s. At key moments in American history, political actors changed the meaning and content of party ideologies. The radically different meanings that these terms take on in different contexts show how ideologies are social and political constructs subject to change.

## 5.7 Summary of the Political Institutional Theory of Party Ideology Development

Adding to the previous economic, psychological, and sociological scholarship on party ideologies, this dissertation points out that a political institutional factor (party control of government) can help explain systematic variation in party ideologies over time. Just as scholars have applied the methods of the new institutionalism to explain party organization change over time (Aldrich 1995), we can use these methods to help explain party ideology change over time. Parties (including both members and leaders) have rational incentives to develop their theories of governance and theories of intervention in ways that justify the exercise of power when in office and criticize the exercise of power when out of office. Using a historical institutional framework, this dissertation traces party ideology development over the course of American history. This research is important for our broader understanding of American political development because the analysis of party ideologies shows not only how the development of ideas influences political outcomes, but also how political outcomes influence the development of ideas.

#### 6 Research Design

To see if this theory can improve our understanding of American party ideology development, this dissertation evaluates three different hypotheses derived from the political institutional theory outlined above. This section identifies these three hypotheses and explains how they will be tested in the subsequent chapters.

#### 6.1 Three Hypotheses Derived from the Political Institutional Theory

Each empirical chapter in this dissertation examines different government institutions and different aspects of party ideologies. Chapter 2 tests the hypothesis that parties in long-term control of unified government tend to become more interventionist on economic policy, while parties in opposition tend to become less interventionist on economic policy (see Table 1). Chapter 3 tests the hypothesis that parties in long-term control of the presidency tend to become more interventionist on foreign policy, while parties in opposition tend to become less interventionist (see Table 2). Finally, Chapter 4 tests the hypothesis that parties in long-term control of the Supreme Court tend to become more interventionist on judicial policy, while parties in opposition tend to become less interventionist (see Table 3).

## 6.2 Measuring Change in Long-Term Party Control of Government Institutions

As explained earlier, given the stickiness and path dependence of ideologies, and the need for other factors to emerge like a political issue to debate and a party entrepreneur to act, under normal conditions it usually takes relatively longer periods of time for party

ideologies to change as expected. We do not expect that party ideologies will change as much with short-term changes in party control of government institutions as they do with long-term changes in party control of government institutions. As a result, this dissertation focuses on changes in long-term control, which is defined here as a change lasting for at least eight years. This time-span is chosen based on Skowronek's work on reconstructive politics (1993). In American politics, a one-term president is considered a blip or an aberration. A party that only captures the presidency for one term, and is then forced to relinquish power, is a party with only tenuous control of government that leaves a smaller mark on the course of American political development. "Reconstructive presidents" (and parties) are always at least two-term presidents, who then have successors from their same party continue their reconstructive work. Thus, in identifying periods of long-term party control of a government institution, this dissertation looks for party control that lasts for at least eight years.

In identifying periods of change in long-term party control, this dissertation looks at moments when the new institutional configuration is in tension with the existing party ideologies. Thus, I examine only instances in which one party transfers long-term control to the opposing party. A party's institutional position may shift from a long period of control to a short period of opposition and back to another long period of control, but this would not represent a new party taking long-term control. This is what happened to the presidency between 1969 and 1992. Republicans had long-term control from 1969 to 1976, Democrats had short-term control from 1977 to 1980, and Republicans regained long-term party control from 1981 to 1992. Only the change in 1969, but not the changes in 1977 or 1981 represented a change in long-term party control of the presidency.

#### 6.3 Measuring Change in Party Ideologies

As noted at the outset, ideology is a notoriously difficult political phenomenon to measure, but in order to test theories that purport to explain party ideology change over time, a better measure than roll-call scaling applications is required. Following Converse's important qualifier, "in the static case," to understand how the ideologies of the two major parties have changed at different points in American history we must focus on how the ideologies constrain different ideas and attitudes at different times. Following Gerring's methodology, to measure party ideology this dissertation analyzes national party platforms. A national party ideology is defined most clearly in a presidential campaign where a party writes a platform of principles defining the party's ideology and the candidate engages in speeches and debates distinguishing his or her party's principles from his or her opponents.<sup>25</sup> In addition to party platforms, measurements of party ideology will be supplemented by an analysis of party rhetoric in presidential campaigns and survey data about the attitudes held by party identifiers in the electorate.

#### 7 Conclusion

The two major parties in American politics frequently change their ideologies, but political scientists have largely failed to recognize, analyze, measure, and explain these changes. This chapter has listed some of the problems with our current approach, and has articulated how our understanding of ideology can be improved. Notably, we can improve

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<sup>&</sup>lt;sup>25</sup> Several scholars have noted the consistency between campaign rhetoric (platforms and speeches) and subsequent issue positions (Pomper 1968). Others have argued that party platforms and campaign speeches are *mere* rhetoric, but even if this claim is true, it does not discount them as accurate expressions of party ideology. It is true that voters no longer read party platforms, but that does not make them any less representative of party ideology. Platforms include the narratives that partisans tell themselves and the ideas that ideological partisans want to communicate—whether or not the non-partisan electorate is listening.

our understanding by subjecting ideologies to a historical institutional analysis: by treating them as endogenous structures subject to change over time. Furthermore, this chapter has posited a political institutional theory of American party ideology development to help explain observed changes in party ideologies. Finally, the chapter has derived three different hypotheses from this theory that deal with different government institutions and different aspects of party ideology. The chapters that follow evaluate these hypotheses and show how a polity-centered theory can shed additional explanatory light on party ideology development.

Table 1. Party Control of Unified Government and Party Theories of Economic Intervention (Expectations)

	Time Period	Independent Variable: Change in Long-Term Party Control of Unified Government	Dependent Variable: Expected Change in Relative Party Ideologies
1	Federalist Era 1789-1800	Government Divided between Federalists and Republicans	Federalists and Republicans should maintain their relative positions on intervention
2	Jeffersonian Era and Era of Good Feelings 1801-1824	Republican Government	Republicans should move more toward intervention than the Federalists
3	Emergence of Mass, Two-Party System and Competitive Politics 1825-1860	Government Divided between Democrats and Whigs	Democrats and Whigs should maintain their relative positions on intervention
4	Civil War, Republican Reconstruction, Gilded Age, and Progressive Era 1861-1932	Republican Government	Republicans should move more toward intervention than the Democrats
5	Democratic New Deal, Liberal Consensus, Great Society, and Party Polarization 1933-2008	Democratic Government	Democrats should move more toward intervention than the Republicans

Table 2. Party Control of the Presidency and Party Theories of Foreign Intervention (Expectations)

	Time Period	Independent Variable: Change in Long-Term Party Control of the Presidency	Dependent Variable: Expected Change in Relative Party Ideologies
1	Progressive Era and Republican Empire 1900-1912	Republican Presidents	Republicans should move more toward intervention than the Democrats
2	World War I and Wilsonian Internationalism 1913-1920	Democratic President	Democrats should move more toward intervention than the Republicans
3	Interwar Era 1921-1932	Republican Presidents	Republicans should move more toward intervention than the Democrats
4	Democratic New Deal and World War II 1933-1952	Democratic Presidents	Democrats should move more toward intervention than the Republicans
5	Republican Anti- Communism 1953-1960	Republican President	Republicans should move more toward intervention than the Democrats
6	Democratic Cold War 1961-1968	Democratic Presidents	Democrats should move more toward intervention than the Republicans
7	Republican Cold War 1969-1992	Republican Presidents	Republicans should move more toward intervention than the Democrats
8	Clinton Internationalism 1993-2000	Democratic President	Democrats should move more toward intervention than the Republicans
9	Bush War on Terror 2001-2008	Republican President	Republicans should move more toward intervention than the Democrats

Table 3. Party Control of the Supreme Court and Party Theories of Judicial Intervention (Expectations)

	Time Period	Independent Variable: Change in Long-Term Party Control of the Supreme Court	Dependent Variable: Change in Relative Party Ideologies as Expected?
1	Federalist Era and the Marshall Court 1790-1836	Federalist Supreme Court	Federalists should move more toward intervention than the Republicans
2	Jacksonian Era, Civil War, and the Taney Court 1836-1874	Democratic Supreme Court	Democrats should move more toward intervention than the Whigs and Republicans
3	Reconstruction, Gilded Age, and Lochner Era 1874-1937	Republican Supreme Court	Republicans should move more toward intervention than the Democrats
4	Liberal Consensus after the Switch in Time and Conservative Response 1937-1991	Democratic Supreme Court	Democrats should move more toward intervention than the Republicans
5	Rehnquist and Roberts Courts 1991-2008	Republican Supreme Court	Republicans should move more toward intervention than the Democrats

### CHAPTER 2

# UNIFIED GOVERNMENT AND PARTY THEORIES OF ECONOMIC INTERVENTION

For over two years our Federal Government has experienced unprecedented deficits, in spite of increased taxes...The first and most important and necessitous step in balancing our Federal budget is to reduce expense...You cannot go very far with any real Federal economy, without a complete change of concept of what are the proper functions and limits of the Federal Government itself...You can never expect any important economy from [the Hoover] Administration. It is committed to the idea that we ought to center control of everything in Washington as rapidly as possible... Ever since the days of Thomas Jefferson, that has been the exact reverse of the democratic concept, which is to permit Washington to take from the States nothing more than is necessary...I regard reduction in Federal spending as one of the most important issues of this campaign. In my opinion it is the most direct and effective contribution that Government can make to business.

—Franklin D. Roosevelt (1932)

#### 1 Introduction

In 1932, after three years of crippling economic depression in America, the Democratic Party was hoping to accomplish a rare feat: a member of their party winning the White House. In the 72 years since Abraham Lincoln, eleven Republicans—but just two Democrats—had been elected President of the United States. In October of that year, the Democratic challenger to incumbent President Herbert Hoover gave a speech in Pittsburgh in which he did what Democratic presidential candidates had almost always done: criticized the Republican Party's policies of big government, too much economic intervention,

excessive taxes, and reckless spending. Candidate Roosevelt articulated standard Democratic Party ideology, quoted above, which he rooted in Thomas Jefferson, about the proper role of government in domestic affairs: limited government, less centralization at the national level, less spending, and lower taxes. From our contemporary perspective 80 years later, we know that FDR went on to repudiate these ideas during his New Deal presidency, and that he durably changed the Democratic Party in the process.

The Republican Party, likewise, changed its ideas about economic intervention in response to the Democratic Party's New Deal. For seven decades since the Civil War, the Republicans had almost always advocated more national government power and more economic intervention than their Democratic opponents—including in the presidential campaign of 1932. However, once the New Deal began to intervene in the economy more than either party had ever previously advocated, Republicans increasingly adopted the rhetoric of limited government and non-intervention. For those who lived through this transformation, the change in the parties' positions, rhetoric, and ideology was striking. Looking back on the 1932 campaign, New Deal Federal Reserve Board Chairman Marriner Eccles remarked: "Given later developments, the campaign speeches often read like a giant misprint, in which Roosevelt and Hoover speak each other's lines" (Kennedy 1999, 102).

This evolution in Democratic Party ideology during the 1930s, from an advocacy of less government intervention to more, and the corresponding switch in the Republican Party, is just one of numerous instances in American political history of the two major parties changing their positions, rhetoric, and ideologies. For example, the Jeffersonian Republican Party underwent a very similar transformation in the early nineteenth century. In the presidential campaign of 1800, supporters of Jefferson criticized the Adams Administration for high taxes, militarism, suppression of political dissent, and government

centralization. In the early years after the "Revolution of 1800," Jeffersonian Republican Congresses passed legislation overturning a few Federalist policies, but in the ensuing decades they adopted many of the same practices that they had earlier criticized. By the 1820s, the position of the Jeffersonian Republican Party on taxes, foreign policy, central banking, internal improvements, and other issues had come around to the positions of the Federalist Party, which had ceased to exist. The Republican Party had drifted so much that Jackson, advised by Van Buren, ran on a "Democratic Republican" ticket in 1828—campaigning for a revival of the original Jeffersonian Republicanism in opposition to the "National Republicanism" which had come to control the party.

In both cases, politicians and other party actors successfully changed the meaning of words as they changed the content of their party ideologies. In the case of the Jeffersonian Republicans of the early nineteenth century, they changed the meaning of "republican" such that those who wished to revive the old meaning of the word adopted the terms "old republican," "radical republican," "democratic republican," and finally, simply, "democrat." In the case of the Democrats of the early twentieth century, they changed the meaning of "liberal" (Milkis 1993, 49) such that those who wished to revive the old meaning of the word adopted the term "classical liberal," before finally adopting the epithet "conservative." This dynamic characteristic of ideology requires the use of abstract terms whose meanings are plastic. As Alexis de Tocqueville noted: "Men living in democratic countries are, then, apt to entertain unsettled ideas, and they require loose expressions to convey them. As they never know whether the idea they express to-day will be appropriate to the new position they may occupy to-morrow, they naturally acquire a liking for abstract terms. An abstract term is like a box with a false bottom; you may put in it what ideas you please, and take them out again

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<sup>&</sup>lt;sup>26</sup> Barry Goldwater was the first classically liberal candidate to embrace the previously pejorative term, "conservative," in a presidential campaign.

without being observed" (Tocqueville 1840, 74). Given that the content and meaning of party ideologies are subject to evolution, what can explain the change and development we observe?

Different schools of thought have come up with different approaches to answering this question. What they all have in common, however, is a focus on the socioeconomic determinants of the content of party ideologies. While Progressive historians writing in the early twentieth century emphasized the economic class position of the two parties' different constituencies (Turner 1911, Beard 1928), modern political scientists, following Sundquist (1973), theorize that party ideology evolution is the product of socioeconomic changes in the broader society interacting with the efforts of entrepreneurial political actors to win elections and implement their policies. These works focus on section, class, race, and religion, and how the demographic compositions of the two parties change as the parties respond to social and economic developments in the United States (Carmines and Stimson 1989, G. Adams 1997, Wolbrecht 2000, Karol 2009, Stonecash 2010). Only a few recent works have focused on explanatory factors that are not society-centered (James 2000, Noel 2014). Like James and Noel, this dissertation focuses on a polity-centered factor. Specifically, this chapter looks at party control of unified government, and proceeds in two main parts. First, drawing on the political institutional theory outlined in chapter 1, it hypothesizes that party control of unified government influences change in party theories of economic intervention. Second, in five empirical sections, it traces changes in party control of unified government, and changes in party theories of economic intervention, throughout American history to see if this polity-centered factor can improve our understanding of party ideology development.

#### 2 Hypothesis: Unified Government and Party Ideologies

This chapter examines whether a party in long-term control of unified government tends to develop its ideology in a way that advocates for relatively more national government power and economic intervention. A more interventionist economic policy includes advocacy for more government spending, more economic regulation, more infrastructure projects, more redistribution of wealth and income, and more government social programs. This position has taken on many different names and appeared in many different ideological forms over the past 230 years, including mercantilism, Federalism, national republicanism, whiggery, "the American System," conservatism, social democracy, progressivism, liberalism, and social justice. Similarly, this chapter argues that a party in opposition to unified government tends to develop its ideology in a way that advocates for relatively less national government power and economic intervention. This includes advocacy for less government spending, lower taxes, less economic regulation, fewer infrastructure projects, less redistribution of wealth and income, and fewer government social programs. This position has also assumed many different names and forms, including whiggery, liberalism, Jeffersonian republicanism, the "Principles of '98," constitutionalism, democratic republicanism, democracy, laissez faire, stand-patism, conservatism, and libertarianism. This aspect of party ideologies is similar to the "first" dimension of ideology discussed in much of the literature on party ideology development (Poole and Rosenthal 2007).

There are two theoretical premises behind this hypothesis. The first premise is that politicians usually want to expand and exercise the powers at their disposal. Given that intervening in the economy is one of the primary ways that parties in control of unified government can exercise their power, this chapter focuses on economic intervention. The

second premise is that partisans want to change their party ideology in ways that justify the actions of their co-partisans and criticizes the actions of their opponents. When parties with relatively non-interventionist theories of economic policy take long-term control of unified government, their pre-existing ideology will act as a constraint in making decisions to intervene in the economy. However, controlling the levers of power will prove tempting because of all the ways that they could intervene on behalf of other, more foundational, aspects of their ideology, and on behalf of the interests of their party members. Thus, as circumstances arise and as party entrepreneurs act, the party will tend to intervene in the economy despite their previous rhetoric. To justify the use of these powers they often change their party's theory of economic intervention.

This is what happened to the Jeffersonian Republicans in the early nineteenth century and the Democrats in the 1930s. When the opportunity to purchase the Louisiana Territory presented itself, despite Jefferson's non-interventionist scruples, he took advantage of the opportunity because it served other aspects of the party's ideology and served the interests of party members in the South and West. When the British Royal Navy impressed American sailors into service and seized their cargo, the Jeffersonian Republican Party, despite their previous free trade ideological commitments, passed the Embargo Act of 1807 because of the opportunity it gave Republicans, who were generally more hostile to England, to strike back. Similarly, in the 1930s, with the national crisis of the Great Depression in full force—despite their previous critiques of Republican big government—the Democratic Party spent, regulated, and intervened beyond what their predecessors had attempted. The relatively progressive President Roosevelt wasted no time in taking advantage of unified

government to push through his New Deal legislation.<sup>27</sup> The Democratic Party used the powers at its disposal in pursuit of other aspects of party ideology like equality, support for agriculture, and support for the urban poor. The party also used these powers to benefit the various groups that made up the burgeoning New Deal coalition. The Southern wing of the party, represented by Democrats like John Nance Garner, benefitted from New Deal programs like the AAA, REA, and TVA. The urban, working-class wing of the party, represented by Tammany Hall Democrats like Al Smith, benefitted from New Deal programs like the CCC, FERA, NIRA, WPA, and SEC. The urban and Western progressive wing of the party, represented by upper class and/or intellectual Democrats like FDR, were thrilled to see the Democratic Party return to the policies of Woodrow Wilson. To justify these interventions, the Party changed its ideology during the 1930s to emphasize and promote Progressive ideas while discarding their previous limited government ideas.

#### 2.1 Change in Party Control

Changes in long-term party control of unified government often lead to changes in party theories of economic intervention through a series of steps. First, unified governments almost always exercise the powers at their disposal in accordance with their party's existing theory of ends. Second, to justify the exercise of these powers, parties in control of unified government usually develop their theories of governance in ways that advocate for more national government power and federal centralization. Likewise, opposition parties usually develop their theories of governance in ways that advocate for limited national government power and federal decentralization. Third, given that intervening in the economy is one of

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<sup>&</sup>lt;sup>27</sup> If the Democrats had nominated John Nance Garner or Al Smith in 1932, it might have taken longer for President Garner or President Smith to come around to active intervention in the national economy than it took for President Roosevelt.

the primary powers that parties in control of unified government can exercise, parties in power often develop their theories of economic intervention in ways that call for more intervention, while parties in opposition often develop their theories in ways that call for less. <sup>28</sup> Fourth, on occasion, these changes in theories of governance and theories of economic intervention lead to changes in theories of ends and ideological foundations.

#### 2.2 No Change in Party Control

Just as this chapter hypothesizes that change in party control of government institutions leads to change in party theories of economic intervention, it also hypothesizes that the absence of change in long-term party control of unified government leads to relative stasis in party theories of economic intervention. This is due to the path dependent nature of party ideologies. Absent external forces, and political entrepreneurs with incentives and resources, the meaning and content of ideologies will remain relatively static. It is possible that the parties' ideologies change as a result of historical contingencies or secular developments, but without a change in long-term control of unified government, the hypothesis predicts that the *relative* positions of the parties will remain the same. The inability of Republicans to take long-term control of unified government since the New Deal helps us to understand the stasis, calcification, and polarization in party theories of economic intervention in the postwar era.

<sup>&</sup>lt;sup>28</sup> It is possible that politicians could exercise the power at their disposal by not intervening, or by even shrinking the size and/or role of government, but this is rare in American politics. Much more often, politicians simply use the power at their disposal to intervene in pursuit of different ends than their predecessors. For example, the Jeffersonian Republicans, in accordance with their pre-existing theory of intervention, briefly used the power at their disposal to shrink the size of government, but soon changed course. The party then changed its theory of national government power and theory of economic intervention accordingly.

#### 2.3 Dependent Variable: Relative Change in Party Ideologies

As noted before, the dependent variable measures change in the *relative movement* of party positions with regard to more or less national government power and economic intervention. For example, at the start of the Jeffersonian Era in 1801, Federalist Party ideology called for significantly more economic intervention than Republican Party ideology. Since the Republican Party took long-term control of unified government between 1801 and 1825, this chapter predicts that the Republican Party will change its ideological position to move further in the direction of economic intervention than their Federalist opponents. The hypothesis is not necessarily that the two parties will actually switch positions in ideological space (although that is possible), but that the gap between the two parties will at least narrow. Furthermore, it is possible that, due to secular shifts in American history, that both parties moved in the direction of more economic intervention during this period. Within this general movement by society at large, however, this theory predicts that the Republican Party will move further in that direction than the Federalist Party. Thus, it is the *relative movement* of the two parties' ideologies that is being measured rather than their *absolute positions*.

## 2.4 Independent Variable: Change in Long-Term Party Control of Unified Government

While it is difficult to measure the dependent variable of this chapter, party theories of economic intervention, it is easy to measure the independent variable (party control of unified government). Determining party control of Congress and the presidency is clear in American history as each of the 44 presidencies has represented one of the two major

parties, and each of the 114 Congresses have been controlled, or split between, the two major parties.

As explained in the introductory chapter, the political institutional theory of party ideology development focuses on changes in *long-term* party control, which was defined as eight years or longer. Thus, in this chapter, "long-term" control of unified government is defined as two or more consecutive presidential terms of office with four or more consecutive Congresses simultaneously controlled by the president's party.<sup>29</sup> In identifying periods of change in long-term party control, this chapter looks at moments when the new institutional configuration is in tension with the existing party ideologies for a sustained period of time. Thus, a party's institutional position may shift from a long period of control of unified government, to divided government, to a short period of opposition, back to divided government, and back to another long period of control, but this would not represent a new party taking long-term control. This is what has happened since 1933.<sup>30</sup> Republicans have never taken long-term control of unified government since they lost it during the Great Depression. Thus, going back to the New Deal, the two parties have never experienced enough long-term dissonance between their ideological position and their institutional position to expect significant changes in party theories of economic intervention.

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<sup>&</sup>lt;sup>29</sup> It is true that choosing eight years as the period of time is a subjective decision, and other analysts might have chosen a different period of time—maybe six years or ten years. However, eight years is a reasonable choice, and choosing a standard period of time allows us to examine American history for instances of change in long-term party control in a consistent fashion.

<sup>&</sup>lt;sup>30</sup> Democrats had long-term control of unified government during the seven sessions of Congress that began with FDR as President (1933-46), government was divided during the 80<sup>th</sup> Congress (1947-48), Democrats had short-term control of unified government during Truman's second term (1949-1952), Republicans had short-term control during the 83<sup>rd</sup> Congress (1953-54), government was divided during the rest of Eisenhower's administration (1955-60), and Democrats regained long-term party control during the Kennedy and Johnson administrations (1961-68). Only the change in 1933, but not the changes in 1947, 1949, 1953, 1955, or 1961 represented a change in long-term party control of unified government.

#### 2.5 Observations

This chapter presents data for the independent and dependent variables going back to the emergence of the two-party system in the 1790s. Narrowing the time frame to a particular era or slice of history has the added benefit of being able to do in-depth case study analysis, and broadening the time frame to all of U.S. history has the danger of treating each case too superficially. However, because there have been so few cases of change in long-term party control of unified government, in order to record enough observations to be able to draw conclusions about a trend, we must look at all of U.S. history going back to the first parties.

These 22 decades of U.S. history give us five eras of long-term party control of unified government to examine (see Table 1). The first time period is the infant years of the United States under the Constitution. Neither party had "long-term" control of unified government during this time, but it is generally classified as a Federalist era. The second time period is the quarter century after the Jeffersonian Republicans took control of unified government in the "Revolution of 1800." The third time period is the antebellum era following the presidential election of 1824, which ended the one-party system as Republicans split between "National" Republicans and "Democratic" Republicans. This period is distinguished as a separate era because two new parties emerged—Democrats and Whigs—and not because either party took long-term control of unified government. The fourth time period is the seven decades following the election of Abraham Lincoln in 1860 when his new Republican Party took control of unified government. The fifth time period is the

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<sup>&</sup>lt;sup>31</sup> The Federalists controlled the presidency for all three presidential terms, the Senate for all six Congresses, and the House for four of the six Congresses. That is, there were eight years of Federalist government (1789-92 and 1797-1800) and four years of divided government (1793-96).

<sup>&</sup>lt;sup>32</sup> It would not make sense to include 1825-60 as part of the era of "Republican" government because there was no longer a "Republican" Party.

eight decades that have followed the election of Franklin Roosevelt in 1932 when his Democratic Party took long-term control. The rest of this chapter will analyze the development of the two major parties' ideologies during each of these eras.

Table 1. Party Control of Unified Government and Party Theories of Economic Intervention (Expectations)

	Time Period	Independent Variable: Change in Long-Term Party Control of Unified Government	Dependent Variable: Expected Change in Relative Party Ideologies
1	Federalist Era 1789-1800	Government Divided between Federalists and Republicans	Federalists and Republicans should maintain their relative positions on intervention
2	Jeffersonian Era and Era of Good Feelings 1801-1824	Republican Government	Republicans should move more toward intervention than the Federalists
3	Emergence of Mass, Two-Party System and Competitive Politics 1825-1860	Government Divided between Democrats and Whigs	Democrats and Whigs should maintain their relative positions on intervention
4	Civil War, Republican Reconstruction, Gilded Age, and Progressive Era 1861-1932	Republican Government	Republicans should move more toward intervention than the Democrats
5	Democratic New Deal, Liberal Consensus, Great Society, and Party Polarization 1933-present	Democratic Government	Democrats should move more toward intervention than the Republicans

#### 3 Federalist Era, 1789-1800

During the 1790s, the first political parties emerged under the new Constitution and the ideologies they developed matched their institutional positions. The two parties first divided over the "great principle": determining "how strong and active the new federal government was to be" (Aldrich 2011, 72). Under the umbrella of the "great principle," the first Congresses debated issues such as the assumption of state debts, increased taxation, the creation of a national government mint, and the creation of a national bank. The party in power, the "Pro-Administration" or "Hamiltonian" Federalists, advocated for a stronger national government and more government intervention in the economy as expected. The party out of power, the "Anti-Administration" or "Jeffersonian" Republicans, advocated for a less powerful national government and less government intervention in the economy as expected. Of course, many other factors also contributed to the ideological development we observe: most notably, the different economic interests of the different regions that composed the two parties. Nonetheless, the party ideologies did not develop in a way contrary to what we would expect from a political institutional analysis.

#### 3.1 Historical Context of the Federalist Era

In the 1790s, Americans were skeptical of concentrated government power, in general, and government intervention in the economy, in particular. The Revolutionary War was fought in the name of opposition to tyrannical British government, in general, and to British intervention in the American economy, in particular. Americans resented British mercantilist policies that taxed commerce and granted monopolies. The American revolutionaries adopted the name "Whig" to take their stand against the British Crown, an overbearing government, and Toryism. After the war, all of these "Whigs"—whether

Federalist or Anti-Federalist—continued to hold these republican and whiggish ideas opposed to government power. Despite these similarities between Federalists and Anti-Federalists, there were important differences between the two parties' theories of economic intervention. The Federalists hoped the Constitution would limit state government power and majority tyranny at the state level. They believed the Constitution could prevent the violation of property rights in the states by restraining state governments from inflating their currency and mobs from closing down debtor courts. The Anti-Federalists, on the other hand, feared the Constitution would facilitate too much national government power and elite tyranny.

The Federalists of the 1790s continued to push for national, over state, government power. The Federalists of the 1780s Federalists who supported ratification of the Constitution, like James Madison, joined with former Anti-Federalists and began to be called "Republicans" as they worried about what Hamilton and others were proposing to do under the new, strong and centralized, federal government (Aldrich and Grant 1993). These Republicans adopted the language and ideas of eighteenth century British opposition writers, and saw the battle between Federalists in power and Republicans in opposition as the battle between the "Court party" and the "Country party" (Wood 2009, 287) They argued strenuously that, to preserve liberty, a strict construction of the Constitution must limit national government power (Banning 1978).

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<sup>&</sup>lt;sup>33</sup> For example, many of the pro-ratification Federalists, like Alexander Hamilton and John Jay, continued to be called "Federalists" after the Constitution's adoption as they continued to push for a strong and centralized federal government. Likewise, many of the Anti-Federalists, like Elbridge Gerry and James Monroe, began to be called "Republicans" after ratification as they continued to push against a strong and centralized federal government.

#### 3.2 Party Control of Unified Government and Party Ideology Development

The Federalists did not have "long-term" control of unified government during this period because the Republicans had majorities in the House of Representatives during Washington's second term. The eight years of Federalist unified government (Washington's first term and Adams's only term) were not consecutive. Thus, this era is one without a change in long-term party control of government, and the ideologies of the two major parties continued on their previous path of development as expected.

The Federalist and Republican Parties were generally parties-in-government only, and not mass-based parties in the electorate (Aldrich 2011). The political entrepreneurs who played a critical role in shaping the new parties' ideologies during this decade included Hamilton and John Adams, for the Federalists, and Jefferson and Madison for the Republicans. Hamilton outlined a bold economic plan for the new Congress to adopt that included more government intervention in the economy than his opponents wanted. Hamilton hoped his policies would help the fledgling republic to become a notable industrial and commercial empire. In addition to advocating for the national government's assumption of state debts, and the creation of a Bank of the United States, Hamilton called for the national government to intervene in the economy through a system of tariffs, subsidies, and infrastructure spending. While Jefferson opposed Hamilton's policies in the administration, and Madison opposed his policies in Congress, the party battle spilled over into the public realm in 1798 when the Alien and Sedition Acts were passed by the Federalist Congress and signed by President Adams. The theories of governance debated by partisan elites in Congress and in the administration became the subject of newspaper articles and popular discussion.

The Federalist Party's theory of governance advocated for a strong and centralized national government with power to rein in the state governments, regulate and nurture the economy, and defend the United States from foreign threats. It also called for a strong presidency with an executive administration that would draw up policies to be passed by Congress (Milkis and Nelson 2008, 79). The Republican Party's theory of governance, on the other hand, advocated for a limited and decentralized federal government in which the states had considerable autonomy and did most of the governing. Jefferson and Madison famously outlined these principles of state sovereignty and nullification in 1798 in the Kentucky and Virginia Resolutions. Like the Anti-Federalists before them, the Republicans argued that of the three branches of the national government, the legislature should be predominant as its representatives are closest to the people (Jefferson 1801, 281-82). They accused the Federalist Party, with its control of the presidency and Senate, of being "monocratic," "aristocratical," and "tyrannical." This theory of governance, embraced by the Republicans in opposition to the Adams administration, shaped the relatively laissez faire theory of economic intervention that dominated Jeffersonian Republican thinking at the turn of the nineteenth century.

Given their previous ideologies, their institutional positions, and their theories of governance, it is not surprising that the parties developed their theories of economic intervention the way that they did. The Federalists, following the British mercantilist school of thought, continued to advocate for more economic intervention, while the Republicans, following the French physiocratic school of thought, advocated for less. Given the Federalist Party's eight years of control of unified government, most of Hamilton's policies were passed by Congress, and signed by the president, despite opposition from Jefferson,

Madison, and the Republican Party they formed. The Republicans criticized Federalist interventions into the economy as unconstitutional and imperial.

## 3.3 Other Factors that Explain Party Ideology Development in the Federalist Era

Previous scholarship has rightfully pointed to the political economy of America at the turn of the nineteenth century to help us understand differences in the ideologies of the two parties. The first party divisions were, to some extent, regional divisions within the country. The Federalists in government largely came from the North, and New England in particular, where the economy was relatively industrial, commercial, urban, and based around manufacturing and shipping. This economic arrangement gave Northerners incentives to support tariffs, internal improvements, and national government financing. Northern manufacturers competed with British manufacturers to sell their goods in the United States; high tariffs would protect their goods from this competition. Northern merchants needed a stable currency, and access to credit, that could be supplied by a national banking system. The Republicans in government largely came from the South, Virginia in particular, and from Middle States. Southern farmers purchased manufactured goods from Great Britain and New England, and opposed high tariffs that inflated the price of goods they purchased. These socioeconomic factors worked in concert with the institutional positions of the two parties to help the parties develop their different theories of economic intervention in the expected way.

#### 4 Jeffersonian Republican Era, 1801-1824

In 1801, the Republican Party took long-term control of unified government that lasted until 1824, and the two parties' ideologies changed as expected. The Republicans began the period as much more critical of national government power, and much less interventionist on economic policy, than the Federalists. However, over the course of the Jeffersonian Era, the Republicans began to change their party's ideas about national power and economic intervention, and they closed the gap between the two parties. Over the course of their time in power, the Republicans eventually adopted almost all of the policies that the Hamiltonian Federalists had previously recommended, and that the Republicans had previously excoriated. As Republican ideology adopted Federalist ideas, the Federalist Party dissolved and left a one-party system. While the Republicans changed their theory of governance and theory of economic intervention, the more foundational aspects of their party ideology remained largely intact.

#### 4.1 Historical Context of the Jeffersonian Era

Despite the connotations of its title, the "Jeffersonian Era" saw the American people, in general, and both major parties, move to embrace more national government power and more intervention in the economy than was generally acceptable following the first war for independence. The second war for independence, the War of 1812, exposed many of the weaknesses of the American state, and in "the first few years following the war…the spirit of nationalism was in vogue" (Risjord 1965, 8). This resulted in greater support by both parties for a stronger army, a national bank, and more national infrastructure. The expansion of American settlers beyond the Appalachian Mountains also resulted in a call for more national infrastructure projects to unify the expanding republic.

Since the Republican Party ran the U.S. government, it was responsible for most of the nationalist legislation of this period, and its ideology changed to catch up with its institutional and policy positions. While the nation, as a whole, generally moved in a direction welcoming more national government power and more economic intervention, the two parties moved differently, in relation to each other, as predicted by the political institutional theory of party ideology development: the party in power moved farther in the direction of government intervention than the party out of power.

#### 4.2 Party Control of Unified Government and Party Ideology Development

After taking control of the national government, in his First Inaugural Address,

Jefferson articulated his party's ideas about limited national government power and less
intervention in the economy, which were formulated during the campaigns and elections of
the 1790s:

What more is necessary to make us a happy and a prosperous people? Still one thing more, fellow citizens, a wise and frugal government, which shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned. This is the sum of good government; and this is necessary to close the circle of our felicities (Jefferson 1801).

In the early years of the Republican regime, Jefferson's party made good on his words. The first Republican Congress repealed the Whiskey Tax of 1791 and the direct tax of 1798, along with the naturalization laws of 1798. In addition to signing these repeals, Jefferson pardoned prisoners who had been prosecuted under the Sedition Act. The new government reduced the size of the military, decreased the national government's debt, and decided not to renew the charter on Hamilton's Bank of the United States. However, the longer

Republicans remained in control of government, the more they began to adopt the policies and ideas of their Federalist predecessors.

## 4.2.1 Party Theories of Governance in the Jeffersonian Era

Between 1801 and 1824, the originally anti-nationalist Republican Party gradually moved away from its roots in anti-federalism toward a theory of governance that became known as "national republicanism." One of the first temptations to change the party's theory of governance was the opportunity to purchase the Louisiana Territory. The acquisition would serve the party's theory of ends because it would make possible the ideal of an agrarian republic of egalitarian yeoman farmers spread out over the vast continent. However, territorial expansion by executive agreement would also violate the party's theory of governance and theory of intervention because, to act quickly on the deal, Jefferson would have to exercise more national government power, in general, and more executive power, in particular, than Republicans had previously believed was proper. Given this tension between the party's theory of ends and the party's theories of governance and intervention, the more foundational theory of ends won out, and Jefferson went ahead with the executive action (Risjord 1965, 5-6).

However, it is not as though the theories of governance and intervention were merely instrumental in the service of party ends. Jefferson's "strict-constructionist scruples" caused him much trepidation and anxiety about going forward with the purchase to more than double the size of the United States (Wilentz 2005, 111).

The leader of the party that had blasted executive usurpation under John Adams had no illusions about the fact that he lacked explicit constitutional authority to acquire the new territory, let alone an acquisition as large as the nation itself...For a moment, as Jefferson contemplated proposing a constitutional amendment that would provide a clear ground for this sweeping exercise of power, it appeared that he might actually force a debate over the legitimacy of the action when everyone else seemed

anxiously eager to accept it on its face. With hints of second thoughts in France, the prospect of a delay that might jeopardize the purchase agreements became unbearable, and Jefferson decided not to let the question of propriety get in the way of the achievement (Skowronek 1997, 70).

In this instance, the more foundational aspect of Republican Party ideology held more weight in shaping the behavior of a political actor than the less foundational aspects of party ideology. After more actions like these going forward, Republicans eventually modified their theories of governance and intervention to justify these kinds of actions. However, more foundational ideals—like popular rule and agrarian republicanism—did not change during this time.

The Republicans not only needed a new theory of governance in relation to executive power, but also a new theory of governance with respect to national government power, generally. As Henry Adams pointed out, soon after the Louisiana Purchase the Republican Party changed its mind on the national debt, the size of the navy, and the national bank, as well.

Four years had not passed since Jefferson and his party had clamored against attempts to give energy to government; and no one could ever forget that they claimed and received power from the people in order to defend State-rights, restrict Executive influence, and correct strained constructions of the Constitution. Who upheld State-rights in 1804, and complained of Executive influence and strained constructions? Certainly not Jefferson or his friends...Whenever Jefferson had occasion to discuss the aims and opinions of the two parties, he did not allude to the principles set forth in 1798 (H. Adams 1891, 203-04).

During Jefferson's second term in office, several Republicans, led by John Randolph, broke with the president over what they perceived as Federalist policies being promoted by the administration. These Republicans became known as "Quids" to distinguish themselves from the main body of the party, and they opposed Jefferson's administration on the Yazoo land fraud compromise, the attempt to purchase West Florida from Spain, and the trade

restrictions with England (Risjord 1965, 40-71). After Jefferson made it clear he would not run for a third term in 1808, the Quids promoted the candidacy of the former Anti-Federalist James Monroe over the former Federalist James Madison.

Madison's succession to the presidency in 1809 moved the party in an increasingly centrist direction on the question of nationalism, which increased the Quid faction's antagonism (Ceaser 1979, 98). In 1810, Republican "war hawks" like Henry Clay and John Calhoun from the backcountry were elected to Congress, and they called for an even stronger national government that would bind the separate states together and provide a powerful military force in international affairs. The rise of these young Republican nationalists was opposed by the previous generation of anti-nationalist Republicans, including the Quids, who became known as "Old Republicans" (Risjord 1965, 7).

By the early 1820s, former Federalists had joined the majority Republican Party through "a policy of amalgamation," but they were not required to change their principles concerning the role of the national government (Ceaser 1979, 107). Worried over this development, Jefferson wrote to Henry Dearborn in 1822 claiming that the Federalists, discredited as a national party, now promoted "consolidated government" from within Republican ranks like foxes hiding "in the midst of the sheep." As a result, Jefferson explained, "you see so many of these new republicans maintaining in Congress the rankest doctrines of the old federalists" (Jefferson 1822). The accession of John Quincy Adams, the son of the old Republican nemesis, to the presidency in 1825 symbolized the party's newly developed nationalist theory of governance.<sup>34</sup>

<sup>&</sup>lt;sup>34</sup> By changing their party's ideology after taking power, the Republicans represented the first such change in American party history, but they were following a pattern that had been established even earlier. Notably, the Republicans resembled the Whigs of eighteenth century British politics. When Whig Party ideology began to change after taking control of Parliament, the party split between the main body of the party and a dissenting faction known as "Old Whigs," who wished to maintain the original principles of the party. Similarly, when

The originally nationalist Federalist Party, on the other hand, changed its theory of governance in the opposite direction. Federalists in the Northeast bristled at Republican restrictions on trade with England, and they opposed the Republican Party's headlong rush into war. Against this "oppression" by the national government, Federalists argued that "the founders had never meant to grant the federal government the power to destroy commerce and declare disastrous war" (Mason 2002, 539). Discontent with Republican mercantilist policies, and Republican prosecution of the war, boiled over to public calls by some Federalists for secession from the Union (Wilentz 2005, 111-12). While this was not the mainstream position of the Federalists in attendance at the Hartford Convention of 1815-16, the prominence of this feeling indicated that Federalist Party ideology had moved in a less nationalist direction, relative to the Republican Party, since 1800.

## 4.2.2 Party Theories of Economic Intervention in the Jeffersonian Era

Just as the two parties changed their theories of governance concerning national government power, they also changed their theories of economic intervention in accordance with what we would expect given their institutional positions. Changing ideology is, however, difficult to do and takes time; Republican partisans were reluctant to begin adopting the rhetoric of nationalism and economic intervention that they had so recently opposed. At first, a few years after taking power, Republicans began passing legislation similar to what the Federalists had passed. Next, they began to change their theory of governance to justify this exercise of national government power. Finally, they began to

Republican Party ideology began to change in the 1800s after taking control of unified government, the party split between the main body of the party and a dissenting faction known as "Old Republicans," who wished to maintain the party's original principles (Banning 1978, 283).

change their theory of economic intervention in accordance with their pre-existing theory of ends.

We can begin to see these developments as early as the Jefferson administration. In 1806, with a majority of Federalists and a minority of Republicans, Jefferson signed into law the bill creating the Cumberland Road: the first internal improvement of its kind. In 1807, Jefferson's concerns about foreign affairs led him to push through the Republican Congress an embargo act that restricted trade. This embargo represented an unprecedented use of government power to intervene in the economy. In 1808, Jefferson's Republican Secretary of the Treasury, Albert Gallatin, offered a report that called for \$20 million in internal improvements. Commenting on this about-face, Croly explained:

Jefferson, who had been a lion in opposition, was transformed by the assumption of power into a lamb. Inasmuch as he had been denouncing every act of the Federalists since the consummation of the Union as dangerous to American liberties or as inimical to the public welfare, it was to be anticipated, when he and his party assumed office, that they would seek both to tear down the Federalist structure and rear in its place a temple of the true Republican faith. Not only did nothing of the kind follow, but nothing of the kind was even attempted (Croly 1909, 46).

Jefferson's betrayal of the "Revolution of 1800" caused a split within the Republican Party between "moderate and ardent republicanism" (Jefferson 1807/1999, 424). The dissent of the Quids from the main body during Jefferson's second term was a natural product of the character of the Republican Party: "parties whose chief motivating force is ideological commitment are normally prone to bitter internal factionalism. Purists within their ranks object to any kind of compromises or any loose interpretation of the party's principles. This inevitably puts them in conflict with the party's office holders" (Ceaser 1979, 98). Thus, the same ideological zeal that won Jefferson and his party commanding victories in the "second revolution" of 1800 also resulted in ideological factionalism after taking power.

The Republican Party continued to move toward a theory of more economic intervention as more and more Republican nationalists joined Congress, but the old party ideology still worked as a partial constraint on the behavior of party members, and, of course, political actors still exercised agency in opposition to the general forces at work. For example, in two different instances, Madison the constitutionalist vetoed legislation passed by the more interventionist Congress. First, in 1814, the Republican Congress chartered the Second Bank of the United States, but President Madison, given his background in the original Republican Party, worried about its constitutionality and vetoed it. However, in the aftermath of the war, Madison changed his mind. In his annual message to Congress in December 1815, "the great architect of the old Republicanism called upon Congress to consider federal support for certain internal improvements, tariff protection for new industries which had been encouraged by the argument with England, and creation of a new national bank" (Banning 1978, 299). Second, as federal government expenditures grew, and the government faced increasing deficits, the Republicans passed the Tariff of 1816. However, Madison was still ambivalent about the party's movement in this direction because of his ideological commitments forged in the fires of 1798. In 1817, Madison vetoed the Bonus Bill explaining that, although he supported Congressional funds being spent on internal improvements, such an authorization required a Constitutional amendment before he could sign it (Madison 1817).

Despite occasional vetoes by presidents from the Virginia Dynasty, Republican nationalists like Henry Clay, John Calhoun, and John Quincy Adams "dominated the party after the War of 1812" (Milkis and Nelson 2008, 113). They moved the party's ideology toward more national government power as they pursued an "American System" of economic interventions—including tariffs, subsidies, and internal improvements—that

echoed the mercantilist policies of the Hamiltonian Federalists, but were aimed at benefitting different constituencies and used toward different ends (John 2003). These party entrepreneurs, acting with resources in Congress and the Administration, took advantage of opportunities to change their party's ideology in accordance with the incentives they faced.<sup>35</sup>

While the Republicans changed their party's theory of economic intervention, the Federalists, on the other hand, simply maintained their old theory of government intervention in the economy. They continued to advocate for mercantilist policies like a national bank, high tariffs, and internal improvements. As the Republican Party expanded its dominance of American politics, and as it adopted the Federalist theory of economic intervention, the Federalist Party dissolved. In retirement, Jefferson followed the political events unfolding in the "Jeffersonian Era," and he criticized the new Republican Party's adoption of Federalists and Federalism:

An opinion prevails that there is no longer any distinction, that the republicans & Federalists are compleatly amalgamated but it is not so. The amalgamation is of name only, not of principle. All indeed call themselves by the name of Republicans, because that of Federalists was extinguished in the battle of New Orleans. But the truth is that finding that monarchy is a desperate wish in this country, they rally to the point which they think next best, a consolidated government. Their aim is now therefore to break down the rights reserved by the constitution to the states as a bulwark against that consolidation, the fear of which produced the whole of the opposition to the constitution at it's birth. Hence new Republicans in Congress, preaching the doctrines of the old Federalists, and the new nick-names of Ultras and Radicals. (Jefferson, Letter to Justice William Johnson 1822).

It seems that Jefferson was the originator of the "RINO" epithet—criticizing the "new Republicans in Congress" as Republicans in "name only." This factional division within the

government, and the new party had distinct theories of governance, economic intervention, and ends. At the same time, it was not a revolution because the party's theories of governance and economic intervention

evolved over time to justify the Federalist policies that the Republicans eventually adopted.

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<sup>35</sup> This conclusion helps reconcile the two contending camps of historians that argue over whether or not the election of 1800 was really a "revolution" as Jefferson claimed (Skowronek 1997). In this framework, the election of 1800 really was a revolution because it represented a change in long-term party control of

Republican Party would set the stage for the revival of two-party politics in the antebellum era.

# 4.3 Other Factors that Explain Party Ideology Development during the Jeffersonian Era

Economic factors, of course, also help explain the relative shifts of the two parties during this time. Most of the American pioneers who moved west into and beyond Appalachia in the first quarter of the nineteenth century were Republicans (Wood 2009, 359). These Westerners "needed good roads and canals to communicate and conduct their business with other parts of the country and abroad," and so they supported a program of internal improvements paid for by the national government (Kolodny 1996, 145). Southerners, on the other hand, were skeptical of a national system of tariffs, internal improvements, and national finance that seemed to disproportionately benefit the North and West. Thus, "Old Republicans" in the South resisted the changes pushed by new Republicans in the West.

Historical contingencies, most visibly the War of 1812, also explain much of the party ideology development observed during this time. The Anglophilic Federalist Party in the North generally opposed the War of 1812, while the Republican Party in the West pressed for it. Once the war was underway, the Federalist opposition to war was seen as unpatriotic and un-American, and this opposition to war caused their demise. Ferhaps more importantly, the War of 1812 made Republicans realize the need for the development of a stronger national state (Holt 1999). For example, the transportation problems the

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<sup>&</sup>lt;sup>36</sup> The Federalists last nominated a candidate for president in 1816 (Aldrich 2011, 103). As Jefferson said, the Federalist Party "was extinguished in the Battle of New Orleans," and adopted the label of Republican, but still maintained their economic interests in favor of national tariffs, internal improvements, and government finance.

American military faced during the war caused Republicans to re-consider their opposition to national infrastructure projects (Kolodny 1996, 145). These society-centered factors and historical contingencies, along with party control of institutions, help us understand the party ideology developments we observe during this period. While it is debatable whether or not the Republican Party became as nationalist and as interventionist as the Federalist Party during this time period, it is clear that the gap between the parties that existed in the 1790s had narrowed considerably during the first quarter of the nineteenth century.

# 5 Emergence of the Mass Two-Party System and Competitive Politics, 1825-1860

The ideological divide within the Republican Party, described above, led to the creation of a new party system consisting of Democrats and Whigs between 1825 and 1860: Democrats generally criticized government intervention in the economy, while Whigs defended it.<sup>37</sup> During this time period, neither party took long-term control of unified government, and, as expected, the original ideological divisions of 1825 remained largely intact throughout. The stasis in party ideologies observed in the antebellum era is predicted by the political institutional theory of party ideology development. While Democrats and Whigs argued over spending, taxes, internal improvements, tariffs, and a national bank, neither party could satisfy the demands of an emerging abolitionist movement in the North. This period of mass, two-party competition was punctuated by the arrival of the Republican Party, Abraham Lincoln, and Civil War.

<sup>&</sup>lt;sup>37</sup> Michael Holt points out that, contrary to popular myth (Binkley 1943, Schlesinger 1945), the American Whig Party was not a continuation of the Federalist Party, but, like the Democratic Party, emerged out of the Jeffersonian Republican Party (Holt 1999, 2).

#### 5.1 Historical Context of the Antebellum Era

The circumstances of the presidential election of 1824 led to the creation of the second party system. As Monroe ended his second term, it was clear that, in a one-party regime, whichever politician the Republican Party supported would run unopposed and become the next president. Unsurprisingly, given this situation, the party was unable to unify behind a single candidate. As Secretary of State, John Quincy Adams of Massachusetts arguably held the position of next in line, but he did not have the support of the Republican Party base in the South and West. Traditionally, the party's nominee was chosen by Republican members of Congress (Ceaser 1979, 113-21), but by 1824 this institution had fallen into disrepute as "King Caucus," and the congressional party's nomination of William Crawford of Georgia was not decisive (Aldrich 2011, 104). In addition to Adams and Crawford, Senator Andrew Jackson of Tennessee and House Speaker Henry Clay of Kentucky also ran for the office. Adams and Clay, the ardent nationalists, were the most clearly in favor of the "American system" of tariffs, internal improvements, and a national bank. Crawford, the least nationalist of the candidates, received the support of the "Old Republicans" and an endorsement from Jefferson (Kolodny 1996). Crawford also received the support of a first-term Radical Republican senator from New York, Martin Van Buren, who saw the presidential election of 1824 as "the proper moment to commence the work of a general resuscitation of the old democratic party" (Van Buren 1822/1875). Finally, General Jackson was a moderate nationalist, but more popular for his military heroics, and antiestablishment symbolism, than for any ideological issue positions (Holt 1999, 6).<sup>38</sup>

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<sup>&</sup>lt;sup>38</sup> Contrary to the myth promulgated by Schlesinger (1945), Jackson did not campaign in 1824 on a non-interventionist platform. Up until this time, Jackson had been a moderate nationalist. "Jacksonian ideology," understood as opposition to the "American System," did not develop until after the election of 1824 (Minicucci 2004, 165).

In the general election, Jackson received the most Electoral College votes, but the four-way race prevented him from receiving a majority of votes, so the election was referred to the House of Representatives. Speaker Clay, presiding over the House vote, gave his campaign's support, and victory, to fellow nationalist Adams, who promptly appointed Clay as his Secretary of State (and, presumably, his successor). The Republican Party quickly divided between, on the one hand, Adams and Clay supporters, and, on the other hand, supporters of Jackson, Crawford, and Calhoun (Holt 1999, 8). The residue of Federalists in New England, led by Daniel Webster, joined in support of the Adams administration.

Jackson, denied the presidency despite receiving the most votes in the general election, immediately began planning to oust Adams in 1828, and Van Buren once again hoped to use the election to establish a national two-party system (Remini 1959, Hofstadter 1969, Ceaser 1979, Aldrich 2011). Van Buren successfully orchestrated the support of the Radical Republicans and Old Republicans, and this coalition became known as "Democratic Republicans," or "Jackson men," in opposition to the "National Republicans," or "Adams men" (Milkis and Nelson 2008, 121). Combining his own supporters, who gave him a plurality of the vote in 1824, with Crawford's supporters, Calhoun's supporters, and Van Buren's political machine, Jackson easily won the election of 1828. The Democratic-Republicans' victory led to the eventual demise of the National Republican Party and the permanent establishment of the Democratic Party. By 1836, the Democratic Party and Whig Party had emerged as the two major parties.

Between the 1830s and the 1850s, the American public, in general, and both parties, in particular, changed their ideas slightly concerning national government intervention in the economy. Like many public policy issues, the debate over national government intervention

in the economy acted like a pendulum,<sup>39</sup> and by the early 1830s, the pendulum had swung back against national government power (John 2003). Jackson successfully campaigned against renewing the charter of the Second Bank of the United States and used his anti-bank campaign to secure re-election in 1832. The "Tariff of Abominations" (the Tariff of 1828) led to the Nullification Crisis of 1832-33 and helped precipitate a backlash against nationalist economic policies during the Antebellum Era that were tied up with the sectional crisis regarding slavery.

#### 5.2 Party Control of Unified Government and Party Ideology Development

Once the two-party system of Whigs and Democrats was in place, neither party took long-term control of unified government. As expected, the original ideological divisions remained largely intact through the 1850s. The Jackson coalition decided to campaign against John Quincy Adams, in 1828, on the same issues which Jefferson had opposed the incumbent's father in 1796 and 1800: the "fundamental dispute about the nature of popular government, and the extent of federal involvement in domestic policy-making" (Ceaser 1979, 152, 155). Jackson's "neo-Jeffersonian" program leaned toward "the economics of laissez-faire" (Remini 1972, 73). Of course, this coalition of Republicans opposed to Adams included a diverse group of ideological commitments, and the campaign of 1828 would not be all about the "Principles of '98." Indeed, Jackson's vague ideological commitments, but personal popularity, made him the ideal candidate to lead this new heterogeneous party (Ceaser 1979, 161, Minicucci 2004, 183, Aldrich 2011, 113-14). Still, Van Buren assured his

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<sup>&</sup>lt;sup>39</sup> In the 1770s, Americans reacted against British mercantilism and the public mood was anti-interventionist. During the critical period of the 1780s, in response to crises at the state level, the public mood became more accepting of national government power and intervention. In the late 1790s, in reaction to Federalist unified government policies, including the Alien and Sedition Acts, the public mood rose up in a "second revolution." In the 1810s, in preparation for—and in the aftermath of—war with Britain, Americans saw a greater need for national government power.

political allies back in New York that "we will support no man who does not come forward on the principles & in the form in which Jefferson & Madison were brought forward & this they will in the end all assent" (Remini 1963, 53-54).

After Jackson won the election of 1828, Henry Clay and the National Republicans were confident that the unwieldy coalition of Jackson men would come apart. To catalyze this disintegration, National Republicans in Congress placed the re-charter of the National Bank, which had been popular among Americans generally for the previous decade, on the agenda just prior to the election of 1832. If Jackson signed the re-charter, they believed, he would alienate the less interventionist Old Republicans in his party. If Jackson vetoed the re-charter, they believed, he would alienate the moderates in his party. Jackson chose to follow Democratic Republican Party ideology in vetoing the re-charter, but he campaigned against the bank in forceful and populist language that turned the veto into a winning issue for him in his successful re-election bid in 1832. This bank issue set the tone for party ideology development over the next quarter century: Democrats criticizing national government interventions in the economy, like the Second Bank of the United States, and Whigs advocating for them.

The Jacksonian Democratic Party, formed in opposition to Adams and the National Republicans, continued throughout the Antebellum period to call for less national government intervention in the economy: no federal government role in banking, lower tariffs, fewer internal improvements, and less spending. The 1840 Democratic Party Platform, the first party platform written by either major party, emphasized the party's commitment to Old Jeffersonian Republican theories of limited national government power and limited government intervention in the economy:

Resolved, That the federal government is one of limited powers, derived solely from the constitution, and the grants of power shown therein, ought

to be strictly construed...That the constitution does not confer upon the general government the power to commence and carry on, a general system of internal improvements...That it is the duty of every branch of the government, to enforce and practice the most rigid economy, in conducting our public affairs, and that no more revenue ought to be raised, than is required to defray the necessary expenses of the government...That congress has no power to charter a national bank...That the liberal principles embodied by Jefferson in the Declaration of Independence, and sanctioned in the constitution, which makes ours the land of liberty, and the asylum of the oppressed of every nation, have ever been cardinal principles in the democratic faith (Democratic National Convention 1840).

The four succeeding party platforms of 1844-1856 essentially reprinted the planks of the 1840 platform verbatim. In every presidential contest in this period, the Democratic Party campaigned on limited national government power, strict construction of the Constitution, opposition to internal improvements, opposition to tariffs, limited government spending, lower taxes, opposition to a national bank, and the liberal principles of Jefferson. The period from 1825 to 1860 is part of the Democratic Party's "Jeffersonian Epoch," which was characterized by "limited government,...antistatism, and civic republicanism" (Gerring 1998, 162).

The Whig Party, likewise, generally remained true to the economic positions of the National Republicans from which they emerged. Throughout the Antebellum period, the Whigs called for more national government intervention in the economy: for a federal government role in banking, higher tariffs, more internal improvements, and more spending. The 1844 platform indicated that the party's "principles may be summed as comprising, a well-regulated currency; a tariff for revenue to defray the necessary expenses of the government, and discriminating with special reference to the protection of the domestic labor of the country; [and] the distribution of the proceeds of the sales of the public lands" (Whig National Convention 1844). The 1852 platform specifically endorsed the idea that "the Constitution vests in Congress the power to open and repair harbors, and remove

obstructions from navigable rivers" (Whig National Convention 1852). The period from 1825 to 1860 is part of the National Republican and Whig Parties' "National Epoch," in which party members were "mercantilists" and "statists" (Gerring 1998, 57).

These party ideologies were not simply rhetoric, and they were not simply instrumental; they often actually worked to constrain the behavior of political actors. For example, in response to the Panic of 1837, even pragmatic President Van Buren "was sufficiently wedded to Jacksonian principles to resist government-sponsored solutions to the economic crisis" (Milkis and Nelson 2008, 134). This inaction led to Van Buren's defeat in 1840. Political actors are not free to change their party's ideology every time it might suit them. Party ideology change requires historical contingencies, social pressures, or institutional tensions, combined with political entrepreneurs armed with sufficient resources and opportunities. The stasis in party theories of economic intervention between 1825 and 1860 is partly explained by the absence of change in long-term party control of unified government.

## 5.3 Other Factors that Explain Party Ideology Development during the Jacksonian Era

That the two parties maintained their theories of economic intervention is not, of course, entirely attributable to the path dependent character of party ideologies—to the tendency of party ideologies to maintain their pre-existing structure unless acted on by other forces. It is also a product of the political economy of the period. Although founded as a national party, uniting Southern anti-nationalists and northern Federalists opposed to Jackson, the Whig Party became increasingly sectional, and based in the Northeast, over the course of the 1840s and 50s. As such, they tended to push for a national bank, high tariffs,

and internal improvements that would disproportionately benefit the manufacturing and mercantile class. The Jacksonian Democrats, on the other hand, like the Jeffersonian Republicans before them, were based in the South and in rural parts of the country. As such, they generally opposed these same measures. In this sense, the explanation offered by the Progressive historians—focusing on the class interests of capital as opposed to agriculture—also helps make sense of this era.

The factor that underlies the entire antebellum period, however, is the issue of slavery, which holds enormous explanatory power. The Democratic Party, based in the South, was generally more supportive of slavery, and its extension into the West, than the Whig Party. The Democrats feared what the national government could do if abolitionists, or opponents of slavery, came to power. As such, throughout the period they emphasized limited national government power and state sovereignty. In each party platform they resolved:

That Congress has no power, under the Constitution, to interfere with or control the domestic institutions of the several States; and that such States are the sole and proper judges of everything pertaining to their own affairs, not prohibited by the Constitution; that all efforts, by abolitionists or others, made to induce Congress to interfere with questions of slavery, or to take incipient steps in relation thereto, are calculated to lead to the most alarming and dangerous consequences, and that all such efforts have an inevitable tendency to diminish the happiness of the people and endanger the stability and permanency of the Union, and ought not to be countenanced by any friend to our Political Institutions (Democratic National Convention 1844-1856).

The Democratic Party's strict construction of the Constitution was not only about preventing Congress from passing tariff or internal improvements legislation that disproportionately benefitted the North; it was also about preventing Congress from interfering with slavery. The election of a president from a third party that was opposed to

the expansion of slavery, in 1860, was the impetus for Southern slaveholders' secession from the Union.

## 6 Civil War, Republican Reconstruction, and the Progressive Era, 1861-1932

In the 1860s, a new Republican Party took control of unified government, and over the next seven decades it generally remained more supportive of national government power, and economic intervention, than the Democratic Party out of power. While the two parties developed their ideologies mostly in accordance with what we would expect, there are two exceptions during this period. The first exception, the 1890s, was the product of a demographic development and a historical contingency. The emergence of agrarian revolt in traditionally Democratic regions, along with the political entrepreneurship of William Jennings Bryan, led the Democratic Party to adopt the Populist Party, and to become as interventionist as the Republican Party. However, this was not a durable change in party theories of economic intervention, and by 1904 the Democratic Party had returned to the practice of criticizing the Republicans for high taxes, high tariffs, profligate spending, protectionism, economic regulation, and subsidies. The second exception, the 1910s, was the product of Democrats taking short-term control of unified government—for four years during the administration of Woodrow Wilson. During their control of the national government, Democrats acted in accordance with the incentive structures outlined by the political institutional theory by exercising the power at their disposal, and the two parties' theories of economic intervention changed accordingly. By the mid-20s, however, Democrats had returned to their neo-Jeffersonian rhetoric in criticizing Republican interventions in the economy. It was not until the New Deal that the Democratic Party

shifted permanently in favor of more economic intervention than the Republican Party (Milkis 1992, 109).

#### 6.1 Historical Context

The Republican Party formed in 1854 specifically in response to the Kansas-Nebraska Act, and this new political party adopted the name "Republican" to draw connections to the original Republican Party of Jefferson and his Declaration of Independence (Republican National Convention 1856). In its first presidential campaign, the Republican Party won the Electoral College votes of each New England state, as well as New York, Ohio, and the states of the upper Midwest, which effectively ended the Whig Party's existence. The Democrats, on the other hand, won all of the other states, and this set the stage for the creation of a new two-party system based on regional sections. Going forward, in virtually every succeeding presidential election until 1932, with the exception of Reconstruction, the Republican Party won elections in the North and the Democratic Party dominated the South.

The second half of the nineteenth century, and first half of the twentieth century, saw dramatic industrialization, immigration, and urbanization in America. In response to the socioeconomic inequality caused by these forces, several social democratic and Progressive reform movements emerged in American politics. These insurgent reform movements represented a move by the American public, in general, and the two major parties, in particular, toward an increasing acceptance of greater national government power and intervention in the economy. The two parties moved in this direction at different times, and in different ways, and these differences can partly be understood through the political institutional theory of American party ideology development.

## 6.2 Party Control of Unified Government and Party ideology Development

With the Democratic South out of the Union, the Republican Party dominated the U.S. government starting in 1861. Republicans won six straight presidential contests between 1860 and 1880, controlled the House from 1859 to 1874, and controlled the Senate from 1861 to 1878. Democrats began winning the House in the 1870s and 80s, but they would not gain control of unified government until 1893, and even then it only lasted two years. During this period of Republican Party control, the GOP had incentives to develop its ideology in a way that advocated for relatively more economic intervention. Likewise, the post-bellum Democratic Party had incentives to develop its ideology in a way that called for relatively less.

## 6.2.1 Party Ideology Development, 1861-1892

During the Civil War and Reconstruction, Republicans, opposed by Democrats, increased the powers of the national government to prosecute the war and reconstruct the South. Notably, Republicans used their power in service of pursuing their pre-existing antislavery objectives. They used the expanded power of the national government to abolish slavery; to force the Confederate secessionists to surrender; to pass the Civil Rights

Amendments mandating manumission, citizenship, and voting rights for former slaves; establish the Freedmen's Bureau; and to pass a series of Force Acts (Civil Rights or Ku Klux Klan Acts) aimed at ensuring civil and political rights for African-Americans. Republicans also used the expansion of national government powers to intervene in the economy in ways that exceeded even the previous interventionist regimes of the Federalists and National Republicans. The GOP pursued its policies "in a startlingly programmatic fashion, implementing fundamental coercive and redistributive measures" (Skocpol 1992, 86).

These Republican interventions into the economy can be categorized in three ways. First, Republicans intervened by imposing and increasing taxes. They imposed the nation's first graduated income tax, established the Internal Revenue Bureau, imposed real estate taxes, and raised tariff levels to record highs (Stathis 2014, 105-06). Second, Republicans pursued national government infrastructure projects on an unprecedented scale. For example, the Pacific Railroad and Northern Pacific Railroad Acts provided land and financing to build railroads and telegraph lines connecting the West Coast with the Midwest. The National Currency Act of 1863 and the National Bank Act of 1864 re-established a national bank system, which had dissolved under Jackson in 1836. Third, Republicans began to enact social democratic reforms in the wake of industrialization. For example, in 1868, the Republican Congress passed a law mandating an eight-hour workday for federal laborers, over a veto by Johnson, and which was affirmed by Grant's presidential proclamation after taking office in 1869.

The push for social democratic reforms came from social movements that responded to the socioeconomic inequalities produced by industrial capitalism. Typically, the policy proposals of these reform movements would be adopted, first, by a minor third party, second, by the more interventionist Republican Party, and, finally, by the less interventionist Democratic Party. For example, the labor movement's call for an eight-hour workday was first adopted as a plank in the platforms of the Labor Reform Party in 1872, the Greenback Party in 1880, the Anti-Monopoly and Republican Parties in 1884, and the Democratic Party in 1904. The call for railroad rate regulation was first adopted as a plank in the platforms of the Labor Reform and Prohibition Parties in 1872, the Greenback Party in 1880, the Anti-Monopoly and Republican Parties in 1884, and the Democratic Party in 1896. The call for regulation ensuring workplace safety was first adopted as a plank in the platforms of the

Greenback Party in 1880, United Labor Party in 1888, and the Socialist Labor, Republican, and Democratic Parties in 1892.

Party ideology development between 1861 and 1892 makes sense in light of the political institutional theory. As Republicans dominated the national government in the 1860s and early 1870s, the Republican Party advocated more national government power, and more economic intervention, than the Democratic Party. The period from 1861 to 1892 was part of the Republican Party's "National Epoch," in which party members were "mercantilists" and "statists," and part of the Democratic Party's "Jeffersonian Epoch," which was characterized by "limited government" and "antistatism" (Gerring 1998, 57, 162). "The major parties...projected contrasting stances toward the proper role of government in society and the economy... Republicans projected activist stances for government, including the federal government...Democrats championed state and local freedoms from federal intrusions [and] attacked economic interventions" (Skocpol 1992, 80). Likewise, as the two parties became competitive again, these stark differences moderated. With the re-admission of Southern states after the Civil War, the Democratic Party began to win elections: the party took the House of Representatives in 1874, and even controlled the Senate in 1877-78. As Democrats increasingly exercised power in Congress, they moderated their anti-nationalist rhetoric and began following the Republicans in advocating for progressive legislation and social democratic reforms. The Republican penchant for economic intervention also moderated during this period. "Once the southern states rejoined the Union and shook off most Reconstruction controls, the Democratic Party again became closely competitive for national offices. The Republican Party outlived its heroic phase and settled into the normal distributive routines of patronage democracy" (Skocpol 1992, 87). While the political

institutional theory helps us understand party ideology developments between 1861 and 1892, it is less useful in explaining the 1890s and 1910s.

#### 6.2.2 Party Ideology Development, 1892-1908

The developments of the 1890s are due more to a society-centered factor—the emergence of agrarian revolt—than party control of government institutions. In the first decades following the Civil War, the GOP created the foundations of the American welfare state through pensions for Civil War veterans (Skocpol 1992), but the one-party system of the 1860s and early 1870s also led to corruptions of power and abuses of patronage. The Republicans feared no competition from the Democrats during this period, and so they often used the suddenly large national government to provide spoils for party machines and corporate interests. By the early 1880s, Republicans had joined Democrats in "politics as usual," and reformers did not see either party advocating their cause (James 2000, 45). At the same time that the Republican Party's "heroic phase" was ending, reformers within the party grew restless, and many third parties emerged to take over the GOP's reform legacy.<sup>40</sup>

After the Civil War, farmers rose up and made calls for political action in response to the government's deflationary monetary policy and government-subsidized monopolies in the railroad industry. The National Labor Union, established in 1866, and the National Grange, established in 1867, both called for inflationary monetary policy and the regulation of railroad monopolies. In the 1870s, the Greenback Party was founded as a merger of

<sup>&</sup>lt;sup>40</sup> In 1872, the Labor Reform Party platform called for an eight-hour workday, a wealth tax, railroad and telegraph regulation, and civil service reform. The Prohibition Party platform of the same year also called for railroad and telegraph rate regulation, and in 1876 called for the direct election of the president, vice-president, and senators. In 1880 and 1884, the Greenback Party platform called for workplace safety legislation, the prohibition of child labor, rate regulation of the railroad and telegraph industries, and a graduated income tax—since the Republican graduated income tax had expired in 1866. In 1884, the Anti-Monopoly Party called for the regulation of corporations and interstate commerce, in addition to an eight-hour workday, internal improvements, the direct election of senators, and a graduated income tax. In 1888, the United Labor Party called for labor laws regulating child labor, convict labor, and workplace safety, and for government ownership of railroads and telegraphs. In 1892, the Populist Party, along with the Socialist Labor Party, called for the public ownership of railroads and a graduated income tax.

agrarian and labor reformers. In 1877, a reform-minded Civil War veteran in Iowa named James Weaver left the Republican Party for the Greenback Party, and was elected to Congress in 1878. In 1880, the Greenback Party nominated Weaver for the presidency on a platform that included—in addition to inflationary monetary policy—workplace safety legislation, the prohibition of child labor, rate regulation of the railroad and telegraph industries, and a graduated income tax (since the Republican tax had expired in 1866). In 1892, the newly emergent Populist Party nominated Weaver for president, and he received 8.5% of the popular vote—the most for a third party since Lincoln in 1860.

The Populist Party's remarkable showing in the presidential election of 1892, and its capture of 10% of the vote in the midterm elections of 1894, made the two major parties take notice. As an agrarian movement based in the South and West, it especially caught the attention of the Democratic Party because Democrats knew they could not win a national election if the populist faction voted for the Populist Party. Up until the 1890s, the Democratic Party had mostly ignored this minority faction and continuously affirmed its commitment to Jeffersonian ideas of limited government. The Democratic President, Grover Cleveland, was a *laissez-faire* Bourbon Democrat, who had vetoed veterans pensions and drought relief bills while advocating for lower taxes and less spending.

By the early 1890s, the Democratic Party had begun to respond to the demands of its party base of populist farmers in the South and West. In 1894, the Wilson-Gorman Tariff Bill lowered the rates of the 1890 McKinley Tariff—a perfectly predictable move by a Democratic Congress. However, in order to make up for lost revenue, the bill also included an income tax of 2% on income over \$4,000. The bill became law without Cleveland's signature. In the national party convention of 1896, the Democrats officially adopted a silver plank to help inflate the currency, and the party doubled down on their commitment to an

income tax and railroad rate regulation. These developments alone, however, did not indicate that the Democrats had become as interventionist as the Republicans. The question of the gold standard vs. bimetallism was not really a question of economic intervention, and the Republicans had already advocated for the regulation of railroad rates and corporations a dozen years earlier—before Democrats switched positions on the ICC. However, "a speech by William Jennings Bryan, delivered in defense of the silver plank in the majority platform, played a critical role shaping the preferences of delegates" at the 1896 convention (Bensel 2005, 27). Bryan's nomination brought the Populist Party into the Democratic fold and alienated the Cleveland Democrats. This historical contingency of political entrepreneurship helps us understand how the Democrats became as interventionist as the Republicans in the late 1890s.

This development, however, was not a durable shift in the Democratic Party's theory of intervention, and the Republicans quickly re-established themselves as more interventionist. In the 1900 GOP platform, the party called for, among other economic interventions, anti-monopoly legislation, national labor insurance, increasing the age for the prohibition of child labor, the creation of a national highway system, and rural free postal delivery service. The presidential election of 1904, between progressive Republican incumbent Theodore Roosevelt and conservative Bourbon Democratic challenger Alton B. Parker, marked the GOP as once again significantly more interventionist than the Democrats. As TR explained in his autobiography, the ideological developments of the 1890s were an interruption in the general trend of Republicans being more progressive, nationalistic, and interventionist than the Democrats:

The Republican party, which in the days of Abraham Lincoln was founded as the radical progressive party of the Nation, had been obliged during the last decade of the nineteenth century to uphold the interests of popular government against a foolish and ill judged mock-radicalism...The men

who...claimed to be the radicals, and their allies among the sentimentalists, were utterly and hopelessly wrong. This had, regrettably but perhaps inevitably, tended to throw the party into the hands not merely of the conservatives but of the reactionaries; of men who... distrusted anything that was progressive and dreaded radicalism. These men still from force of habit applauded what Lincoln had done in the way of radical dealing with the abuses of his day; but they did not apply the spirit in which Lincoln worked to the abuses of their own day. Both houses of Congress were controlled by these men... I achieved results only by appealing over the heads of the Senate and House leaders to the people, who were the masters of both of us. I continued in this way to get results until almost the close of my term; and the Republican party became once more the progressive and indeed the fairly radical progressive party of the Nation (T. Roosevelt 1913, 350-52).

The adoption of Bryanism within the Democratic Party, and the corresponding adoption of conservatism in the Republican Party was the product of a society-centered factor: the emergence of agrarian revolt in the regions dominated by the Democratic Party. This socioeconomic factor, combined with Bryan's political entrepreneurship, proved more decisive in shaping party theories of economic intervention at the turn of the twentieth century than the political institutional theory, which predicted stasis.

While the Democrats continued to advocate populist measures in the early twentieth century, they still retained their Jeffersonian commitment to limited government, and this tension prevented them from becoming the programmatic reform party that they later became under FDR and LBJ. Although both parties had more and less interventionist factions within their heterogeneous coalitions, Republican Party ideology included a theory of governance that called for more national government power than Democratic Party ideology. Thus, the Republican theory of economic intervention was more interventionist than the Democratic theory. Herbert Croly noticed this difference in the parties when he described the differences between William Jennings Bryan and Theodore Roosevelt:

The whole tendency of [TR's] programme is to give a democratic meaning and purpose to the Hamiltonian tradition and method. He proposes to use the power and the resources of the Federal government for the purpose of

making his countrymen a more complete democracy in organization and practice; but he does not make these proposals, as Mr. Bryan does, gingerly and with a bad conscience. He makes them with a frank and full confidence in an efficient national organization as the necessary agent of the national interest and purpose. He has completely abandoned that part of the traditional democratic creed which tends to regard the assumption by the government of responsibility, and its endowment with power adequate to the responsibility as inherently dangerous and undemocratic (Croly 1909, 169).

Because the country as a whole moved in favor of social democratic reforms and government regulation of the economy in the 1890s-1910s, both major parties moved in this direction. However, the Republicans' theory of governance facilitated TR's bold advocacy in this direction.

## 6.2.3 Party Ideology Development, 1908-1932

While the GOP had returned to being more interventionist than the Democrats during the Roosevelt administration, the presidential election of 1912 would interrupt this normal development of party ideologies. When TR chose not to run for re-election in 1908, he turned the presidency over to his protégé William Howard Taft, who agreed with TR's approach "in all essentials of policy," and whom TR hoped would have better success in putting their "principles into practice" (T. Roosevelt 1904, 1043-44). In some respects, Taft was even more receptive to the progressive factions of the party than Roosevelt (Skowronek 1997, 240-43). However, when Taft pressed the antitrust case against U.S. Steel, after TR had declined to do so for particular reasons that he took great pains to articulate, the former president took this as a personal insult to his progressive credentials. Furthermore, when the Republican coalition of Old Guard conservatives and Progressive reformers began coming apart during the Taft administration, TR decided to seek the party's 1912 nomination to reunify the party. Failing at that, TR bolted from the party and a new Progressive Party formed around his "Bull Moose" campaign. By taking the progressive wing of the GOP with

him into the Progressive Party, TR made the Republican Party much less progressive than it was, and no more progressive than the Democratic Party. Thus, the 1912 election featured a radically progressive candidate in the Progressive Party, a moderately progressive candidate in the Republican Party, and a moderately progressive candidate in the Democratic Party.<sup>41</sup>

Although the Democratic Party had adopted many populist and progressive reforms into its party ideology since the 1890s, in 1912 they still celebrated the "principles of Thomas Jefferson," and they still criticized Republican extravagance in taxing and spending (Democratic National Convention 1912). The Republican Party, on the other hand, continued to fill its platform with planks about labor laws and infrastructure projects. The GOP "has been genuinely and always a party of progress; it has never been either stationary or reactionary. It has gone from the fulfillment of one great pledge to the fulfillment of another in response to the public need and to the popular will...It is prepared to go forward with the solution of those new questions, which social, economic, and political development have brought into the forefront of the nation's interest" (Republican National Convention 1912). Nonetheless, to show its opposition to the new Progressive Party, and to the radical campaign of its candidate, the 1912 platform was the first in party history to voice limitations on government power. Specifically, the platform defended the freedom of the individual to control "his own justly acquired property."

Although we remember the Wilson administration for its leadership in passing progressive legislation to intervene in the economy, Wilson governed as an interventionist much more than he campaigned as one. The 1912 Democratic Party platform was not very interventionist in comparison with the Progressive and Republican Party platforms.

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<sup>&</sup>lt;sup>41</sup> As TR explained at the time of the election, "Wilson and Taft both fervidly announce themselves as Progressives, and as regards most of our principles they make believe to be for them, and simply to disagree with us as to the methods of putting them into effect" (T. Roosevelt, Letter to Gifford Pinchot 1912).

However, Wilson, "whose New Freedom Campaign was far more sympathetic to the decentralized state of courts and parties than TR's, felt compelled—or saw the opportunity—as president, to govern as a New Nationalist Progressive" (Milkis 2009, 25). Between 1913 and 1920, the Democratic Party changed its ideology to justify the interventionist legislation passed by the unified Democratic government. Similarly, the Republican Party changed its ideology to become less interventionist on economic policy to criticize the legislation passed by a unified Democratic government. While Wilson could have chosen to govern as a progressive outside of the party, he chose instead to make the Democratic Party progressive (Milkis 1993, 30). During the Wilson administration, the Democrats came around to the positions of the GOP on defense spending, merchant marine subsidies, women's suffrage, federal funding for education, government subsidies, and internal improvements, despite having criticized Republicans on these very issues in earlier platforms.

In contrast, the 1916 GOP platform was the first in party history to include "free-market" language (the Democrats, in contrast, had used this discourse going back to the 1830s):

The Republican party believes that all who violate the laws in regulation of business, should be individually punished. But prosecution is very different from persecution, and business success, no matter how honestly attained, is apparently regarded by the Democratic party as in itself a crime. Such doctrines and beliefs choke enterprise and stifle prosperity. The Republican party believes in encouraging American business as it believes in and will seek to advance all American interests (Republican National Convention 1916).

The 1916 platform criticized the Democrats for wasteful spending in national budgeting and for proposing government ownership of the merchant marine instead of just subsidies. In 1919-20, the Republican Congress repealed Democratic war-time legislation by privatizing the railroads and telegraph and telephone lines. The 1920 platform was the first in

Republican Party history to criticize the expansion of the national government. Reminiscent of Democratic rhetoric during Reconstruction, the GOP platform specifically criticized the Democrats for continuing war-time measures after the end of World War I.

Just as in the 1890s, however, these changes in party theories of economic intervention were not permanent. During the 1920s, Republicans returned to the economic interventions they had pursued before the Wilson administration, and their party ideology followed suit—but this return took longer than we might otherwise have expected. The succession to the presidency of Calvin Coolidge, upon the death of Warren Harding, helped stall the party's ideological development. Like Madison and Taft before him, Coolidge's singular commitment to constitutional government caused him to act with more trepidation toward national government power than we would otherwise expect given his party's institutional position. <sup>42</sup> By the time the party nominated progressive politician Herbert Hoover to the presidency, however, the GOP had returned to being distinctively more interventionist than the Democrats.

A content analysis of party platforms going back to 1920 demonstrates this point. To measure how interventionist the Republican and Democratic Party platforms have been on economic policy, I created a novel index of "economic intervention scores" for each platform using the Manifesto Project Dataset's coding of platform sentences (Volkens, et al. 2015). Each platform's score represents the net percentage of the platform's quasi-sentences advocating economic intervention. To calculate this score, the total percentage of sentences calling for less intervention (based on six MPD categories) was subtracted from the total percentage of sentences calling for more intervention (based on 14 MPD categories). In 1920

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<sup>&</sup>lt;sup>42</sup> Skowronek (1993) lists Coolidge as one of "three hard cases," along with Cleveland and Eisenhower. Just as he did not act in accordance with his place in political time in Skowronek's model, he did not act in accordance with his place in control of unified government in this dissertation's model.

and 1924, the Democratic Party platforms advocated more economic intervention than the Republican Party platforms, but in 1928 and 1932, the Republicans advocated for more intervention. However, in every presidential campaign since 1936, the Democratic Party platform has advocated for more intervention than the GOP platform (see Appendix 1).

The 1924 GOP platform modestly listed a few of its many economic interventions, but the 1928 platform boasted of the party's interventions. Specifically, the GOP emphasized the Republican government's tariff protections of American labor, reclamation of arid lands, the expenditure of \$325m "for the construction of flood control works," the expansion of the Department of Agriculture, the expansion of Rural Free Delivery routes by the Post Office, and emergency relief administred by Secretary of Commerce Herbert Hoover in the wake of the Mississippi Valley flood. In the 1932 platform, the GOP peaked in its justification and celebration of economic intervention. Echoing Croly's celebration of Progressive interventions in the economy to solve the problems of the industrial age, and foreshadowing LBJ's rhetoric concerning a war on poverty, the Republican Party announced: "Republicans, collectively and individually, in nation and State, hereby enlist in a war which will not end until the promise of American life is once more fulfilled." The platform listed as its accomplishments, among other programs, stimulus spending toward private and governmental construction, the creation of the National Credit Association, the creation of the Railroad Credit Corporation, the increased injection of capital to federal land banks, the creation of the Reconstruction Finance Corporation, the enlarged powers of the Federal Reserve System, the coordination of public and private relief agencies, government aid to agriculture, aid to veterans, and labor reforms. The platform then concluded with a long list of calls for more intervention in bank regulation, monetary policy, home loans, labor legislation, transportation, and internal improvements, among others.

The Democrats, like the Republicans, also returned to their pre-Wilsonian ideology in the 1920s. The platforms of the 1920s repeatedly criticized the Republicans for not repealing, in peace time, the high taxes which the Democrats had "devised under pressure of imperative necessity to produce a revenue for war purposes." The 1928 Democratic platform criticized high Republican tax rates not only because of the costs to individuals, but because of the disincentive it provides to business and because of the extravagence it leads to in government expense:

The taxing function of governments, free or despotic, has for centuries been regarded as the power above all others which requires vigilant scrutiny to the end that it be not exercised for purposes of favor or oppression... tax burdens which, if not unendurable, do in fact check initiative in enterprise and progress in business. Taxes levied beyond the actual requirements of the legally established sinking fund are but an added burden upon the American people, and the surplus thus accumulated in the federal treasury is an incentive to the increasingly extravagant expenditures which have characterized Republican administrations. We, therefore, favor a further reduction of the internal taxes of the people (Democratic National Convention 1928).

Democrats not only criticized Republicans for taxing, but also for too much regulation and spending. They criticized Coolidge for proposing relief to agriculture "through a reduction of American farm production"—a policy that the party itself would advocate during the New Deal. After the onset of the Depression, Democrats blamed the GOP's big government policies and called for "an immediate and drastic reduction of governmental expenditures" and "the removal of government from all fields of private enterprise" (Democratic National Convention 1932). Thus, it is no surprise that candidate Franklin Roosevelt, on the campaign trail, "argued that Hoover had given the nation too much government and his program was busting the budget" (Skowronek 1997, 282).

By nominating Herbert Hoover as their candidate in 1928 and 1932, the Republican Party demonstrated its progressive bona fides. Contrary to the myth of Hoover as a *laissez* 

faire, stand-pat of the Old Guard, he was an active, progressive politician with confidence that government could solve the problems of economic depression. Hoover not only followed TR into the Progressive Party in 1912 and served as a progressive in the Wilson administration; he pursued activist, interventionist, and progressive policies while president, too:

Far from ignoring the severity of the situation, he employed the metaphors of wartime to combat it and became the first American president to meet a downturn in the business cycle with massive governmental interventions. Far from being shocked into paralysis, he secured virtually all his major proposals, including some critical departures from past practice. Far from standing fast against innovation, his administration anticipated much of what would occur during the early years of the New Deal (Skowronek 1997, 261).

During the 1920s and early 1930s, the Republican and Democratic Parties developed their theories of governance and economic intervention in accordance with their institutional positions.

# 6.3 Coding the Republican Era of Civil War, Reconstruction, and Progressivism

Over the course of seven decades, from the Civil War to the Great Depression, the parties largely developed their ideologies as predicted by the political institutional theory. However, the 1890s and 1910s stand out as exceptions to this general trend. In the 1890s, the Democratic Party's adoption of the populist movement caused it to become as interventionist as the Republican Party even though the Democrats only had control of unified government for one Congress (1893-94). Similarly, in the 1910s, the Democratic Party's adoption of progressive-style legislation during the Wilson administration caused it to become as interventionist as the Republican Party even though the Democrats only had control of unified government for two Congresses (1913-16). Given these developments,

which were not predicted by the theory, I do not code this era's ideological changes as developing in accordance with the hypothesis. While one could argue that, overall, the parties developed as expected, I only code an era as following the logic of the political institutional theory if the ideologies clearly and consistently developed as expected. There is enough ambiguity during this era that it does not meet the exacting standards of this test.

## 7 Democratic New Deal, Great Society, and Polarization, 1933-Present

The history of American party ideologies since 1933 is known well enough that it does not need to be recited in detail here. The relative positions that the two parties staked out on economic intervention in the mid-1930s are the relative positions that the parties hold today. During FDR's New Deal, the Democratic Party intervened in the economy more than either party had ever before advocated. In doing so, the Democrats repudiated their previous theory of governance, opposed to national government power, and their previous theory of economic intervention. Likewise, the Republicans moved away from their previous commitment to national government power, and criticized the New Deal in language that was similar to the rhetoric used by Democrats during the Hoover administration.

The Democrats took control of unified government in 1933 and held onto unified control through 1946. Since that time, the parties have alternated between divided government, short-term control for the Republicans and Democrats, and long-term control for the Democrats. Without a change in long-term party control of unified government since the New Deal, the political institutional theory of party ideology development predicts that the two parties will maintain their relative positions on national government power and economic intervention. This is exactly what we have observed.

The GOP has taken control of unified government twice, for brief periods of time, since 1933. Both instances showed Republicans governing more as nationalists and interventionists than we would have expected from the party's ideology, but the party's control of unified government never lasted long enough to expect changes in its theory of economic intervention. In 1954 a Republican Congress passed, and President Eisenhower signed, an expansion of social security that increased benefits and covered 10 million more people. The Republicans also passed the St. Lawrence Seaway and the Housing Acts of 1954. We would not have expected these economic interventions given the party's theory of governance and theory of economic intervention in the late 1940s and early 1950s, but this exercise of government power did not continue long enough to result in any durable change in party ideologies. Similarly, in 2003, a Republican Congress passed, and President George W. Bush signed, an expansion of Medicare by \$400 billion. The Republicans also passed legislation appropriating \$286 billion for transportation infrastructure and \$29 billion for Hurricane Katrina relief. Once again, we would not have expected these economic interventions given the party's theories of governance and economic intervention in the late 1990s and early 2000s, but this exercise of government power did not continue long enough to result in any durable change in party ideologies.

In an era where divided government is the norm, party ideologies have remained unchanged. As a result, American politics has been characterized by ideological stasis, calcification, and polarization. We are currently witnessing the longest period in American history without a change in long-term party control of unified government. In this situation, it is unlikely that the two parties will moderate their opposing ideologies.

#### **8 Conclusion**

American history can be divided up into five eras based on long-term party control of unified government, and this gives us five predictions about party ideology change. In every period but one, the parties' theories of economic intervention evolved as expected (see Table 2). The hypothesis that changes in long-term party control of unified government lead to changes in party theories of economic intervention was not falsified by the foregoing historical institutional analysis. However, the number of cases is so few (just five) that we need to observe more empirical implications of the theory before we can feel confident in the explanatory power of the political institutional theory. In the subsequent chapters we will see if changes in long-term party control of the presidency help explain changes in party theories of foreign intervention, and if changes in long-term party control of the Supreme Court help explain changes in party theories of judicial intervention.

Table 2: Party Control of Unified Government and Party Theories of Economic Intervention (Expectations with Results)

	intervention (Expectations with Results)							
	Time Period	Independent Variable: Change in Long-Term Party Control of Unified Government	Dependent Variable: Expected Change in Relative Party Ideologies	Dependent Variable: Change in Relative Party Ideologies as Expected?				
1	Federalist Era 1789-1800	Government Divided between Federalists and Republicans	Federalists and Republicans should maintain their relative positions on intervention	Yes: Federalists remained more interventionist than Republicans				
2	Jeffersonian Era and Era of Good Feelings 1801-1824	Republican Government	Republicans should move more toward intervention than the Federalists	Yes: Republicans became as interventionist as Federalists				
3	Emergence of Mass, Two-Party System and Competitive Politics 1825-1860	Government Divided between Democrats and Whigs	Democrats and Whigs should maintain their relative positions on intervention	Yes: Democrats remained less interventionist than National Republicans and Whigs				
4	Civil War, Republican Reconstruction, Gilded Age, Progressive Era 1861-1932	Republican Government	Republicans should move more toward intervention than the Democrats	No: Republicans were not clearly and consistently more interventionist than Democrats				
5	Democratic New Deal, Great Society, and Party Polarization 1933-present	Democratic Government	Democrats should move more toward intervention than the Republicans	Yes: Democrats became more interventionist than Republicans				

Appendix 1: Level of Economic Interventionism in Major Party Platforms by Year, 1920-2012

Year	Democratic Party score	Republican Party score	Party Difference
1920	8.68	6.57	2.11
1924	18.38	4.20	14.18
1928	14.55	16.06	-1.51
1932	9.68	12.05	-2.38
1936	14.97	10.88	4.09
1940	20.54	-3.61	24.15
1944	10.09	3.21	6.88
1948	20.40	3.71	16.69
1952	33.60	-10.00	43.60
1956	30.50	11.80	18.70
1960	24.40	17.10	7.30
1964	23.80	-5.50	29.30
1968	22.40	14.00	8.40
1972	18.50	14.90	3.60
1976	24.80	1.80	23.00
1980	36.20	2.60	33.60
1984	29.00	-3.80	32.80
1988	26.10	6.60	19.50
1992	24.87	4.99	19.88
1996	26.69	14.51	12.18
2000	34.56	10.72	23.85
2004	23.58	8.05	15.53
2008	20.12	11.72	8.40
2012	20.88	1.31	19.57

Note: Party intervention scores calculated from the category coding of Democratic and Republican Party platforms retrieved from the Project Manifestos Database (Volkens, et al. 2015).

### CHAPTER 3

### THE PRESIDENCY AND

### PARTY THEORIES OF FOREIGN INTERVENTION

We can't be all things to all people in the world, Jim. And I think that's where maybe the Vice President and I begin to have some differences. I'm worried about over-committing our military around the world. I want to be judicious in its use. You mentioned Haiti. I wouldn't have sent troops to Haiti. I didn't think it was a mission worthwhile. It was a nation-building mission. And it was not very successful. It cost us a couple billions of dollars and I'm not sure democracy is any better off in Haiti than it was before.

—George W. Bush (2000)

#### 1 Introduction

In the 2000 U.S. presidential debates between George W. Bush and Al Gore, Governor Bush criticized Vice President Gore for his role in the Clinton Administration's foreign interventionism. He pledged, instead, to have a "humble" foreign policy that would be judicious in its use of the American military. A president-elect Bush would differ from the Democratic administration by not engaging in costly, nation-building missions that left the invaded country no better off than it was before. The foreign policy positions of the two candidates in this debate were not surprising. They represented the two different ideologies of the parties during the Clinton administration: Democrats defending U.S. intervention in world affairs and Republicans arguing for less intervention (Schlesinger 1995).

From our contemporary standpoint, we know that the parties changed positions in the ensuing years. Just a few years later, during the Iraq War, the Democratic Party was criticizing the Republican administration for reckless war making, "over-committing our military around the world," a foolish "nation-building mission," and wasting American money and lives. This change was not only reflected in elite discourse, but also in the attitudes of ordinary party identifiers. The American National Election Studies regularly asks Americans whether they agree or disagree with the statement that "this country would be better off if we just stayed home and did not concern ourselves with problems in other parts of the world." In 1998, more Democrats than Republicans disagreed with that isolationist stance. However, by 2002, significantly more Republicans than Democrats disagreed with that statement.

This evolution in Republican Party ideology, becoming more interventionist, and the corresponding change in the Democratic Party, becoming less interventionist, is just one of numerous instances in American political history of the two major parties changing their positions, rhetoric, and ideologies with regard to foreign policy. As students of American politics, how should we understand these developments? Are there any structural factors at work that can help explain when, why, and how party positions, rhetoric, and ideas change over time? Or, are these changes simply the product of historical contingency? Most scholars of American party ideologies have focused on party ideas about "economic redistribution" or how active the federal government should be in managing the economy—what spatial modelers often call the "first dimension" of political ideology (Poole and Rosenthal 2007, 5, 8). This aspect of party ideology was treated in chapter 2, but this chapter focuses on party

theories of foreign intervention, which have received less attention by students of American political parties and ideologies, but are also important to understand.<sup>43</sup>

Those who have studied party ideas about foreign policy have drawn a number of important conclusions, but none have tried to explain how these party ideologies evolve over time. For example, scholars of international relations have focused on the importance of elite ideology in determining American foreign policy, but have paid less attention to parties (Holsti 2006, Nau 2013). Early public opinion scholarship argued that Americans attitudes toward foreign policy were largely incoherent: they lacked "intellectual structure and factual content" (Almond 1950, 56),44 and they lacked ideological constraint (Campbell, Converse, et al. 1960, Converse 1964). Later scholarship argued that the electorate's foreign policy views were not so incoherent: they may not be structured by liberal-conservative ideology, but they are structured by values about the international community (Hurwitz and Peffley 1987). Furthermore, voters are able to distinguish between the presidential candidates on foreign policy issues, and voters' foreign policy attitudes influence their vote choice (Aldrich, Sullivan and Borgida 1989). Recent scholars have even begun to argue that foreign policy attitudes are, in fact, structured by liberalism and conservatism, which, in turn, are determined by psychological and personality traits (Gries 2014). Given that the two political parties today have sorted between liberals and conservatives, then, these psychological attributes determine the parties' ideologies, including their views on foreign policy.<sup>45</sup>

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<sup>&</sup>lt;sup>43</sup> One myth that has limited modern scholarship on party ideologies concerning foreign policy is the idea that "party lines stop at the water's edge" (T. Roosevelt 1907). This phrase, a wishful thought coined by President Theodore Roosevelt and popularized in the 1948 presidential campaign by President Truman and Senator Vandenberg, has been taken by many as a description of normal American politics (Page and Bouton 2006, Busby, Monten and Inboden 2012)—which has only recently been violated (Lieber 2014, Myre 2015). In truth, as this chapter will show, this phrase rarely describes the nature of American party politics.

<sup>44</sup> See, also, Lippmann 1955.

<sup>&</sup>lt;sup>45</sup> In order to show the connection between ideology and foreign policy attitudes, Gries complicates the traditional liberal-conservative spectrum by identifying different dimensions of liberalism and conservatism: cultural, social, economic, and political

While contemporary scholars have admitted that ideology matters in determining who gets elected and what foreign policies government officials pursue, this scholarship, in general, takes a snapshot view of parties, ideology, and foreign policy, rather than a moving picture view (Pierson 2004). The scholarship that *has* examined party foreign policies over time has argued for stasis rather than dynamism. Like the Progressive historians who argued that underlying ideological commitments give coherence to changes in party theories of economic intervention (Croly 1909, Turner 1911, Beard 1928, Schlesinger 1945, Hartz 1955), recent scholarship has argued that underlying ideological commitments give coherence to changes in party theories of foreign intervention (Dueck 2010).

This chapter aims to add to this literature by focusing on the changes we observe in party ideas about foreign policy. First, drawing on the political institutional theory of American party ideology development outlined in chapter 1, it hypothesizes that change in party control of the presidency can help explain change in party theories of foreign intervention. Second, in nine empirical sections, it traces changes in party control of the presidency, and changes in party theories of foreign intervention, since 1900 to see if this polity-centered factor can improve our understanding of party ideology development.

### 2 Hypothesis: The President and the Parties' Ideologies

This chapter examines whether a party in long-term control of the presidency tends to develop its ideology in a way that advocates for relatively more presidential power and foreign intervention. A party's advocacy of more foreign intervention includes calls for declaring war on foreign nations, sending troops into international conflicts, funding and otherwise aiding foreign nations, increasing spending on the military to prepare for foreign

conflict, and greater involvement in international organizations that intervene in foreign affairs. This interventionist position has taken on many different names including internationalism, realism, nation-building, entanglements, humanitarianism, spreading democracy, hawkishness, spreading peace, or imperialism—depending on if it is being praised or criticized. Similarly, a party's advocacy of less foreign intervention includes opposition to declaring war on foreign nations, to sending troops into international conflicts, to funding and aiding foreign nations, and support for remaining neutral in international conflicts, decreasing spending on the military, and less involvement in international organizations that intervene in foreign affairs. This position has also assumed many different names, including isolationism, realism, pacifism, or dovishness—depending on if it is being praised or criticized.

Changes in long-term party control of the presidency often lead to changes in party theories of foreign intervention through a series of steps. First, presidents almost always exercise the powers at their disposal in accordance with their party's existing theory of ends. Second, to justify the exercise of these powers, parties in control the presidency usually develop their theories of governance in ways that advocate for more presidential power and administrative centralization. Likewise, opposition parties usually develop their theories of governance in ways that advocate for limited presidential power and administrative decentralization. Third, given that intervening in foreign affairs is one of the primary powers that parties in control of the presidency can exercise, parties in power often develop their theories of foreign intervention in ways that call for more intervention, while parties in opposition often develop their theories in ways that call for less. <sup>46</sup> Fourth, on occasion, these

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<sup>&</sup>lt;sup>46</sup> It is possible that politicians could exercise the power at their disposal by not intervening, or by even shrinking the military, but this is rare in American politics. Much more often, politicians simply use the power at their disposal to intervene in pursuit of different ends than their predecessors.

changes in theories of governance and theories of foreign intervention lead to changes in theories of ends and ideological foundations.

#### 2.1 Dependent Variable: Relative Change in Party Ideologies

As noted before, the dependent variable measures change in the *relative movement* of party positions with regard to more or less presidential power and foreign intervention. For example, at the start of the Eisenhower administration in 1953, Democratic Party ideology called for more foreign intervention than Republican Party ideology. Since the Republican Party took long-term control of the presidency between 1953 and 1960, this chapter predicts that the Republican Party will change its ideological position to move further in the direction of more foreign intervention than their Democratic opponents. The prediction is not necessarily that the two parties will actually switch positions in ideological space (although that is possible), but that the gap between the two parties will at least narrow. Furthermore, it is possible that, due to secular shifts in American history, that both parties moved in the direction of more foreign intervention during this period. Within this general movement by society at large, however, this theory predicts that the Republican Party will move further in that direction than the Democratic Party. Thus, it is the *relative movement* of the two parties' ideologies that is being measured rather than their *absolute positions*.

# 2.2 Independent Variable: Change in Long-Term Party Control of the Presidency

As explained in the introductory chapter, the political institutional theory of party ideology development focuses on changes in *long-term* party control. This chapter defines "long-term" party control of the presidency as two or more consecutive terms. In identifying

periods of change in long-term party control, I am specifically searching for moments when the new institutional configuration is in tension with the existing party ideologies. Thus, a party's institutional position may shift from a long period of control to a short period of opposition and back to another long period of control, but this would not represent a new party taking long-term control. This is what happened to the presidency between 1969 and 1992. Republicans had long-term control from 1969 to 1976, Democrats had short-term control from 1977 to 1980, and Republicans regained long-term party control from 1981 to 1992. Only the change in 1969, but not the changes in 1977 or 1981 represented a change in long-term party control of the presidency.

#### 2.3 Observations

Since this dissertation focuses on *long-term* party control of government institutions, in order to record enough observations to be able to draw conclusions about a trend, it must look at long stretches of U.S. history. This chapter examines party control of the presidency and party ideologies between 1897 and 2008 because the turn of the twentieth century represented a new era of American foreign affairs. These 11 decades of U.S. history yield 9 observations of long-term change in party control of the presidency (see Table 1). The following sections will examine whether these changes coincide with changes in party theories of foreign intervention in the expected way.

Table 1. Party Control of the Presidency and Party Theories of Foreign Intervention (Expectations)

	Time Period	Independent Variable: Change in Long-Term Party Control of the Presidency	Dependent Variable: Expected Change in Relative Party Ideologies
1	Progressive Era and Republican Empire 1900-1912	Republican Presidents	Republicans should move more toward intervention than the Democrats
2	World War I and Wilsonian Internationalism 1913-1920	Democratic President	Democrats should move more toward intervention than the Republicans
3	Interwar Era 1921-1932	Republican Presidents	Republicans should move more toward intervention than the Democrats
4	Democratic New Deal and World War II 1933-1952	Democratic Presidents	Democrats should move more toward intervention than the Republicans
5	Republican Anti- Communism 1953-1960	Republican President	Republicans should move more toward intervention than the Democrats
6	Democratic Cold War 1961-1968	Democratic Presidents	Democrats should move more toward intervention than the Republicans
7	Republican Cold War 1969-1992	Republican Presidents	Republicans should move more toward intervention than the Democrats
8	Clinton Internationalism 1993-2000	Democratic President	Democrats should move more toward intervention than the Republicans
9	Bush War on Terror 2001-2008	Republican President	Republicans should move more toward intervention than the Democrats

#### 3 The Progressive Era and Republican Empire, 1897-1912

Between 1897 and 1912, the Republican Party controlled the presidency, and the two parties' ideologies developed as expected. Republicans developed a theory of governance that involved a strong presidency—typified in the administration of Theodore Roosevelt—and an increasingly interventionist theory of foreign intervention. In contrast, Democratic criticisms of presidential power became a central aspect of party platforms and rhetoric. At the same time, the Democratic Party's theory of intervention, articulated by William Jennings Bryan, became more critical of U.S. military interventions and imperialism than it had ever been before.

#### 3.1 Historical Context of the Progressive Era

The turn of the twentieth century was a time of imperial American foreign policy. This represented an important secular shift in public ideology, with respect to foreign intervention, from the early American republic when Americans largely wished to be left alone by foreign powers (Schlesinger 1995). Over the course of the nineteenth century, American ideology—including both major parties—became more interventionist on foreign policy for a variety of reasons, including the American appetite for territorial expansion and the rise of American economic and military power. During that time, the U.S. stopped fearing the military prowess of the nations of Europe and took its place as a leading world power itself.

In 1898, the American public supported, Congress declared, and the president executed war with Spain over its colonial possessions. American victory in the war resulted in the acquisition of Spain's colonies, and further embroiled the United States in foreign interventions in the years following. The Spanish-American War, and the issue of American

territorial expansion, provided a foreign policy issue over which the parties could debate and distinguish themselves and their principles. Political scientist Woodrow Wilson, who had previously complained about Congressional government and the lack of executive statesmanship in the United States (Wilson 1885), recognized in a later edition of his book that the emergence of American imperial foreign policy during the McKinley administration had transformed the presidency, from the weak institution that had been subject to Congressional control in the 1870s and early 1880s, to a strong executive which "may put this whole volume hopelessly out of date" (Wilson 1901). President McKinley, along with Roosevelt and Bryan, were three of the party entrepreneurs most involved in developing their parties' ideologies during this period.

#### 3.2 Party Control of the Presidency and Party Ideology Development

In the half century between 1860 and 1912, just one Democrat was elected president. In long-term control of the presidency, the Republican Party's theory of governance called for a strong executive. While Lincoln articulated the doctrine of executive discretion most intelligently, by the first decade of the twentieth century, the party's ideas about executive power had expanded and been influenced by the ideas of executive power propounded by Theodore Roosevelt (Yarbrough 2012). TR's presidency, and his "bully pulpit," marked, in many ways, the arrival of the modern, powerful executive in American politics. By the end of his presidency, TR had moved his party's theory of governance a long way from the Whig Party of the 1830s-50s and the Republican Party that impeached Andrew Johnson. 47 While

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<sup>&</sup>lt;sup>47</sup> The party's theory of governance can probably be best described as somewhere between the more radical view of executive power held by Roosevelt and the more conservative view of executive power held by his successor William Howard Taft. While TR's theories were not the reining ideology in the party, the GOP had a

the Whigs adopted their party name to indicate their opposition to executive power,
Republicans at the turn of the twentieth century created the modern, strong executive with
Presidents McKinley and Roosevelt.

The Democratic Party's theory of governance, in contrast, developed in a way that called for a constrained executive. This was a change from the antebellum period in which Jackson's Democratic Party advocated more presidential power than the Whigs. However, living in the presidential wilderness for more than 40 years since the Civil War had an impact on the Democratic Party. The 1904 party platform dedicated an entire section to a criticism of "Executive Usurpation":

We favor the nomination and election of a President imbued with the principles of the Constitution, who will set his face sternly against executive usurpation of legislative and judicial functions, whether that usurpation be veiled under the guise of executive construction of existing laws, or whether it take refuge in the tyrant's plea of necessity or superior wisdom (DNC 1904).

The 1908 platform criticized the exponential growth in the number of executive-appointed office-holders. In contrast to this spoils system, the Democrats promised "economy in administration." Finally, the 1912 platform, at the height of Democratic anti-presidential ideology, went so far as to call for a constitutional amendment that would limit presidents to just one term.

Party control of the presidency also led to changes in party theories of foreign intervention. The 1900 GOP platform celebrated America's intervention in the Caribbean on the grounds that the U.S. was spreading freedom to Cuba: the Republican Administration "conducted and in victory concluded a war for liberty and human rights...To ten millions of the human race there was given a 'new birth of freedom' and to the American people a new

much different view of executive power by 1912 than it had at the start of its long-term control of the White House in 1861.

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and noble responsibility" (RNC 1900). After his heroics with the "Rough Riders," Roosevelt became McKinley's Vice President, and soon assumed the Presidency. TR helped nurture the GOP's interventionist foreign policy, which included a willingness to have the United States exercise "an international police power" (T. Roosevelt, Fourth Annual Message 1904).

At the same time that the GOP peaked in its interventionist foreign policy with Roosevelt, the Democratic Party moved in the other direction by nominating the outspoken critic of imperialism William Jennings Bryan in 1896, 1900, and 1908. During the second half of the nineteenth century, the Democratic Party had turned its back on the expansionism and imperialism it advocated in the 1840s and 50s. As a party dominated by rural farmers in the South and West, it absorbed the Populist Party and became increasingly hostile to the internationalism of the urban Eastern elites who made up the Republican Party. The 1900 platform specifically denounced America's interventions in the Philippines: "We condemn and denounce the Philippine policy of the present administration. It has involved the Republic in an unnecessary war, sacrificed the lives of many of our noblest sons, and placed the United States, previously known and applauded throughout the world as the champion of freedom, in the false and un-American position of crushing with military force the efforts of our former allies to achieve liberty and self-government." It also condemned "militarism" in general, arguing, in an echo of the Jeffersonian Republicans, that a large standing army is a threat to freedom and requires burdensome taxes (DNC 1900). The 1904 platform dedicated an entire section to what it called "imperialism":

We favor the preservation, so far as we can, of an open door for the world's commerce in the Orient without unnecessary entanglement in Oriental and European affairs, and without arbitrary, unlimited, irresponsible and absolute government anywhere within our jurisdiction. We oppose, as fervently as did George Washington, an indefinite, irresponsible, discretionary and vague absolutism and a policy of colonial exploitation, no matter where or by whom invoked or exercised. We believe with Thomas Jefferson and John Adams, that no Government has a right to make one set of laws for those "at

home" and another and a different set of laws, absolute in their character, for those "in the colonies" (DNC 1900).

The platform further criticized the Roosevelt administration for making war without Congressional approval. Like the Whigs of the nineteenth century, the Democrats were now invoking George Washington's non-interventionist rhetoric.

In the first decade of the twentieth century, the Republican and Democratic Parties had distinct ideologies in accordance with GOP control of the presidency. The Republican Party's theory of governance advocated for a strong president, while the Democratic Party's theory of governance criticized "executive usurpation." The GOP's theory of foreign intervention advocated for a strong international presence and a "big stick," while the Democratic theory of foreign intervention criticized "imperialism" and "militarism."

# 3.3 Other Factors that Explain Party Ideology Development in the Progressive Era

Party control of the presidency is not the only reason that party theories of foreign intervention developed the way they did at the turn of the twentieth century. Society-centered factors also help explain this development. The Republican Party's geographic base was in the Northeast where many Republican businessmen involved in international trade would benefit from an imperial American foreign policy. Likewise, the Democratic Party's geographic base was in the South and West, where farmers were less interested in international exploits. This socioeconomic factor worked in concert with the two parties' institutional positions, and helped the party ideologies develop in the expected way.

#### 4 World War I and Wilsonian Internationalism, 1913-1920

Between 1917 and 1918, American casualties in the Great War cooled the American appetite for military conflict. This critical juncture revived a strain of non-interventionism and isolationism that persisted in American culture for a quarter century until World War II. Both parties became less interventionist than they had been in the preceding decades. Nonetheless, party control of the presidency helped shape how the ideologies of the two parties developed in relation to each other within this broader sphere. During the two presidential terms of Woodrow Wilson, the Democratic Party came to embrace presidential power, and relatively more foreign intervention, while the GOP adopted the anti-internationalist rhetoric of isolationist Americans like Bryan.

#### 4.1 Party Control of the Presidency and Party Theories of Governance

After finally winning control of the White House, the Democratic Party stopped advocating for a constitutional amendment to bar presidents from running for re-election. They also stopped talking about executive usurpation. Woodrow Wilson was one of the nation's leading theorists of a strong presidency in the American constitutional system. He called for a leader democracy in which the president would lead responsible party government. Symbolic of his efforts to strengthen the presidency, Wilson became the first president since the eighteenth century to deliver the State of the Union Address in person. Upon reaching the conclusion of the 1916 platform, the Democratic Party exclaimed that "Woodrow Wilson stands to-day the greatest American of his generation" (DNC 1916). The party entrepreneurship of Woodrow Wilson, who just happened to have a background as a political scientist advocating for executive power, allowed the Democratic Party to change its theory of governance relatively quickly.

The Republicans, on the other hand, were slower to change their theory of governance and did not immediately switch to criticizing presidential power. However, by 1920, the GOP's theory of governance called for a constrained executive. Specifically, the Republican Party platform criticized President Wilson for executive "usurpation" and for continuing to exercise the emergency powers of the president after the end of the Great War: "The President clings tenaciously to his autocratic war time powers. His veto of the resolution declaring peace and his refusal to sign the bill repealing war time legislation, no longer necessary, evidenced his determination not to restore to the Nation and to the State the form of government provided for by the Constitution. This usurpation is intolerable and deserves the severest condemnation" (RNC 1920).

#### 4.2 Party Control of the Presidency and Party Theories of Foreign Intervention

As the two parties' theories of governance changed, so did their theories of foreign intervention. World War I acted as a catalyst in this process by ensnaring the parties in debate over foreign policy. In 1913, Democrats were still employing the rhetoric and ideology of anti-imperialism that they had been using since Reconstruction. Shortly after taking office, Democratic President Woodrow Wilson promised a non-interventionist crowd in Alabama that "the United States will never again seek one additional foot of territory by conquest" (Wilson 1913). However, Wilson's ideology, and the ideology of the Democratic Party he led, changed on foreign policy over the course of his administration.

After assuming office, President Wilson intervened more internationally than his party's previous attitudes toward foreign intervention would have indicated, and a change in the party's theory of foreign intervention followed. This change, though, only occurred after factional in fighting, which demonstrates the difficulty of changing a political structure like a

party's ideology. In April 1914 Wilson sent troops to occupy Veracruz in response to the Tampico Affair, and in July 1915 Wilson sent 330 U.S. Marines to occupy Haiti to protect American business interests. When it became apparent, in 1915, that Wilson's diplomacy was leading America into intervening in the Great War in Europe, anti-war Secretary of State William Jennings Bryan resigned from Wilson's cabinet. As Wilson ran for re-election in 1916, the Democratic Party's platform showed signs of its change on foreign policy.

It is the duty of the U.S. to use its power...to assist the world in securing settled peace and justice...The circumstances of the last two years have revealed necessities of international action which no former generation can have foreseen. We hold that it is the duty of the United States to use its power, not only to make itself safe at home, but also to make secure its just interests throughout the world, and, both for this end and in the interest of humanity, to assist the world in securing settled peace and justice. We believe that... the time has come when it is the duty of the United States to join the other nations of the world in any feasible association that will effectively serve those principles (DNC 1916).

The 1916 platform was the first Democratic Party platform to call for a military build-up since the Civil War. Wilson requested and received a declaration of war from Congress in April 1917. 48 After the end of the war in 1918, Wilson was the key player in attempting to form an international league of nations.

The Republican Party's theory of foreign intervention moved in the opposite direction. In 1916, the Republicans nominated an internationalist, Charles Hughes, as they had always done, but they also began to back away from their previous ideological commitments. The 1916 party platform explained: "We desire peace, the peace of justice and right, and believe in maintaining a strict and honest neutrality between the belligerents in the great war in Europe. We must perform all our duties and insist upon all our rights as neutrals without fear and without favor" (RNC 1916). By the end of the war, American political

<sup>&</sup>lt;sup>48</sup> Wilson also requested and received the Selective Service Act in 1917, which drafted 2.8 million soldiers. Like the Federalists during the Quasi War and the Republicans during the Civil War, the Democrats prosecuted seditious speech during the war.

ideology had undergone a secular shift toward less foreign intervention. After Wilson's second term in office, the GOP nominated their first non-internationalist candidate in Warren Harding, who called for a "return to normalcy." Harding won in a landslide by criticizing Wilson's foreign interventionism.

Although Democrats held the White House for just eight years, World War I and the party entrepreneurship of Wilson provided enough incentives and opportunities for the Democratic and Republican Parties to change their ideologies in ways that had long-lasting effects. These changes in relatively transient party theories of governance and party theories of intervention had an impact on changes in relatively durable party theories of ends. During Wilson's Administration, an internationalist faction emerged within the Democratic Party for the first time, and that faction has been present ever since with varying levels of importance. Likewise, an isolationist faction emerged within the Republican Party for the first time, and that faction has also been present ever since with varying levels of importance. This era helped to shape Democratic Party ideology such that the party's current theory of ends includes international humanitarianism: an aspect of party ideology that was not present prior to the Wilson administration. If anything, prior to this time, international humanitarianism was a tenet of GOP ideology. This development foreshadowed the emergence of "universalism" as a defining characteristic of Democratic Party ideology (Gerring 1998).

## 4.3 Other Factors that Explain Party Ideology Development During World War I

Woodrow Wilson acted as an entrepreneurial party reformer who used his presidency, and the crises of the day, to transform Democratic Party ideology. The

Democratic Party's rapid change in embracing presidential leadership and internationalism was in large part the product of sheer historical contingency: Wilson, as a dark horse candidate in the 1912 nominating convention, just happened to receive the party's nomination, and just happened to have more expansive views of presidential power and foreign intervention than the party that nominated him. Thus, unlike many other Democrats who might have been nominated, Wilson wasted no time at all adjusting to the incentives of exercising presidential power. Just as FDR moved more quickly than other Democratic presidents might have in changing the party's theory of economic intervention in the 1930s, Wilson moved more quickly than other Democratic presidents might have in changing the party's theory of foreign intervention in the 1910s.

#### 5 Republican Interwar Era, 1921-1932

Because the horrors of World War I resulted in a secular shift in American foreign policy toward isolationism, and because the Republicans led the country's move in this direction—and the Democrats resisted the country's move in this direction—the election of 1920 witnessed the largest popular vote landslide in American history. Harding beat Cox 60% to 34%. Within this larger sphere of attitudes about foreign policy in the 1920s, change in long-term party control of the presidency between 1921 and 1932 influenced relative change between the parties. With Republicans in the White House from 1921 to 1932, the two parties' ideologies evolved as expected. However, as there were no wars during this period, the changes were not as dramatic as those witnessed in the 1910s.

First, although these changes were relatively minor, the parties' theories of governance did develop in the expected way. After losing two consecutive elections, the Democratic Party returned to its rhetoric of opposition to executive power and bureaucratic

centralization. The 1928 platform declared its opposition to "bureaucracy and the multiplication of offices." Instead, the Democrats defended "the rights of the states" as "a bulwark against centralization." The platform devoted an entire section, "Economy and Reorganization," explaining how it would shrink and reorganize the executive branch. Similarly, the first thing the 1932 Democratic Party platform promised, as a solution to the Great Depression, was "an immediate and drastic reduction of governmental expenditures by abolishing useless commissions and offices, consolidating departments and bureaus, and eliminating extravagance." Republicans also promised economy in government during this period, but they insisted this was a "nonpartisan" issue, and since, for them "the President is particularly fitted to direct measures," their proposed solution was to give him "the required authority" to reorganize the bureaucracy.

Second, although these changes were likewise relatively minor and emerged more slowly, the parties' theories of foreign intervention also developed in the expected way. For example, in the 1924 presidential campaign, the Democrats called for disarmament, but they still advocated for creating the League of Nations, while the GOP still opposed it. By 1928, however, the Democratic Party was returning to the rhetoric of non-intervention that it had used during the era of Grover Cleveland and William Jennings Bryan. Echoing the 1900 platform, the 1928 platform expressed an "abhorrence of militarism, conquest and imperialism," and advocated "freedom from entangling political alliances with foreign nations" (DNC 1928). Democrats also returned to the practice of criticizing Republican Administrations for conducting foreign policy without the consent of the Senate. The 1932 platform demanded "no interference in the internal affairs of other nations." Their presidential candidates in 1920, 1924, and 1928 resembled the candidates of the pre-Wilson

years more than they did Wilson. In 1924, William Jennings Bryan's brother, Charles, was put on the presidential ticket with John Davis.

The Republicans also moved slowly back to their pre-Wilson positions. Although Harding and Coolidge had campaigned in 1920 on retreating from foreign interventions and a return to normalcy, almost all presidents end up engaging in more foreign intervention than they anticipate. Coolidge sent troops to Honduras in 1924 and Nicaragua in 1926. It is true that the Republican Congress was more resistant than the Republican presidency in this return to internationalism, and rejected Coolidge's request that America join the World Court, but control of the presidency still influenced party ideology development. The 1928 GOP platform called for the "full ratio" of "Navy armaments" allowed under the limitations of the Navy Armaments Treaty and the presidential "power to draft people and resources in times of war" (RNC 1928).

Democrats criticized Republican interventionism in the 1928 presidential campaign. Franklin Roosevelt, sensing a winning issue to use against Republicans, penned an article in *Foreign Affairs* criticizing the Coolidge Administration for its military policy. "We can for all time," Roosevelt proclaimed, "renounce the practice of arbitrary intervention in the home affairs of our neighbors" (F. Roosevelt 1928, 586). Roosevelt's editorial stance, however, probably had more to do with public opinion at the time than Democratic Party ideology. Non-interventionism was popular in America, and candidates of both parties sought to align themselves with the popular side of the issue. The two parties were not as clearly divided on the issue as they had been during World War I. For example, while not as anti-interventionist as FDR in 1928, presidential candidate Herbert Hoover backed away from the Republican administration's foreign policies toward Latin America (McPherson 2014).

During the 1920s, there was tremendous diversity of thought within both parties on foreign policy, but we can still detect some trends in party ideology development. In his study of roll-call votes on American foreign policy, Grassmuck (1951) found that "during the twenties Republican congressmen tended to support the foreign policy of the Republican presidents, and this policy favored a strong international position. Throughout this same period Democratic congressmen tended to oppose this position." Without a war or foreign crisis to sharply demarcate foreign policy positions, the ideological developments of the 1920s were not as sharp as the changes in the 1910s. Nonetheless, the two parties' ideologies changed in relation to each other as predicted. After being staunchly less interventionist during World War I, the GOP became at least as interventionist as the Democratic Party —if not more so—during the 1920s.

#### 6 Democratic New Deal and World War II, 1933-1952

Former critic of foreign intervention, senator Arthur Vandenberg (R-MI), recorded in his diary that his "convictions regarding international cooperation and collective security took form on the afternoon of the Pearl Harbor attack. That day ended isolationism for any realist" (Vandenberg 1952, 1). World War II ended isolationism for most Americans, which represented a secular shift in American ideas about foreign intervention. The relative change in ideologies between the parties during this time, however, was influenced by party control of the White House.

Franklin Roosevelt established long-term Democratic Party control of the presidency by winning four consecutive elections from 1932 to 1944. During this period, the Democratic Party clearly became more internationalist and interventionist than the Republican Party. The isolationist wing of the GOP, led by Sen. Robert Taft, emerged as the

dominant voice of the party during this time. While ultimately supporting FDR's intervention in World War II, after the Japanese attack on Pearl Harbor, the differences between Republican and Democratic foreign policy ideology meant that the Republicans moved more slowly into war. Just as Wilson provided political entrepreneurship to change Democratic Party ideology during the opportunity provided by World War I, so did Roosevelt provide political entrepreneurship to change Democratic Party ideology during the opportunity provided by World War II.

#### 6.1 Party Control of the Presidency and Party Ideology Development

The parties first changed their theories of governance. Between 1933 and 1952, under the political entrepreneurship of President Roosevelt, advocacy for a strong executive and presidential leadership became an important part of Democratic Party ideology. FDR's administration is widely seen as defining the modern presidency, and the Democratic Party largely justified this expansion of presidential power while the Republican Party mostly criticized it. The 1936 GOP platform opened by attacking not only the economic interventions of New Dealism but also, interestingly, its expansion of executive and bureaucratic power:

America is in peril...For three long years the New Deal Administration has dishonored American traditions and flagrantly betrayed the pledges upon which the Democratic Party sought and received public support. The powers of Congress have been usurped by the President. The integrity and authority of the Supreme Court have been flouted...The New Deal Administration constantly seeks to usurp the rights reserved to the States and to the people...It has intimidated witnesses and interfered with the right of petition...It has been guilty of frightful waste and extravagance, using public funds for partisan political purposes. It has promoted investigations to harass and intimidate American citizens, at the same time denying investigations into its own improper expenditures. It has created a vast multitude of new offices, filled them with its favorites, set up a centralized bureaucracy, and sent out swarms of inspectors to harass our people...It has coerced and

intimidated voters by withholding relief to those opposing its tyrannical policies...To a free people, these actions are insufferable. This campaign cannot be waged on the traditional differences between the Republican and Democratic parties. The responsibility of this election transcends all previous political divisions. We invite all Americans, irrespective of party, to join us in defense of American institutions (RNC 1936).

According to Republicans, the 1936 election could not be "waged on the traditional differences between the Republican and Democratic parties" because the election was not only about the ends of government in society, but also about the constitutional balance of institutional powers (theories of governance). The GOP made a call for a "defense of American institutions."

The fight over Roosevelt's Third New Deal, which would have expanded the power of the presidency at the expense of Congress and the Courts, also illustrates the changing theories of governance within the two parties. In March 1938, the Senate passed FDR's executive reorganization bill 49-42 (Milkis 1993, 122). However, not a single Republican joined the 47 Democrats, 1 Progressive, and 1 Independent who voted in favor of the bill (Congressional Quarterly 1950). When the bill failed in the House in April, 100% of Republicans voted to recommit the bill while only 36% of Democrats voted to recommit. When the Executive Reorganization Act of 1939 finally passed the House, 98% of Democrats, but just 5% of Republicans, supported the bill. Similarly, when the Senate passed the House version, 63-23, 95% of Democrats, but just 9% of Republicans, voted in favor of the bill (Poole and Rosenthal 2015).

This change of emphasis in the GOP's theory of governance had implications for a change of emphasis in the GOP's theory of foreign intervention. As early as 1936, GOP platforms began criticizing FDR for Wilsonian internationalism, and—like the Whigs and Bryan Democrats before them—reviving the words of Washington: "Obedient to the traditional foreign policy of America and to the repeatedly expressed will of the American

people, we pledge that America shall not become a member of the League of Nations nor of the World Court nor shall America take on any entangling alliances in foreign affairs" (RNC 1936). By 1940, as FDR looked to involve America in the Second World War that had broken out in Europe, GOP isolationism reached its peak:

The Republican Party is firmly opposed to involving this Nation in foreign war. We are still suffering from the ill effects of the last World War: a war which cost us a twenty-four billion dollar increase in our national debt, billions of uncollectible foreign debts, and the complete upset of our economic system, in addition to the loss of human life and irreparable damage to the health of thousands of our boys (RNC 1940).

Even after the GOP admitted that U.S. involvement in World War II was the correct course of action, the party again resisted the Democratic Party's efforts at international political organization. "We shall seek to achieve such aims through organized international cooperation and not by joining a World State" (RNC 1944). It is true that from 1941 to 1944, even though they were out of power, the GOP became more interventionist than they had been in the past. However, the hypothesis tested in this chapter is not whether a party becomes more or less interventionist on some absolute scale, but how much more or less interventionist it becomes in relation to the other party. In this instance, the GOP, in opposition to the president, moved more slowly than the Democrats toward the new position of international intervention that was thrust upon the U.S. in the 1940s. It was not until 1948 that the GOP offered support for the UN in its party platform. In 1952, after twenty straight years of Democratic presidents, the newly created American National Election Studies asked its survey respondents whether they agreed or disagreed with this statement: "Since the end of the last world war this country has gone too far in concerning itself with problems in other parts of the world." 38% of Democrats, but just 25% of Republicans, disagreed with that statement (Campbell, Gurin and Miller 1999). Thus,

significantly more Democrats than Republicans expressed the more interventionist attitude on foreign policy in 1952.

This change in party theories of foreign intervention merged with the changes discussed in party theories of governance through the emergence of debates over the Bricker Amendment. This proposed constitutional amendment sought to limit the president's treatymaking power by requiring Congressional legislation to implement treaties and Congressional ratification of executive agreements. Both parties engaged in a debate over how power over international agreements should be apportioned between Congress and the president. Unsurprisingly, in the early 1950s, the move to limit the president's powers in foreign affairs was led by Republicans. John Bricker (R-OH) was elected to the Senate in 1946 when Republicans took control of Congress and broke the 14-year Democratic lock on unified government. During those 14 years, as expected, GOP ideology turned against presidential power, national government power, and foreign intervention, and the new Republican Congress sought to restrain all three. During this time, many isolationist Republicans agitated against American involvement in the United Nations and other international organizations, which they feared would jeopardize the sovereignty of the United States. In 1951, during the Democratic Truman administration, Senator Bricker introduced his proposed amendment for the first time. When he re-introduced the amendment in 1952, every Republican, except one, joined as a co-sponsor.

The Democratic Party, in contrast, was proud of its internationalism and interventionism. The party defended FDR against charges by the GOP that he was engaging in "war-mongering" (DNC 1940). In 1947, President Truman outlined his Truman Doctrine, committing America to intervene internationally to protect free peoples against Soviet aggression. In 1950, Truman sent troops to Korea to protect South Korea against invasion

from the North. By the end of two decades of Democratic Party dominance of the presidency, the party had become fully more interventionist than they were during the GOP administrations of the 1920s. Twisting the historical record, and telling themselves that they had always been the party of internationalism, the 1952 platform boasted: "The return of the Democratic Party to power in 1933 marked the end of a tragic era of isolationism fostered by Republican Administrations which had deliberately and callously rejected the golden opportunity created by Woodrow Wilson for collective action to secure the peace." An important part of the process of party ideology change over time is party narrative change. Parties constantly re-work their narratives to assure themselves that they have continuity with their past, and the 1952 DNC platform is an excellent example of that.

## 6.2 Other Factors that Explain Party Ideology Development in the New Deal Era

One other factor that might help explain why Democrats became more internationalist and interventionist than Republicans in the 1930s and 40s is the changing demographic coalitions of the two parties during that time. Since its inception, the Republican Party had been home to Americans in the Northeast and, in particular, the urban, educated, intellectual class in America. These progressive Republicans advocated more economic intervention and more foreign intervention than Democrats. The party identification of this group changed during the New Deal as the Democratic Party began implementing the social democratic reforms promoted by this group. These urban Northeasterners joined the populist Democrats in advocating more economic intervention, but—unlike Populist Democrats in the South and West—they also advocated more internationalism. Rural Northerners, one of the few demographic groups who remained in

the Republican Party in the aftermath of the New Deal, tended to be more isolationist. Thus, the change we observe in party theories of foreign intervention in the 1930s and 40s can partly be explained by this demographic change in party coalitions.

#### 7 Republican Cold War, 1953-1960

Like the presidency of Woodrow Wilson in the 1910s, the Eisenhower presidency of the 1950s represented a very brief change in long-term party control. However, just like in the 1910s, the relative ideological positions of the parties still changed as expected. A foreign policy issue, the Cold War, and an entrepreneurial party reformer, Dwight Eisenhower, provided the necessary ingredients for party ideology change.

In the 1950s, the GOP caught up with the Democratic Party and became just as interventionist, if not more so, on foreign policy. "Before 1952, the Republican Party, represented largely by its Congressional leaders, had tended to oppose the active internationalism of the Democratic Party. In 1953 and thereafter, when the focus for the Republican Party shifted to the White House, the general adherence of the Eisenhower Administration to the internationalist policies of its predecessors served to minimize party differences in foreign affairs" (Campbell, Converse, et al. 1960, 199-200). Despite its earlier opposition, in 1956 the party stated its intention to "vigorously support the United Nations" (RNC 1956).

The dramatic changes in party theories of foreign intervention can be seen in the responses that Democrats and Republicans in the electorate gave to survey questions on foreign policy during this time. As mentioned earlier, in 1952, Democrats had given the more interventionist response to the ANES question about foreign policy by a difference of 13 points. In 1956, the ANES asked survey respondents if they agreed or disagreed with the

statement that "this country would be better off if we just stayed home and did not concern ourselves with problems in other parts of the world." This time, 61% of Republicans, and 57% of Democrats, disagreed with that statement. Thus, by 1956, more Republicans than Democrats were giving the interventionist response. By 1960, after eight years of the Eisenhower presidency, that difference had grown from 4 points to 8. While both parties became more interventionist on foreign policy during the 1950s, Republicans moved farther in that direction than Democrats.

After two terms of a Republican Administration, the party articulated its newfound interventionist ideology in this way:

The pre-eminence of this Republic requires of us a vigorous, resolute foreign policy—inflexible against every tyrannical encroachment, and mighty in its advance toward our own affirmative goals... The countries of the free world have been benefited, reinforced and drawn closer together by the vigor of American support of the United Nations... We believe military assistance to our allies under the mutual security program should be continued with all the vigor and funds needed to maintain the strength of our alliances at levels essential to our common safety. The firm diplomacy of the Eisenhower-Nixon Administration has been supported by a military power superior to any in the history of our nation or in the world. As long as world tensions menace us with war, we are resolved to maintain an armed power exceeded by no other (RNC 1960).

It is true that, in the aftermath of the Korean War, the Eisenhower Administration was less willing to use American ground troops in fighting Communism than the Truman Administration had been. Eisenhower resisted French requests for American troops to help fight the Communists in Vietnam in 1954. However, Republicans were just interventionist in other ways: Eisenhower relied more on threats of nuclear force, supplying weapons and money to nations fighting against Communist aggression, and use of the CIA.

The change in Republican Party theories of governance and foreign intervention can be illustrated, once again, in the history of debates over the Bricker Amendment. When Bricker re-introduced his amendment with GOP support in 1953, Democrats still controlled

the White House, but Republicans knew that Eisenhower was on his way in a couple weeks. This demonstrates that party theories of governance and party theories of foreign intervention are not usually overturned on election night. As ideological structures, they continue to shape the behavior of party members until the ideology can be transformed, which typically takes some time. Like Wilson and FDR before him, due to previous ideological predilections, Eisenhower was less in tune with the dominant ideology of the party than others (e.g., Robert Taft) who might have been nominated by the Republicans in 1952 (Milkis 1993, 168). Furthermore, due to the incentives that presidents almost universally face to exercise the powers at their disposal, Eisenhower faced incentives to intervene more in foreign affairs, and with more reliance on executive discretion, than the ideological position of the party as a whole. While it is difficult to reverse twenty years of ideological developments, through Eisenhower's entrepreneurship and the resources at his disposal, the party eventually backed away from its previous anti-presidential and noninterventionist ideology over the course of his administration. When the Bricker Amendment came up for a passage vote in the Senate on February 26, 1954, after Eisenhower worked against the legislation for a year, the parties took roughly the same positions: 33 Republicans and 30 Democrats supported the Bricker Amendment, while 14 Republicans and 18 Democrats opposed it.

As always, the political institutional theory of party ideology development was not the only factor that helps us understand the changes in party ideologies we observe. In addition to the political issue of the Cold War, and the party entrepreneurship of Eisenhower, other historical contingencies also played a role. For example, Senate Majority Leader Robert Taft, the leader of the Old Right isolationist wing of the party, died in office

in 1953. His passing in the same year that Republicans took control of the presidency symbolized the changes to come in the subsequent eight years.

#### 8 Democratic Cold War, 1961-1968

Long-term party control of the White House shifted to the Democrats in the 1960s. From 1961 to 1968, the Democratic Party controlled the presidency with Cold War liberals John F. Kennedy and Lyndon B. Johnson, and the two parties' theories of governance developed as expected. The 1964 GOP platform pledged an "elimination of excessive bureaucracy" and the 1968 platform complained that "an entrenched, burgeoning bureaucracy has increasingly usurped powers, unauthorized by Congress." Republicans went on to claim that the "decentralization of power, as well as strict Congressional oversight of administrative and regulatory agency compliance with the letter and spirit of the law, are urgently needed to preserve personal liberty, improve efficiency, and provide a swifter response to human problems" (RNC 1968).

However, contrary to hypothesis tested here, there was no substantive and clear relative movement in party theories of foreign intervention. At the start of this period, both parties were roughly equally anti-communist, and both parties boasted of their toughness toward, and willingness to intervene against, the Soviet Union. By the end of Johnson's Administration in 1968, both parties were critical of American prosecution of the Vietnam War. In the 1968 ANES survey, roughly equal numbers of Democrats (74%) and Republicans (76%) disagreed with the non-interventionist sentiment that "this country would be better off if we just stayed home and did not concern ourselves with problems in other parts of the world." It is true that the 8-point gap between the parties narrowed to a 2-point gap, but that change alone is not substantive enough to indicate an unambiguous shift

in the relative ideological positions of the parties. An analysis of the two parties' platforms in 1964 and 1968, likewise, do not reveal clear differences on the issue of foreign intervention. Thus, contrary to the hypothesis of this chapter, even though there was a change in long-term party control of the presidency between 1961 and 1968, there was not a clear change in the relative ideological positions of the two parties with regard to foreign intervention.

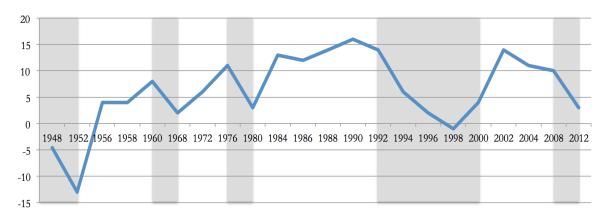
#### 8.1 Other Factors that Explain Party Ideology Development in the 1960s

The party history of the 1960s makes it clear that other factors, besides party control of the presidency, influence the development of party theories of foreign intervention. A historical contingency, the emergence of the Antiwar Left and the hawkish New Right in the postwar era, worked in opposition to the logic of party ideology development. This may have to do with the fact that the parties had polarized over a different aspect of party ideology—attitudes toward social democratic reforms—during the previous three decades. Since the GOP had developed an anti-communist identity in the aftermath of the Democratic New Deal, and scored considerable political points for this position in the 1950s, the nature of foreign policy during the Cold War encouraged GOP hawkishness in the 1960s despite opposition to the presidency. The ideological changes of the 1950s, in which an anti-communist Republican Party became hawkish on foreign policy, established structures of Republican Party ideology that have remained in place in the half-century that has followed.

Based on party attitudes expressed in response to the ANES survey question about foreign intervention, Republicans have almost always been more interventionist than Democrats since they first surpassed the Democrats in 1956 (see Figure 1). The exceptions to this rule can be partly explained by party control of the presidency, but these have been

marginal moves between the two parties within a larger sphere of Republican interventionism. Since Republicans established an 8-point difference between the two parties in 1960, that gap has only narrowed to less than 4 points on a few occasions. In 1968, after the Kennedy and Johnson administrations, the gap narrowed to 2 points. In 1980, after the Carter administration, the gap narrowed to 3 points. In the 1990s, during the Clinton administration, the gap narrowed to 2 points in 1996, and by 1998 the Democrats actually became 1 point more interventionist. Most recently, in 2012, during the Obama administration, the gap narrowed back to just 2 points.

Figure 1. Differences Between Republican and Democratic Levels of Foreign Interventionism



Note: Shaded time periods represent Democratic Party control of the presidency. The y-axis in this figure is based on NES survey questions asking respondents if Americans should "not concern ourselves with problems in other parts of the world" (dataset variables VAR 480040, VAR 520051, and VCF0823). It is calculated by subtracting the percentage of Democrats giving the interventionist response from the percentage of Republicans giving the interventionist response (see Appendix 1 for complete data). Thus, positive numbers indicate that a greater percentage of Republicans gave the interventionist response, while negative numbers indicate that a greater percentage of Democrats gave the interventionist response.

#### 9 New Right Republicans and New Left Democrats, 1969-1992

Winning 4 of 5 presidential elections between 1968 and 1988, the Republican Party gained long-term control of the presidency in the 1970s and 80s. During that time period, GOP ideology embraced a strong presidency and remained strongly interventionist on foreign policy. The Democratic Party, on the other hand, moved quickly away from the strong executive theory of governance that had dominated the party since the New Deal. In its place, the party embraced the New Left's anti-executive power and anti-war sentiments. This relative shift in the two parties' ideologies is in accordance with the hypothesis.

After relinquishing control of the presidency in 1969, the Democratic Party quickly moved to become anti-imperial: in its opposition to both an imperial presidency and an imperial foreign policy. In 1972, the party nominated anti-war candidate George McGovern. The 1972 platform retained some of the internationalist planks of previous Democratic Party platforms, but the McGovern wing of the party dominated, and the platform also made explicit criticisms of the Vietnam War now being carried on by the Republicans:

We believe that war is a waste of human life. We are determined to end forthwith a war which has cost 50,000 American lives, \$150 billion of our resources, that has divided us from each other, drained our national will and inflicted incalculable damage to countless people. We will end that war by a simple plan that need not be kept secret: The immediate total withdrawal of all Americans from Southeast Asia... The U.S. will no longer seek to determine the political future of the nations of Indo-China (DNC 1972).

The 1976 platform criticized GOP unilateralism and secret conduct of foreign policy, and called for a reduction of spending by 5 to 7 billion dollars. <sup>49</sup> The 1984 platform criticized the Republican Administration for an arms race, and called for disarmament instead. The party continued to call for decreased defense spending—especially with the close of the Cold War.

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<sup>&</sup>lt;sup>49</sup> After Carter assumed the Presidency for one term, however, the Democratic Party boasted in its 1980 platform of increasing defense spending every year since 1976.

In 1968, the GOP was still using the anti-war rhetoric that would shortly become a key part of Democratic Party ideology.

The entire nation has been profoundly concerned by hastily extemporized, undeclared land wars which embroil massive U.S. armed forces thousands of miles from our shores. It is time to realize that not every international conflict is susceptible of solution by American ground forces...We will return to one of the cardinal principles of the last Republican Administration: that American interests are best served by cooperative multilateral action with our allies rather than by unilateral U.S. action" (RNC 1968).

However, by 1972, the GOP was still prosecuting the war in Vietnam that it had just recently been criticizing—although with promises that peace was at hand. Republican ideology developed in the 1970s to become more interventionist. As the Democratic Party embraced the New Left, neoconservatives left the Democrats for the GOP. The 1972 Republican Party platform criticized the Democratic Party's newfound dovishness and isolationism:

The nation's frustrations had fostered a dangerous spirit of isolationism among our people. America's influence in the world had waned...We believe in keeping America strong. In times past, both major parties shared that belief. Today this view is under attack by militants newly in control of the Democratic Party. To the alarm of free nations everywhere, the New Democratic Left now would undercut our defenses and have America retreat into virtual isolation, leaving us weak in a world still not free of aggression and threats of aggression. We categorically reject this slash-now, beg-later, approach to defense policy (RNC 1972).

Nixon's successor after his resignation, Gerald Ford, retained Secretary of State Kissinger and largely continued Nixon's foreign policies. The 1976 ANES survey found that Republican respondents were now 11 points more interventionist than Democrats.

During the Reagan Administration, the GOP continued its hawkish foreign policy ideology and continued to criticize the New Left Democratic foreign policy as using "the rhetoric of freedom, but in practice" following "a policy of withdrawal and isolation" (RNC 1984). Defense spending rose to record peacetime levels in the 1980s, and America intervened in a variety of international conflicts whether through funding, supplying

weapons, CIA operations, or military intervention. The 1990 ANES survey found that Republicans were a record 16 points more interventionist than Democrats. After the Cold War, Reagan's successor, George H.W. Bush, continued Republican interventionist foreign policy by sending troops to Panama and the Persian Gulf in quick, decisive military victories. Bush's vision of a "new world order," in which peaceful states would join together to rebuff aggressor states set the stage for the foreign policy ideology of the Democratic Party in the 1990s. As predicted by the hypothesis, between 1969 and 1992, the Republican Party became clearly more interventionist while the Democratic Party became clearly less interventionist on foreign policy.

# 10 Liberal Internationalist Democrats and Paleoconservative Republicans, 1993-2000

During the eight years of Bill Clinton's Democratic presidency, the two parties' ideologies concerning foreign intervention shifted as different factions within the party became more vocal. Within the Democratic Party, the Antiwar McGovernites began to hold less sway. In their place, a "New Democrats" faction—led by Bill Clinton, Al Gore, and the more centrist Democratic Leadership Council—held the ideologically dominant position. Within the Republican Party, the hawkish neoconservative branch of the party became less prominent, while an isolationist paleoconservative strand emerged.

The Clinton Administration continued the foreign interventionist policies of the Republican Party; like President Bush, Clinton was not afraid for America to assume its new role as the world's lone superpower. Like the Republican Party before it, Democratic Party ideology developed in a way that called on the use of force to spread democracy, and changed to support an increased defense budget: "The Clinton-Gore Administration has

actively promoted the consolidation and spread of democracy and human rights...The

Administration has ensured that America is prepared to fight alongside others when we can,
and alone when we must. We have defeated attempts to cut our defense budget
irresponsibly" (DNC 1996). Following the foreign policy of his predecessor, Clinton ordered
military interventions in Somalia, Yugoslavia, Haiti, and Iraq. As the GOP criticized the

Democratic Party for these interventions, the Democrats responded in their 1996 and 2000
party platforms by calling the Republicans isolationists. In 1996, they wrote: "The DoleGingrich Congress and the Republican Party have a different approach to America's security.

Too often they would force America to go it alone—or not at all....The Republican Party
too often has neglected diplomatic opportunities [and] slashed the budgets necessary for
diplomatic successes" (DNC 1996). The 1998 ANES survey found that, for the first time
since 1952, Democratic respondents had become more interventionist than Republican
respondents. In 2000, the platform explained: "Some Republicans believe America should
turn away from the world. They oppose using our armed forces as part of international
solutions, even when regional conflicts threaten our interests and our values" (DNC 2000).

As the Democratic Party turned away from Antiwar Left, and toward New Democratic, foreign policy ideology, the Republican Party turned toward its older isolationist ideology. Republicans in Congress criticized the Clinton Administration's foreign interventions. The 2000 platform wrote: "the current administration has casually sent American armed forces on dozens of missions without clear goals, realizable objectives, favorable rules of engagement, or defined exit strategies" (RNC 2000). One Democratic columnist observed in 1994: "These days, Republicans are intent on gaining partisan profit from President Bill Clinton's foreign-policy travails. Yet, GOP leaders agree on little other than their opposition to Administration policies that, ironically, often mirror those of

Republican predecessors. GOP rhetoric has grown more partisan even as the President's policy has become less so" (Borosage 1994). In 1996, populist isolationist Republican Pat Buchanan had his best showing in the Republican Party presidential primaries. The 1996 platform was the first since the 1940s to criticize the United Nations—and did so at length. In the 2000 presidential debates between George W. Bush and Al Gore, Governor Bush criticized the Clinton Administration's international interventionism, and famously pledged to have a "humble" foreign policy that focused on American interests. This position only became remarkable when President Bush prosecuted the war in Iraq and justified it on the idea of spreading democracy. Between 1993 and 2000, the ideologies of the two parties developed as expected.

#### 11 Hawkish Republicans and Dovish Democrats, 2001-2008

From 2001 to 2008, long-term party control of the presidency shifted to the Republican Party under Bush's two terms in office. During this time, the two parties' ideologies reverted back to the 1969-1992 dynamics: the GOP once again became the party with a more interventionist foreign policy ideology and the Democratic Party once again became the party with a less interventionist ideology. The 1960s-70s anti-war wing of the Democratic Party, dormant during the 1990s, revived during the Iraq and Afghanistan Wars instigated by a Republican administration.

The 9/11 attacks ensnared the parties in foreign policy debate in a way that shifted party theories of intervention much more quickly than typically occurs with change in party control of the White House. According to the 2002 ANES survey, Republicans returned to being a full 14 points more interventionist than Democrats (a spread not seen since 1992), and this double-digit gap persisted throughout the Bush administration. As the Iraq War

became more and more unpopular, Democratic Party ideology became more and more dovish, and more and more critical of a now-hawkish Republican Party. The 2004 platform criticized President Bush for unilateralism and militarism: "the Bush Administration...rush to force before exhausting diplomacy. They bully rather than persuade. They act alone when they could assemble a team" (DNC 2004). In 2008, the Democratic Party nominated antiwar candidate Barrack Obama, and the 2008 platform criticized the Bush Administration for "rushing us into an ill-considered war in Iraq" (DNC 2008). The Republican Party, on the other hand, nominated foreign policy hawk John McCain. The changes of the two parties between 2001 and 2008 can be understood in the light of the institutional logic of party ideology development.

#### 12 Conclusion

Long-term party control of the presidency has changed nine times since 1897, and in every instance but one (1961-68) the parties' ideologies of foreign intervention evolved as expected (see Table 2). The political institutional theory of party ideology development hypothesizes that changes in long-term party control of the presidency provide incentives for party actors to change their parties' theories of foreign intervention, but that party actors do not always have the resources and opportunities to act upon those incentives because of the multitude of other factors—both socioeconomic and historical institutional—that influence party ideology dynamics. That the nine instances of change in long-term party control of the presidency resulted in eight instances of change in party ideologies is remarkable. It is unlikely that these two factors appeared together so often by coincidence.

Table 2: Party Control of the Presidency and Party Theories of Foreign Intervention (Expectations with Results)

	Time Period	Independent Variable: Change in Long-Term Party Control of Unified Government	Dependent Variable: Expected Change in Relative Party Ideologies	Dependent Variable: Change in Relative Party Ideologies as Expected?
1	Progressive Era and Republican Empire 1897-1912	Republican Presidents	Republicans should move more toward intervention than the Democrats	Yes: Republicans became more interventionist than Democrats
2	World War I and Wilsonian Internationalism 1913-1920	Democratic President	Democrats should move more toward intervention than the Republicans	Yes: Democrats became more interventionist than Republicans
3	Interwar Era 1921-1932	Republican Presidents	Republicans should move more toward intervention than the Democrats	Yes: Republicans became as interventionist as Democrats
4	Democratic New Deal and World War II 1933-1952	Democratic Presidents	Democrats should move more toward intervention than the Republicans	Yes: Democrats became more interventionist than Republicans
5	Republican Anticommunism 1953-1960	Republican President	Republicans should move more toward intervention than the Democrats	Yes: Republicans became as interventionist as Democrats
6	Democratic Cold War 1961-1968	Democratic Presidents	Democrats should move more toward intervention than the Republicans	No: Democrats did not clearly become more interventionist than Republicans
7	Republican Cold War 1969-1992	Republican Presidents	Republicans should move more toward intervention than the Democrats	Yes: Republicans became more interventionist than Democrats
8	Clinton Internationalism 1993-2000	Democratic President	Democrats should move more toward intervention than the Republicans	Yes: Democrats became as interventionist as Republicans
9	Bush War on Terror 2001-2008	Republican President	Republicans should move more toward intervention than the Democrats	Yes: Republicans became more interventionist than Democrats

Appendix 1. Percentage of Respondents Expressing a More Interventionist Attitude

Year	President (Ind. Variable)	Democrats	Independents	Republicans	Party Difference (Dep. Variable)
1948	D	48		44	-5
1952	D	38		25	-13
1956	R	57	56	61	4
1958	R	57	58	61	4
1960	R	64	69	72	8
1968	D	74	71	76	2
1972	R	77	67	83	6
1976	R	62	68	73	11
1980	D	78	67	81	3
1984	R	67	71	80	13
1986	R	62	63	74	12
1988	R	61	62	75	14
1990	R	62	51	78	16
1992	R	67	62	81	14
1994	D	65	58	71	6
1996	D	72	64	74	2
1998	D	82	74	81	-1
2000	D	69	61	73	4
2002	R	72	61	86	14
2004	R	75	65	86	11
2008	R	65	55	75	10
2012	D	63	60	65	2
Average		65.44	63.32	71.89	6.45

Note: This data was compiled from the ANES dataset variables VAR 480040, VAR 520051, and VCF0823. Figures are rounded to the nearest whole number.

## CHAPTER 4

# THE SUPREME COURT AND PARTY THEORIES OF JUDICIAL INTERVENTION

We pledge ourselves...to resist all attempts to impair the authority of the Supreme Court of the United States, the final protector of the rights of our citizens against the arbitrary encroachments of the legislative and executive branches of government. There can be no individual liberty without an independent judiciary.

- Republican Party Platform (1936)

#### 1 Introduction

In the presidential campaign of 1936, the Republican Party criticized President Roosevelt's expansion of the federal government and praised the Supreme Court's actions in striking down New Deal legislation. For their part, Democrats criticized the Supreme Court's judicial intervention into the political process for thwarting the democratic will of the people. The rhetoric of the two parties in 1936 was not surprising. It represented two different ideologies concerning the role of the Courts that had been in place for the previous four decades: Democrats argued for less judicial intervention and Republicans defended a strong and independent judiciary. From our contemporary standpoint, we know that the parties changed positions in the ensuing years. In the postwar era, the Republican Party frequently condemned judicial activism and the Democratic Party defended the importance of a strong and independent judiciary in protecting minority rights.

This change in Republican Party ideology, from advocating more judicial intervention to less, and the corresponding switch in the Democratic Party, is just one of several instances in American political history of the two major parties changing their ideologies. What can explain the evolution in party ideologies we observe? This chapter attempts to improve our understanding of American party ideology development in two ways. First, most scholars of American party ideologies have focused on party ideas about "economic redistribution" or how active the federal government should be in managing the economy—what spatial modelers often call the "first dimension" of political ideology (Poole and Rosenthal 2007, 5, 8). This aspect of party ideology was treated in chapter 2, but this chapter focuses on party theories of judicial intervention, which have received much less attention by students of American political parties and ideologies. Likewise, students of legal doctrines and judicial decisions typically ignore parties: "focusing on political parties is not something legal academics tend to do...When it comes to constitutional analysis, they fall off the radar screen" (Perry and Powe 2004, 643). Second, those who have examined party ideology development have focused on "society-centered factors." In contrast, this dissertation focuses on party control of government institutions. Specifically, this chapter focuses on how party control of the Supreme Court has influenced the development of party theories of judicial intervention.<sup>50</sup>

### 2 Hypothesis: The Supreme Court and Party Ideology Development

The hypothesis examined in this chapter is that parties in long-term control of the Supreme Court tend to develop relatively more interventionist theories of judicial

<sup>&</sup>lt;sup>50</sup> In doing so, this chapter hopes to make a contribution to emerging scholarship on "the role that the Supreme Court plays in American political development" (Kahn and Kersch 2006, 13).

intervention, while parties in opposition tend to develop relatively less interventionist theories. This hypothesis is based on two theoretical premises. The first premise is that government officials almost universally seek to maximize and expand their powers, and this includes Supreme Court judges. Thomas Jefferson articulated this idea in a letter to William Jarvis: "Our judges are as honest as other men, and not more so. They have, with others, the same passions for party, for power, and the privilege of their corps. Their maxim is "boni judicis est ampliare jurisdictionem" (Jefferson 1820, 162). Following Jefferson, this chapter argues that judges are apt to maximize and expand their power just like legislators and executives. One of the primary ways that judges exercise their powers is by overturning legislation and intervening in social and political life. This tendency among judges typically benefits the party in control of the Supreme Court and hurts the party in opposition.

The second theoretical premise is that political parties develop their ideologies in ways that justify the actions of their co-partisans in government and criticizes the actions of their opponents in government. Just as with the institutions and aspects of party ideology examined in chapters 2 and 3, this logic of party competition applies to the Supreme Court and party theories of judicial intervention, as well. Relative to the other aspects of government intervention examined in this dissertation, debates over judicial intervention are less prominent in American political history. Typically, this issue only arises when the Supreme Court hands down rulings that are contrary to the preferences of the party in control of the other branches of government. Thus, the important catalyst needed for party ideology change—a political issue over which the parties can divide and debate—emerges less often than debates over economic policy or foreign policy. Still, as this chapter

<sup>&</sup>lt;sup>51</sup> Just as with legislators and executives, there are, of course, a variety of constraints that limit the exercise and expansion of their powers, including other institutions, opposition parties, public attitudes, and pre-existing ideas about judicial restraint in the party's ideology.

demonstrates, it happens often enough that we see the parties divide and debate over this issue as expected.

Given these two theoretical premises, changes in long-term party control of the Supreme Court often lead to changes in party theories of judicial intervention as part of a series of steps. First, parties in control of the Supreme Court tend to exercise the powers at their disposal in accordance with their existing theory of ends. Second, parties in control of the Supreme Court tend to develop their theories of governance in ways that advocate for a strong and independent judiciary, to justify the exercise of these powers, while opposition parties tend to develop their theories of governance in ways that advocate for a circumspect judiciary, which defers to the elected branches of government. Third, given that intervening in contested social and political issues is one of the primary powers that parties in control of the Supreme Court can exercise, parties in power tend to develop their theories of judicial intervention in ways that call for more intervention, while parties in opposition tend to develop their theories of judicial intervention in ways that call for less intervention. Finally, on occasion, these changes in theories of governance and theories of judicial intervention lead to changes in parties' theories of ends and ideological foundations.

Thus, while party ideology acts as a constraint in shaping the behavior of government officials in power, including judges, the actions of these officeholders, in turn, sometimes work to change the meaning and content of party ideologies. Parties in control of the Supreme Court, who tend to develop their ideology in a way that advocates for more judicial power and more interventionist judicial policy, advocate for things like judicial independence, the active use of judicial review, and judicial supremacy. Likewise, members of the minority party on the Supreme Court have incentives to develop their party ideology in a way that criticizes "judicial activism" and "legislating from the bench," and instead

advocates for judicial deference to the elected branches of government and less judicial intervention. For example, partisans' attitudes towards judicial review often change according to whether or not their party has the power to exercise it.<sup>52</sup> While party actors do not always have sufficient resources and opportunities to act on these incentives for ideological change, in general and over time, change in long-term party control of the Supreme Court is correlated with change in party theories of judicial intervention.<sup>53</sup>

It should be noted that this hypothesis might seem counter-intuitive at first. We might think that the party that controls the Supreme Court is also the party that controls the presidency and Congress. Thus, if we conceive of judicial intervention simply as judicial review, then we would think that the party in power would want to limit judicial power and intervention so as not to interfere with Congress and the president. This chapter does not take this approach for a few reasons. First, judicial intervention is not only about exercising judicial review. Judges can also intervene in society, and promote the preferences of their party, through administrative law and other forms of statutory interpretation. Second, exercising judicial review is not only about invalidating laws passed by Congress and signed by the president. It can also be a way that the party in control of the national government can intervene at the state and local level to change politics and society. This conflict between the party that controls the national government and a different party that controls certain state governments can provide the impetus needed for parties to change their theories of judicial intervention in accordance with this conflict. Third, and perhaps most importantly, we find that the party in control of the Supreme Court is often not the party in control of

<sup>&</sup>lt;sup>52</sup> "It should come as no surprise that when the Supreme Court has refused to enforce unconstitutional federal legislation, supporters of such legislation have questioned the legitimacy of judicial review. Such arguments typically have arisen during crucial moments in American political and constitutional history" (Prakash and Yoo 2003, 888).

<sup>&</sup>lt;sup>53</sup> Another hypothesis that could be derived from the political institutional theory is that party control of lower federal courts and state courts leads to changes in party theories of judicial intervention. Such a study is beyond the scope of this chapter, but the same logic applies, and this would provide another useful test of the theory.

Congress and the presidency. This is because life appointments to the bench mean that there is often a lag between a change in party control of Congress and the presidency and a change in party control of the Supreme Court. For example, from 1801 to 1836, the Marshall Court generally handed down rulings adverse to the preferences of the Jeffersonian Republicans and Jacksonian Democrats who controlled Congress and the presidency. Likewise, from 1861 to 1874, when Lincoln's Republican Party controlled the national government, the Supreme Court handed down rulings adverse to GOP preferences. Similarly, during the Wilson administration, and the first part of FDR's administration, Democrats controlled Congress and the presidency, while a Republican Supreme Court overturned Democratic legislation. Fourth, a study of American party ideas about judicial power and intervention finds that these ideas only become salient in party politics at times when the Supreme Court is acting in opposition to the dominant national coalition. Thus, it is these particular times that are most important in determining party theories of judicial intervention. As a result, upon closer examination, we should not be surprised that a party in control of the Supreme Court develops their ideology in a way that calls for more judicial intervention, while the party in opposition to the Supreme Court develops their ideology in a way that calls for less.

#### 2.1 Dependent Variable: Relative Change in Party Ideologies

The dependent variable in this hypothesis is change in *relative* party positions with regard to more or less judicial intervention. That is, this chapter will focus on how the ideological positions of the two parties move *in relation to each other*. For example, it may be the case that both major parties envisioned a greater role for judicial intervention in the 1970s than the two major parties did in the 1840s; this is an example of a secular shift or *absolute* change in party ideologies. However, this chapter will focus on how the two parties'

ideologies changed *relative* to each other. That is, given that both parties developed more interventionist ideas between the 1840s and the 1970s, did one party move more in that direction than the other?

It is also important to note that this chapter measures party ideology as distinct from justices' ideology or justices' behavior. While party ideology is certainly an important independent variable that helps explain a justice's ideology and behavior, judicial behavior is not the dependent variable of interest here.<sup>54</sup> In measuring change in *party* theories of governance and judicial intervention, this chapter focuses on the ideas expressed by party leaders and party members who are most representative of a party's ideology: presidents and leaders of Congress (representing the party-in-government), presidential candidates (representing the party organization), and ordinary party members (the party-in-theelectorate). Federal judges are less representative of the party's ideology than the president and party-in-Congress because they are less responsible to the attitudes and wishes of the party-in-the-electorate. The attitudes and ideas of federal judges might represent a party's ideology at any given time, but they are less likely to be in touch with the widely shared ideology of their party than presidents and congressmen who face election from party members. Judges face less incentive to shape their party's ideology and they face less incentive to fall in line with their party's ideology. Ideology as a structural constraint is less binding on Supreme Court judges than it is on the politicians we examined in earlier chapters. As a result, this chapter differs from the other empirical chapters of this dissertation in which the government actors who represent a change in party control of a government institution are also used to measure change in party ideology.

<sup>&</sup>lt;sup>54</sup> Measuring party ideology, rather than justices' ideology, is a different project than that engaged in by many judicial scholars, including attitudinalists (Segal and Spaeth 1993) and scholars of American constitutional development (Graber 2000), who seek to explain the votes cast by judges and the theories of jurisprudence articulated by judges.

# 2.2 Independent Variable: Change in Long-Term Party Control of the Supreme Court

It is more difficult to determine party control of the Supreme Court than it is of Congress or the presidency, but it is still possible. Even though they do not campaign for election with party labels, all justices were nominated by a partisan president, and most justices were party politicians before being nominated to the Court. 55 Thus, with a few exceptions, we can determine a justice's operational party affiliation during their tenure on the Supreme Court based on the party affiliation of the president who nominated them. 56 To measure the independent variable, party control of the Supreme Court, I created a novel dataset that codes an operational party affiliation, while on the Court, for each of the 112 Supreme Court justices in American history. 57 The default coding of a judge's party affiliation was the party of the nominating president. However, in a few cases, I coded a judge's operational party affiliation as different from their nominating president if they clearly and consistently sided with a different political party in their judicial decisions on the bench. In determining these exceptions, I looked at the judge's prior party affiliation and I relied heavily on Urofsky's *Biographical Encyclopedia of the Supreme Court* (2006) and Timothy Hall's *Biographical Dictionary* (2001). Unsurprisingly, I found that, after appointment, almost all

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<sup>&</sup>lt;sup>55</sup> It has become less common in recent decades for presidents to nominate party politicians, but it was the norm for most of American history.

<sup>&</sup>lt;sup>56</sup> In this way, parties are able to entrench their ideologies on the Court even after they lose control of the presidency and Congress—a phenomenon that Balkin and Levinson (2001) term the "temporal extension of partisan entrenchment."

<sup>&</sup>lt;sup>57</sup> Data for the independent and dependent variables was gathered from U.S. history going back to the emergence of the two-party system in the 1790s. Narrowing the time frame to a particular era or slice of history has the added benefit of being able to do in-depth case study analysis, and broadening the time frame to all of U.S. history has the danger of treating each case too superficially. However, because there have been so few cases of change in party control of the Supreme Court, in order to record enough observations to be able to draw conclusions about a trend, we must look at all of U.S. history going back to the first parties. These 22 decades of U.S. history give us four observations of change in party control of the Supreme Court to examine.

justices (86%) followed the judicial preferences of the political party who nominated them (see Appendix 1).

In terms of prior party affiliation, the analysis found that, in 101 out of 112 cases, the justice's party affiliation at the time of appointment was the same as the party affiliation of the president who nominated them to the Court. The 11 exceptions to this rule occurred at times when new crosscutting issues overshadowed previous partisan cleavages, or when the two parties were ideologically heterogeneous. The first cross-party appointment occurred in 1863 with Abraham Lincoln's nomination of Stephen Field, a Union Democrat form California, when fidelity to the Union took precedence over the difference between Republicans and Democrats. Every other cross-party appointment was made in the 8 decades stretching from the "Progressive Era" to the Era of "New Politics" (before the rise of the New Left and the New Right sorted the two parties ideologically). From the 1890s through the 1960s, both parties had "progressive" and "conservative" wings in their parties. In these ideologically heterogeneous parties, party affiliation alone could not indicate a partisan's political ideology, and presidents frequently nominated justices from the opposing party. These justices include Howell Jackson, Horace Lurton, Joseph Lamar, Louis Brandeis, Pierce Butler, Benjamin Cardozo, Felix Frankfurter, Harold Burton, William Brennan, and Lewis Powell.58

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<sup>58</sup> Benjamin Harrison nominated Jackson, a Southern Whig-turned-Democrat from Tennessee, in 1893. His operational ideology was nationalist and in line with pro-centralization GOP ideology. William Taft nominated Lurton, a Democrat from Tennessee, in 1910. His operational ideology was pro-regulation, which was in line with the pro-regulation Republican administrations of that time. Taft nominated Lamar, a Democrat from Georgia, in 1911. In 1916, Woodrow Wilson nominated Brandeis, a Progressive who was a nominal Republican in Massachusetts before supporting Wilson in the 1912 campaign. Harding nominated Butler, a Cleveland Democrat from Minnesota, in 1923. His opposition to the progressive Democratic ideology of the Wilson administration was in line with Harding. Hoover nominated Cardozo, a Democrat from New York, in 1932. His progressive ideology was in line with Republican ideology prior to the New Deal. FDR nominated Frankfurter, a nominal Republican from Massachusetts, in 1939. Frankfurter was a progressive Republican who supported T.R., Taft, and helped found *The New Republic*. His support for progressivism and the New Deal took precedence over his partisan affiliation. Truman nominated Burton, a liberal Republican senator from Ohio, in 1945. Dwight Eisenhower nominated Brennan, a non-politician Democrat from New Jersey, in 1956.

In terms of operational party affiliation after appointment, the analysis found that, in 96 out of 112 cases, the judicial decisions of each justice while on the Supreme Court tended to support the party that appointed them. However, this finding requires a couple important caveats. First, the two parties have not held clearly divergent ideological positions on all issues in all periods of American history, and in order for a justice's judicial decisions to be identified as divergent from the party that appointed them, the appointing party must have a clear ideological difference with the opposition. For example, on the dimension of economic intervention, the ideological differences between Republicans and Democrats was less clear in the late nineteenth and early twentieth centuries when both parties had social democratic reformers within their ranks (mostly "populists" in the Democratic Party and "progressives" in the Republican Party). Given the two parties' ambiguity on business regulation at the turn of the twentieth century, it is difficult to say that one group of justices defected from their parties' ideological positions and another group held true. This limits the number of justices coded as diverging from their nominating party's positions.

Second, as should be clear by now, the ideological preferences of the two major parties have changed many times over the course of American history. Thus, if a justice served during a time of ideological change (especially if they had a long tenure on the Court), a justice who was consistent throughout their tenure may have been faithful to the ideological preferences of the party that appointed them but unfaithful to the ideological preferences of the party that emerged after their appointment.<sup>59</sup> This second consideration,

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Richard Nixon nominated Powell, a non-politician conservative Democrat from Virginia, in 1972. His stance on "law and order" took precedence over other differences between Democrats and Republicans.

<sup>59</sup> This is arguably the case with Harlan Fiske Stone, Charles Evans Hughes, Earl Warren, Charles Whittaker, Potter Stewart, Harry Blackmun, and John Paul Stevens. Each justice was a Republican appointed by a GOP president when the Republican Party was ideologically heterogeneous and had significant "liberal" and "progressive" factions within the party. However, as the party became increasingly homogeneous and conservative in the postwar era, these justices found themselves siding with the Democratic Party (Gillman 2006, 142).

in contrast to the first, increases the number of justices coded as diverging from their party's positions.

In all, I coded 16 instances of justices who, while on the Court, generally sided with the party opposed to the one that appointed them to the bench. These judicial "traitors" were appointed almost exclusively in two particular historical eras. First, most of the Republican appointments to the Court during the Jeffersonian Era followed the jurisprudence of John Marshall, and the Federalist majority that preceded them, rather than the Republican jurisprudence of Jefferson. This includes Henry Livingston, Thomas Todd, Gabriel Duvall, Joseph Story, and John McLean. Second, about half of the Republican appointments to the Court between the 1920s and the 1970s were "liberal" or "progressive" Republicans who ended up in opposition to the conservative Republican Party that emerged after their appointments. They tended to follow the jurisprudence of the liberal Democratic Party during the New Deal and postwar era. This group includes Harlan Fiske Stone, Benjamin Cardozo, Earl Warren, Harry Blackmun, and John Paul Stevens. 60

In determining when a change occurs in party control of the Supreme Court, I use the coding of each justice's *operational* party affiliation on the Court. This is because what matters to a party, in developing its attitudes towards judicial intervention, is whether the justices serving on the Court at any given time are supporting or overturning their party's

<sup>60</sup> Stone was a liberal Republican nominated by Calvin Coolidge in 1925. As one of the "Three Musketeers," Stone supported the Democratic Party's New Deal. Cardozo was a progressive Democrat nominated by Herbert Hoover in 1932. Cardozo joined Stone and Brandeis as one of the "Three Musketeers." Warren was a progressive Republican nominated as chief justice by Eisenhower in 1953. As chief justice, Warren led the Court's left-leaning civil rights jurisprudence in the postwar era. William Brennan was a progressive Democrat nominated by Eisenhower in 1956. Serving on the Court until 1990, he was arguably the most liberal member of the Supreme Court during his tenure. Blackmun was a liberal Republican nominated by Nixon in 1970. He sided with the liberal justices on the Burger and Rehnquist Courts like Brennan and Thurgood Marshall. Blackmun wrote the Court's majority opinion in *Roe v. Wade.* Stevens was a moderate Republican appointed by Ford in 1975. In his 11 years as part of the Burger Court, from 1975 to 1986, Stevens tended to side with the conservatives on the Court and opposed affirmative action and upheld capital punishment. However, in his 24 years as part of the Rehnquist and Roberts Courts, from 1986 to 2010, Stevens tended to side with the liberals on the Court, and was more liberal than Ronald Reagan's Republican Party from 1980 to 2010. By 2006, Stevens was considered the leading liberal on the Court (Gillman 2006, 142).

policy preferences—not whether the justices were appointed by their party's presidents or not. Thus, it did not matter to the Jeffersonian Republicans that their presidents had appointed a majority of the Court's membership in the 1810s and 1820s because the majority of justices did not decide cases according to Republican Party preferences. Similarly, it did not matter to conservative Republicans that their presidents had appointed a majority of the Court's membership in the 1950s-80s because the majority of justices did not decide cases according to Republican Party preferences.

Based on this coding of each justice's operational party affiliation while on the Court, we observe that party control of the Supreme Court has changed five times (see Table 1). Federalists took control in 1790 when Washington appointed Wilson, Jay, Cushing, Blair, Rutledge, and Iredell. Democrats took control in 1836 after Jackson appointed Baldwin, Wayne, and Taney to join Thompson. Republicans took control in 1874 when Grant appointed Strong, Bradley, and Waite to join Swayne and Miller. Democrats took control in 1937 when FDR appointed Black to join Brandeis, Stone, Hughes, and Cardozo. Republicans took control in 1991 when Bush appointed Thomas to join Rehnquist, O'Connor, Scalia, and Kennedy. Having identified five instances of change in the independent variable, I will now examine whether these changes coincide with changes in the dependent variable—party theories of judicial intervention—in the expected way.

<sup>&</sup>lt;sup>61</sup> GOP control of the Supreme Court since 1991, however, has been tenuous. This is because the majority has never expanded beyond 5-4, and because that bare majority requires counting swing voters like O'Connor and Kennedy as party of the Republican majority. Over the past 28 years, depending on the composition at any given time, the Democratic appointees have only had to pick off one these unreliable GOP appointees on any given case.

Table 1. Party Control of the Supreme Court and Party Theories of Judicial Intervention (Expectations)

	Time Period	Independent Variable: Change in Long-Term Party Control of the Supreme Court	Dependent Variable: Change in Relative Party Ideologies as Expected?
1	Federalist Era and the Marshall Court 1790-1836	Federalist Supreme Court	Federalists should move more toward intervention than the Republicans
2	Jacksonian Era, Civil War, and the Taney Court 1836-1874	Democratic Supreme Court	Democrats should move more toward intervention than the Whigs and Republicans
3	Reconstruction, Gilded Age, and Lochner Era 1874-1937	Republican Supreme Court	Republicans should move more toward intervention than the Democrats
4	Liberal Consensus after the Switch in Time and Conservative Response 1937-1991	Democratic Supreme Court	Democrats should move more toward intervention than the Republicans
5	Rehnquist and Roberts Courts 1991-2008	Republican Supreme Court	Republicans should move more toward intervention than the Democrats

#### 3 Federalist Era, Jeffersonian Era, and the Marshall Court, 1790-1836

Between 1790 and 1836, the ideologies of the two major parties, with respect to judicial intervention, evolved as expected. The Federalists, in control of the Supreme Court, developed a theory of governance and theory of judicial intervention calling for a strong federal judiciary and more judicial intervention. The Republicans, in opposition to the Court, generally argued for a weak federal judiciary and for less judicial intervention. The two parties had established their ideological positions by the end of the Adams administration, and their theories of judicial intervention persisted in the succeeding decades. The Republicans' more democratic positions had greater popular appeal in America, and the Republicans took control of the elected branches in the "revolution of 1800." With life terms, however, the previously appointed Federalist justices on the Supreme Court continued to intervene in political life, in order to rule in favor of Federalism's nationalist policies, long after the party last won a national election in 1798.62

#### 3.1 Historical Context of the Federalist Era and Marshall Court

During the debates over ratification of the Constitution, the issue of the Supreme Court's power and authority to intervene in social and political life was a point of contention. Anti-Federalists, opposed to ratification, argued that the Court's implied power to review the constitutionality of legislation passed by Congress, combined with life terms, would make tyrants of the justices on the Supreme Court, and opposed both of these features of the proposed Constitution (Brutus 1788).<sup>63</sup> In Federalist 78, Alexander Hamilton

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<sup>&</sup>lt;sup>62</sup> The Federalists won the House of Representatives in 1798, but temporally extended their "partisan entrenchment" for almost four decades until the death of John Marshall (Balkin and Levinson 2001).
<sup>63</sup> While both Federalists and Anti-Federalists believed that the Constitution provided the Supreme Court with the power to interpret the Constitution in order to determine the constitutionality of federal legislation,

assured Americans that, under the new Constitution, the Supreme Court would be the least susceptible to tyranny, and insisted that justices should not only have life terms and the power of judicial review, as proposed by the Constitution, but that they should have the *sole* power of judicial review (Publius 1787/2003).

In the first years after ratification, the debate over the role of the judiciary was muted and the attention paid to the Supreme Court was limited, but as the Court began to establish itself at the turn of the nineteenth century, the question of judicial power and intervention came back into public consciousness and partisan debates. In the 1790s, the Supreme Court was much weaker than it is today. A Nonetheless, as the two parties diverged during the first party system, they developed different ideas about the power and place of the judiciary. A series of Court cases in the mid-1790s, with rulings favorable to the Federalist Party, made Republicans disgruntled, and the federal judiciary's enforcement of the Alien and Sedition Acts brought about a passionate debate between the two parties over which institutions are authorized to determine the constitutionality of Congressional legislation. This issue made the judiciary a focus of the presidential campaigns of 1800 (Stephenson 1999). After the Republicans took control of Congress and the presidency, the disjunction between a Federalist judiciary and a Republican national government led to continued tensions over the power and place of the Supreme Court until the Democratic-Republicans finally took control of the Court in 1836.

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Hamilton's normative position in favor of judicial supremacy—in which the Supreme Court should have the sole power of judicial review—was much less common (Prakash and Yoo 2003).

<sup>&</sup>lt;sup>64</sup> There has been a secular shift toward greater judicial power over the course of American political development (Whittington 2007)

#### 3.2 Party Control of the Supreme Court and Party Ideology Development

One of the first items of business of the new U.S. government was to flesh out the federal judiciary. In accordance with the provisions of the Constitution, the First Congress passed, and Washington signed, the Judiciary Act of 1789, which set the number of Supreme Court justices at six and created 13 judicial districts presided over by federal district and circuit courts. Washington then set to work appointing judges to staff these federal courts. John Jay and James Wilson, two of the leading Federalist proponents of the Constitution, were the first Supreme Court justices to take the oath of office later that year. William Cushing, John Blair, and John Rutledge followed them. Robert Harrison declined his appointment, and so James Iredell filled the sixth and final seat on the bench in 1790. During Washington's first term in office, the judiciary largely remained absent from partisan debates that emerged between Federalists and Republicans over economic policy. Given the existing theories of government intervention and theories of ends held by the two parties in the early 1790s, it is entirely plausible that the Republicans would have wanted a strong and interventionist judiciary for the precise reason that they wanted a weak and limited national government: the Courts could have been used to strike down legislation passed by the Federalist Congress and president that gave too much power to the national government over the states. "Some leading Republicans at first viewed the Supreme Court as a potential ally and hoped it would declare the act chartering the First Bank of the United States unconstitutional and condemn other Federalist measures" (R. Ellis 1971, 12-13). However, in the ensuing years, Republicans quickly despaired of finding allies in the federal judiciary.

#### 3.2.1 Party Ideologies During the First Party System

Rather than intervening in ways that Republicans wanted, for the most part, the federal judiciary intervened to overturn state laws rather than nationalist legislation passed by

the Federalist Congress (Treanor 2005). For example, in *Champion & Dickason v. Casey* (1792), the Circuit Court over the District of Rhode Island ruled against Silas Casey, a debtor, who had petitioned the Rhode Island state legislature for, and received, a stay of debt collections from his creditors. Chief Justice Jay and District Court Judge Henry Marchant viewed the statute as without legal effect because it violated the Constitution's Contract Clause (Treanor 2005, 518-19). In doing so, the circuit court overturned the exact kind of state legislation that had worried the Federalist delegates at Philadelphia in 1787. Similarly, in *Ware v. Hylton* (1796), the Supreme Court nullified a Virginia debt-relief statute on the grounds that the Constitution's Supremacy Clause made the Treaty of Paris superior to the Virginia law. While the Court overturned multiple state laws, when it had the chance to overturn nationalist legislation passed by Congress, it did not: in *Hylton v. United States* (1796), the Court found that a Congressional tax on carriages did not violate the Constitution's prohibition on direct taxes.

As the federal judiciary intervened in American political and social life in ways that limited state power and strengthened national government power, Republicans spoke out against the judiciary while the Federalists defended it. In 1795, Jefferson complained that the "judiciary branch of the government" had become too involved in politics by becoming an "auxiliary to the Executive in all its views" (Jefferson 1795, 209). The Republicans, in control of the House of Representatives at that time, argued for a weaker Executive and a weaker Supreme Court to defer to the democratic will expressed in the House. Jefferson's concerns in 1795 became a campaign point a few years later in the aftermath of the Alien and Sedition Acts of 1798: Republicans argued that the Federalist government had become tyrannical in its oppression of dissent and its use of the Federalist judiciary to enforce the unpopular laws. Jefferson and Madison's Virginia and Kentucky Resolutions claimed that the states, and not

the national judiciary alone, had the authority to determine the constitutionality of legislation (in this case, the authority to determine that the Alien and Sedition Acts were unconstitutional). The Federalists, of course, disagreed. In 1799, in response to these resolutions, the Federalist-controlled House and Senate of Massachusetts argued that it is the prerogative of the judiciary to exercise judicial review of unconstitutional legislation (and not the state legislatures). As historians have documented, the Supreme Court became entangled in the presidential campaign of 1800 and the two contending parties took opposing sides: the Republicans argued for less intervention by the judiciary in political affairs, and the Federalists defended the prerogatives of the Court (R. Ellis 1971, Wood 2009, 400-432). "With good reason, the Jeffersonian Republicans had become convinced by 1800 that the national judiciary had become little more than an agent for the promotion of the Federalist cause" (Wood 2009, 418).

After the "Revolution of 1800," Republicans controlled the presidency and Congress, but not the Supreme Court. Just prior to the change in government control, Congress passed, and Adams signed, the Judiciary Act of 1801, which strengthened the Courts against the oncoming hostility of the new regime. Gouverneur Morris explained the purpose of the law: "The Leaders of the federal Party may use this opportunity to provide for friends and Adherents... They are about to experience a heavy Gale of adverse Wind; can they be blamed for casting many Anchors to hold their Ship thro the Storm?" (Morris 1801) What the Federalists viewed as an anchor in the storm, the Republicans viewed as a thorn in their side.

The most radical members of the party were ready to dismantle the entire judicial system that the Federalists had put in place. Writing to Jefferson, William B. Giles, the representative of Virginia's 9<sup>th</sup> District, explained the feeling of Republicans upon taking

office: "What concerns us most is the situation of the Judiciary as now organized. It is constantly asserted that the Revolution is incomplete, as long as that strong fortress is in possession of the enemy...No remedy is competent to redress the evil system, but an absolute repeal of the whole Judiciary."65 While Jefferson did not go that far, he did believe "that the growing pretensions of the Judiciary must be curbed" (Warren 1922, 209). The new Republican Congress repealed the Judiciary Act of 1801 immediately upon taking power. In a speech on the Senate floor recommending repeal, Kentucky Republican John Breckenridge gave his interpretation of departmentalism: "The Legislature have the exclusive right to interpret the Constitution, in what regards the law-making power" (Breckenridge 1802). In addition to the Repeal Act, Jefferson conceived of a plan to amend the Constitution so that the president could remove a justice from the Supreme Court upon request from Congress. Republicans also proposed an amendment that would have limited federal judges to a fixed term. They pursued the impeachment of Federalist judges, including John Pickering, who was removed from the District of New Hampshire, and Supreme Court Justice Samuel Chase, who was acquitted. The period between 1801 and 1807, in which Republicans first came to power and faced an entrenched Federalist judiciary, is identified by Engel (2011) as the first of a dozen periods of "court-curbing" in American political history.

During the first quarter of the nineteenth century, the Jeffersonian presidents from Virginia appointed six justices to the Supreme Court, but this failed to change the balance of power on the Court. Two Republican-appointed justices, William Johnson and Smith Thompson, voted in ways that supported the Republican Party, but the other four tended to side with Marshall and the Federalists more often than with Johnson and Thompson. <sup>66</sup> This

<sup>65</sup> William B. Giles letter to Thomas Jefferson, 1 June 1801, quoted in Ellis (1971, 20-21).

<sup>&</sup>lt;sup>66</sup> According to Stephenson (1998, 58), "only William Johnson, Jefferson's first pick for the high court, had maintained independence and was in a position to challenge Marshall intellectually." Nonetheless, the timing of

inability to change the Court's behavior meant that the two parties maintained their ideological positions throughout the period.

#### 3.2.2 Party Ideologies During and After the Era of Good Feelings

Between 1819 and 1824, the Marshall Court issued a cluster of important and controversial decisions that once again entangled the judiciary in partisan debate. In *McCulloch v. Maryland* (1819), *Cohens v. Virginia* (1821), and *Green v. Biddle* (1823), the Marshall Court ruled in favor of national power over the states, which resulted in the second era of court curbing by the Republican Congress and presidency (Engel 2011). Jefferson, once again, was not shy to express his antipathy toward the federal judiciary. In a letter to William Jarvis, Jefferson took issue with the author's assumption that the Supreme Court has the final say in determining the constitutionality of legislation—an assumption that is commonplace today (Kramer 2007)—and instead articulated his doctrine of departmentalism:

You seem...to consider the judges as the ultimate arbiters of all constitutional questions; a very dangerous doctrine indeed, and one which would place us under the despotism of an oligarchy...not responsible, as the other functionaries are, to the elective control. The constitution has erected no such single tribunal, knowing that to whatever hands confided, with the corruptions of time and party, its members would become despots. It has more wisely made all the departments co-equal and co-sovereign within themselves (Jefferson 1820).

To Charles Hammond, he wrote that "it has long been my opinion...that the germ of dissolution of our federal government is in the constitution of the federal judiciary; an irresponsible body...working like gravity by night and by day, gaining a little today and a little to-morrow, and advancing in noiseless steps like a thief over the field of jurisdiction"

party control of the Supreme Court (1836) remains the same whether Smith Thompson is viewed as an operational Republican or Federalist. See, also, Abraham (2008, 68).

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(Benson 1911, 2). Jefferson's solution to this problem was to make federal judges subject to re-appointment every six years like senators (Jefferson 1821, Jefferson 1822).

While factions had long divided Jefferson's Republican Party, the contested election of 1824 officially divided the party between "National Republicans," supporting John Quincy Adams, and Democratic Republicans, supporting Andrew Jackson. The Nationalist Republicans included most of the former Federalists who were now too embarrassed to use that name, while the Democratic Republicans included most of the "Old Republicans" and "Radical Republicans." In this party divide, the Nationalists continued to support the national judiciary, while the Democrats sought to revive the original Jeffersonian Republican opposition to the judiciary. After Jackson defeated Adams in 1828, the National Republican Party dissolved. The Whig Party, which was founded in the vacuum caused by the demise of the National Republicans, emerged in opposition to President Jackson and executive power, but not in opposition to judicial power.<sup>67</sup>

The Democrats, like the Republicans before them, attacked the judiciary in response to Marshall Court decisions that ruled in favor of national over state sovereignty. The Nullification Crisis of the late 1820s and early 1830s revived the 1790s issue of who had the authority to interpret the Constitution: the individual states or the national judiciary. In response to Daniel Webster's claim that the Supreme Court held the power of judicial review, and not the states, Missouri Democratic Senator Thomas Hart Benton claimed in 1830 that this theory led to "a despotic power over the States" and "a judicial tyranny and oppression" (Stephenson 1999, 71).

<sup>&</sup>lt;sup>67</sup> "Democrats, and before them the Jeffersonians, had been the antijudiciary party in national politics. The Whigs, in contrast, were the intellectual heirs of the national Republicans and the Federalists, who had been strong supporters of the federal judiciary" (Stephenson 1999, 88).

The controversy over the re-charter of the Second Bank of the United States also placed the two parties on either side of the question of judicial authority. In response to the Whig theory of judicial supremacy, President Jackson, in his bank veto message, argued for the old Jeffersonian doctrine of departmentalism:

If the opinion of the Supreme Court covered the whole ground of this act, it ought not to control the coordinate authorities of this government. The Congress, the executive, and the court must each for itself be guided by its own opinion of the Constitution...It is as much the duty of the House of Representatives, of the Senate, and of the President to decide upon the constitutionality of any bill or resolution which may be presented to them for passage or approval as it is of the supreme judges when it may be brought before them for judicial decision. The opinion of the judges has no more authority over Congress than the opinion of Congress has over the judges, and on that point the President is independent of both. The authority of the Supreme Court must not, therefore be permitted to control the Congress or the executive when acting in their legislative capacities, but to have only such influence as the force of their reasoning may deserve (Jackson 1832).

Recognizing, like Hamilton before him, that executives held the power of the sword, and courts "merely judgment," Jackson happily observed that the Supreme Court's ruling in *Worcester v. Georgia* (1832) fell "stillborn" when it was not enforced (R. Ellis 2007).

The period between 1790 and 1836 was a time when the two major parties held stable positions with regard to judicial power and intervention because party control of the Supreme Court remained stable. The Federalists, National Republicans, and Whigs advocated judicial independence, judicial review, and judicial supremacy. The Republicans and Democrats, on the other hand, criticized an un-democratic Court for opposing the popularly elected majorities, and for violating the states' rights. Since Republicans and Democrats controlled the national government between 1801 and 1836, this period was characterized by congressional and presidential attacks on the Marshall Court, in particular, and the Federalist judiciary in general.

#### 3.3 Other Factors that Explain Party Ideology Development

Party control of the Supreme Court is not, of course, the only factor that helps us understand the party theories of governance and judicial intervention espoused in the early American republic. The two parties' different attitudes toward judicial authority were also a product of their different views on popular rule. According to Tocqueville, political parties are always divided between democrats who want to extend popular power and aristocrats who want to restrict popular power (Tocqueville 1835/2000, 170). In the portion of American history Tocqueville had seen, the parties wanting to extend popular power were the Jeffersonian Republicans and Jacksonian Democrats, while the parties wanting to restrict popular power were the Hamiltonian Federalists, National Republicans, and Whigs. Given this understanding of party ideologies, it is easy to understand the parties' theories of governance and theories of judicial intervention. As the least democratic of the three institutions of government, the judiciary was celebrated or scorned based on these foundational ideas about who should rule. While this theoretical insight can explain the positions of the two parties, with respect to judicial power, up until the time of Tocqueville's writing in 1835, it cannot explain the following four decades of American history.

## 4 Jacksonian Era, Civil War, the Taney Court, and the Chase Court, 1836-1874

By 1836, President Jackson had been able to appoint enough justices to the Supreme Court to reverse the Federalist majority on the Court, and he also replaced John Marshall with Roger Taney as Chief Justice. This represented a change in party control of the Supreme Court by the Democrats that lasted until 1874. During this time, the ideologies of the two parties evolved with respect to the judiciary. As Robert McCloskey pointed out:

"Now the Chief and a majority of his associates were Jackson-approved, and this meant that the anti-judicial tradition of the Democrats lost much of its edge" (2000, 55). The two major political issues that entangled the Supreme Court in party politics, and brought these ideological changes to the fore, were the extension of slavery into the federal territories and Reconstruction. Most notably, the Taney Court's *Dred Scott* (1857) decision got the two parties talking about the Supreme Court again in the lead-up to the Civil War.

#### 4.1 Historical Context

The years between 1836 and 1874 were characterized by American westward expansion, the slavery crisis, Civil War, and Reconstruction. The debates between Whigs and Democrats, and later between Republicans and Democrats, over national vs. state power were bound up with the question of whether the national government could regulate slavery in the states and territories. At times, the Taney Court found itself involved in these debates. With the Democratic Party now in control of the Supreme Court, as the two parties debated these issues, they began to change their theories of governance and theories of judicial intervention accordingly.

The sectional debate between North and South, over slavery, overtook the previous debates between Whigs and Democrats over tariffs and internal improvements. While the two parties attempted to maintain their cross-sectional party coalitions, they both failed. The Whig Party was replaced by the emergence of a Northern-based third party, the Republican Party, which was formed in direct opposition to the expansion of slavery into Northern territories. The Democratic Party, in response, became an almost exclusively Southern party in favor of allowing slavery to expand westward. In this situation, the Republican Party won

the presidential election of 1860, took control of Congress, and eventually ended Democratic Party control of the Supreme Court in 1874.

#### 4.2 Party Control of the Supreme Court and Party Ideology Development

During his eight years in office, President Andrew Jackson appointed six justices to the Supreme Court, the most of any president since Washington, and the appointments of Roger Taney and Philip Barbour in 1836 gave the Democrats control of the Supreme Court that lasted for almost four decades. In 1835, as discussions over who should fill vacancies on the Court captured national attention, the staunch Democratic Republican organ, the *Richmond Enquirer*, bemoaned the Court's Federalist history but celebrated the idea that a Democratic Republican appointment like Taney as chief justice would change the Court's jurisprudence:

The Court has done more to change the character of that instrument and to shape, as it were, a new Constitution for us, than all the other departments of the Government put together. The President will nominate a Democratic Chief Justice, and thus, we hope, give some opportunity for the good old State-Rights doctrines of Virginia of '98-'99 to be heard and weighed on the Federal Bench. The very profound and brilliant abilities, with which they have been hitherto opposed in the Supreme Court, have only contributed to make us more anxious to bring back the ship to the Republican tack. We believe that Taney is a strong State-Rights man (Warren 1922, 283).

The National Republicans and Whigs, for their part, feared the end of the Federalist judiciary: Daniel Webster wrote to his wife, Caroline, in 1836: "Judge Story arrived last Evening, in good health, but bad spirits. He thinks the Supreme Court gone, & I think so too" (Webster 1836).

#### 4.2.1 Party Ideology Change Under the Taney Court, 1836-1864

Although the Taney Court discontinued the Marshall Court's practice of favoring national government power over state power, the Democrats did not destroy the Supreme Court, or allow the national judiciary to wither away into weakness. Once in power, Democrats on the bench of the Supreme Court did not entirely follow the calls for judicial deference that had become a hallmark of Republican and Democratic Party ideology over the preceding half century. Instead, true to Jefferson's insight, the Democratic justices on the Supreme Court faced the same incentives to expand their powers, and intervene in political life, that the Federalist justices had faced. Although they started out, because of their previous party ideology, less interventionist than the Marshall Court, they still ended up intervening more than we would expect given the party's previous rhetoric concerning the judiciary. Seeking to correct the myth of a weak Taney Court, Robert McCloskey observed:

The legend of Taney and his brethren as radical democrats, hostile to property rights, nationalism, and Marshall's memory, was stronger than the facts...The old jurisprudence had not been broken down after all, or even greatly altered...Judicial power was not surrendered. In fact, the position of the Supreme Court as the final arbiter of constitutional questions had become, within a few years of Taney's accession, more secure than ever before. The concept of judicial sovereignty, which Marshall had nurtured so lovingly and defended against so many challenges, was by 1840 an almost unquestioned premise of American government (McCloskey 1960/2000, 54).

After Democrats took control of the Supreme Court in 1836, they faced incentives to intervene in political life, but because the Democratic justices had a different theory of ends than the Federalist justices, they exercised their powers in pursuit of different objectives.

Under Democratic control, the Court now ruled more often in favor of state sovereignty rather than national. In *Charles River Bridge v. Warren Bridge* (1837), the Taney Court upheld a Massachusetts State charter given in 1828 to construct a bridge. In *Mayor of New York v. Miln* (1837), the Court upheld a New York State regulation on ships entering the

port of New York. Similarly, in *Cooley v. Board of Wardens* (1852), the Court upheld a Pennsylvania law regulating shipping in Philadelphia. As Grier Stephenson has observed:

The Taney Court's hostility to Marshall's doctrine of national supremacy did not mean a shrunken role for the Supreme Court. By acknowledging a greater role for the states, the Court multiplied the occasions when the justices would have to decide whether state laws had gone too far in treading upon national prerogatives. Nor did rulings by the Taney Court preclude an expansion of judicial power, one of the banes of the uprising in the 1820s that helped to make possible Jackson's election...[In 1845] the justices significantly expanded the jurisdiction of the federal courts...The anti-Court agitation that climaxed in the election of 1832 worked changes on public policy and the judiciary, but the changes were at the margin. In terms of its place in the political system, the Supreme Court that Jackson helped to shape not only maintained its influence but also enlarged it (Stephenson 1999, 79).

The Democratic Court particularly enlarged the place of the Supreme Court through overturning anti-slavery legislation. In *Prigg v. Pennsylvania* (1842), the Court struck down a Pennsylvania law that outlawed taking African-Americans out of the state's borders for the purpose of placing them under slavery. In *Dred Scott v Sandford* (1857), the Taney Court ruled that the Missouri Compromise's prohibition of slavery in northern U.S. territories was unconstitutional. This decision proved that the Court was willing to expand its power, and intervene in American social and political life, if there was a piece of congressional legislation that the Democratic Party did not like. Although this was the only national legislation that the Court struck down during the Taney Court, it was so controversial that it provided the catalyst needed for the two parties to debate the role of the federal judiciary and to change their ideologies to match their institutional positions.

The Republican Party was founded in opposition to the Kansas-Nebraska Act of 1854. The party opposed the expansion of slavery in America as immoral, and argued against

to do with the kind of legislation being passed than the timidity of Democratic justices (Graber 2000, 34). The Whig Party never had control of unified government, and so the legislation passed by Congress and the president was not typically the kind of legislation to which Democratic justices would have been opposed.

<sup>&</sup>lt;sup>68</sup> While it is true that the Taney Court rarely struck down national legislation as unconstitutional, this has more to do with the kind of legislation being passed than the timidity of Democratic justices (Graber 2000, 34). The

the doctrine of popular sovereignty. Although the new Republican Party emerged as a successor to the Whig Party, <sup>69</sup> the Republicans were founded in opposition to a Supreme Court dominated by the Democratic Party. Thus, these former Whigs had to finesse their ideological evolution in the aftermath of the *Dred Scott* decision. One of these former Whigs, Abraham Lincoln, became the leading spokesperson for Republican Party ideology in the late 1850s, and he challenged the doctrine of judicial supremacy while still maintaining the old Whig respect for the rule of law and judicial institutions:

We oppose the Dred Scott decision in a certain way...We do not propose that when Dred Scott has been decided to be a slave by the court, we, as a mob, will decide him to be free. We do not propose that, when any other one, or one thousand, shall be decided by that court to be slaves, we will in any violent way disturb the rights of property thus settled; but we nevertheless do oppose that decision as a political rule which shall be binding on the voter, to vote for nobody who thinks it wrong, which shall be binding on the members of Congress or the President to favor no measure that does not actually concur with the principles of that decision. We do not propose to be bound by it as a political rule in that way, because we think it lays the foundation not merely of enlarging and spreading out what we consider an evil, but it lays the foundation for spreading that evil into the States themselves. We propose so resisting it as to have it reversed if we can, and a new judicial rule established upon this subject (Lincoln 1858, 255).

The Republican Party's opposition to the Court in 1858 represented an important change in Whig Party ideology. However, in its moderation and respect for order and the rule of law, we see a layering of new party ideology on top of, rather than discarding, old party ideology. In this way, the old Whig Party ideology, with its defense of judicial power and intervention, continued to constrain and structure the ideas expressed by Whigs and Republicans even after the parties switched control of the Court.

No major party platform had ever discussed the role of the judiciary until after the Dred Scott decision, but starting in 1860, the party platforms reveal how the Democratic and Republican Parties developed divergent theories of governance and theories of judicial

<sup>&</sup>lt;sup>69</sup> "At least three quarters of the Republican electorate were former Whigs" (Graber 2000, 32).

intervention in response to the Taney Court's ruling. The 1860 Republican Party platform criticized the Court's interpretation "that the Constitution, of its own force, carries slavery into any or all of the territories of the United States" as a "dangerous political heresy," and argued that "perversions of judicial power" had reopened "the African slave trade," which was "a crime against humanity and a burning shame to our country and age" (Republican National Convention 1860).

The Democratic Party, for its part, justified its support of slavery in the territories by pointing to the decision of the Supreme Court. The party did not take an explicit stand in favor or against slavery, but instead made a claim for judicial supremacy, including acceptance of the Court's decision to overturn any legislation outlawing slavery in the territories. Departing from their Jeffersonian departmentalist past, and borrowing language from the Federalists and Whigs, Democrats now argued that the meaning of the Constitution is "determined by the Supreme Court of the United States," and that decisions by the Supreme Court "should be respected by all good citizens, and enforced with promptness and fidelity by every branch of the general government" (DNC, 1860). In his description of American party ideology development, Charles Beard wrote:

From its Jeffersonian forerunner, the Democratic party, with its theory of majority rule, had inherited a tradition of criticism with respect to the federal judiciary. In the middle period, however, after all the old Federalist judges had died or resigned and good Democrats had been appointed to the bench, the tradition faded. When the Supreme Court, in the Dred Scott case (1857) upheld slavery in the territories, Democrats demanded unqualified loyalty and obedience to the decision of the great tribunal. It was the Republican party, whose anti-slavery plank had been splintered by the decision, that now criticized the Court and talked about 'reconstructing' it (Beard 1928, 87-88).

Although Democrats lost control of the government in 1860, they still had many holdover Democratic-appointed justices on the Supreme Court during and after the Civil War, and so the party division between pro-judiciary Democrats and anti-judiciary Republicans remained.

#### 4.2.2 The Chase Court, 1864-1874

The Republican Party had several opportunities to replace Jacksonian Democrats on the Supreme Court in the early 1860s, but Lincoln's practice of appointing former and future Democrats to fill these vacancies during the Civil War kept Democrats in the majority on the Court until 1874. When Lincoln took the oath of office, there was already one vacancy on the Court. Before he could fill that vacancy during the secession crisis, two more vacancies opened up when John Campbell resigned from the Court to join the Confederacy and John McLean died. Lincoln's first two appointments in 1862—Noah Haynes Swayne and Samuel Miller, were nationalists who supported the Union and expanded powers of the national government. Lincoln's next three appointments to the Court, however, frequently sided with the anti-nationalist Democrats on the Court (Graber 2000).<sup>70</sup>

The Chase Court defied the Republican Party's expansion of national government power. In the 74 years of the Marshall and Taney Courts, between 1790 and 1864, the Supreme Court had only twice ruled that a federal law was unconstitutional: in *Marbury v. Madison* (1803) and *Dred Scott* (1857). In the 10 years of the Chase Court, however, the Supreme Court ruled almost a dozen federal policies as unconstitutional (Kutler 1968). For example, in *ex parte Milligan* (1866), the Supreme Court ruled that Lincoln's military tribunals and suspension of habeas corpus were unconstitutional. In *Hepburn v. Griswold* (1870), the Court ruled that the national government's issuance of greenbacks as currency was unconstitutional. The Chase Court's use of judicial review was unprecedented in the number of federal laws it ruled unconstitutional, but, as Mark Graber (2000) points out, the Chase

<sup>&</sup>lt;sup>70</sup> David Davis, a native of Maryland and a close friend of Lincoln, generally ruled against Republican Party preferences while on the Court. He was nominated for president by the Labor Reform Party in 1872, and was elected to the Senate by the Democratic state legislature of Illinois in 1876. Stephen Field, a Democrat from California, was the first Supreme Court justice in American history to be nominated by a president from the opposing party. Salmon P. Chase was one of the few founders of the Republican Party who had previously identified with the Democratic Party more than the Whig Party.

Court's judicial activism had Jacksonian origins, and was a product of the Court's Democratic Party ideology opposed to the nationalist measures of the Republican Party.

Given the temporal extension of Democratic Party entrenchment on the Supreme Court, the two parties maintained their theories of judicial intervention throughout the Civil War and Reconstruction. Notably, Republicans engaged in another era of court curbing. In 1866, Congress re-drew the boundaries of the circuit courts to decrease the influence of Southern Democratic judges, and passed a Judiciary Act that prevented Democratic President Johnson from making several appointments to the federal judiciary. In 1867, Congress passed a law that prevented the Court from hearing a habeas petition from William McCardle, a Democratic newspaper editor in Mississippi who had been jailed under the Military Reconstruction Act (Clark, The Limits of Judicial Independence 2011, 35).

Furthermore, the House passed a bill, which failed in the Senate, that would require a two-thirds majority in order for the Supreme Court to rule a federal law unconstitutional (Engel 2011, 206). Ultimately, though, the Republicans settled on jurisdiction stripping to curb the court. The Jeffersonian Republicans' zeal for judicial impeachments in the early nineteenth century was only matched by the Radical Republicans' zeal for jurisdiction stripping in the mid-nineteenth century (Engel 2011).

The Democratic Party, of course, criticized these attacks and continued to argue for a strong and independent judiciary throughout the 1860s. "The Radical party...has abolished the right of appeal, on important constitutional questions, to the Supreme Judicial tribunal, and threatens to curtail, or destroy, its original jurisdiction, which is irrevocably vested by the Constitution" (Democratic National Convention, 1868). The pro-judicial ideology of the Democrats, and the anti-judicial ideology of the Republicans, would change, however, at the turn of the twentieth century.

# 5 Gilded Age and the Lochner Era, 1874-1937

During Reconstruction, the Republican Party took long-term control of the Supreme Court from the Democrats, and over the course of the Progressive Era, the two parties' ideologies evolved on judicial power and intervention as expected. This time, the political issue that entangled the Courts in politics was social democratic reform legislation. Party control of the Supreme Court in the late nineteenth century is difficult to trace because both parties underwent significant changes in party theories of economic intervention that make it difficult to determine which party's preferences the Court was supporting. Nonetheless, by the time of the New Deal it had become clear that the Democrats favored government intervention in the economy, while the Republicans resisted it. Thus, Lochner Era decisions that overturned social reform legislation as unconstitutional were celebrated by Republicans during the New Deal and criticized by Democrats. Republican theories of governance and judicial intervention evolved in a way that defended judicial power, independence, and intervention. Democratic ideology, on the other hand, evolved in a way that attacked these things.

#### 5.1 Historical Context of the Gilded Age and Lochner Era

After the Civil War, reform movements emerged in American politics that called for social democratic policies to ameliorate the new conditions brought on by industrial capitalism. These movements were first advocated by third parties in the 1870s, then adopted piecemeal by the Republican Party beginning in the 1880s, and by the Democratic Party beginning in the 1890s.<sup>71</sup> At first, the Republican Supreme Court was more tolerant of this kind of legislation. For example, in *Munn v. Illinois*, (1877), the Court ruled 7-2 that the

<sup>71</sup> For details on these developments, see chapter 2 of this dissertation.

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State of Illinois could fix maximum rates charged by railroad and grain elevator companies. Republican Chief Justice Morrison Waite explained that when a businessperson "devotes his property to a use in which the public has an interest, he, in effect, grants to the public an interest in that use, and must submit to be controlled by the public for the common good" (Waite 1876). Democratic Justice Stephen Field, and former Democrat William Strong, dissented.

However, in the ensuing decades, the Court began overturning legislation regulating the market economy. Although the progressive wing of the Republican Party, and the populist and progressive wings of the Democratic Party, managed to pass limited social democratic reforms in the 1890s-1930s, the Supreme Court struck down much of this legislation in what became known as the Lochner Era. Like other eras of Supreme Court history, the federal judiciary grew in power during this time as part of the continual secular shift toward greater judicial power and intervention (Clark 2011, 35).

The period between 1874 and 1936 is unique in American history because the two parties did not always have clear and divergent stances on what the proper role and nature of government intervention in the economy should be. Up until 1874, it was clear which party favored a stronger national government and more intervention in the economy, and which party favored a weaker national government and less intervention in the economy. When the Federalists controlled the Court between 1790 and 1836, they ruled in favor of national power over state power, and this caused Jeffersonian Republicans and Democrats to develop anti-judicial party ideologies and the Federalists and Whigs to develop pro-judicial ideologies. Similarly, when the Democrats controlled the Supreme Court between 1836 and 1874, they ruled against national power over state power, and struck down several federal

<sup>&</sup>lt;sup>72</sup> With control of Congress, the Republican Party engaged in court curbing between 1801 and 1807, and the Democratic Republican Party engaged in court curbing between 1823 and 1834 (Engel 2011).

interventions into the economy. This caused Republicans to develop an anti-judicial party ideology and the Democrats to develop a pro-judicial ideology.<sup>73</sup> However, between 1874 and 1937, the two parties changed positions on the issue of economic intervention. In this ideologically muddled period of party history, there was a less clear standard against which the behavior of Supreme Court justices could be measured as favoring the Republican Party or the Democratic Party.<sup>74</sup> Without a clear distinction between the parties, there was no clear determination of which party the Court was favoring with its decisions. This limited the episodes of party-centered judicial backlash.<sup>75</sup>

Given the parties' ideological heterogeneity at the end of the nineteenth century, presidents from both parties nominated justices who took a variety of positions on the constitutionality of state and national government regulations of the economy. For example, although we might view Republican Presidents Grant, Hayes, Garfield, Harrison, and McKinley as ideologically similar, they nominated an ideologically diverse group of justices: Grant nominated Bradley and Waite, who supported government regulation of business; Garfield and Harrison nominated Matthews and Brewer, who opposed government regulation of business; and McKinley nominated Sanford, who supported government regulation. Even within one administration, we can see diversity: Taft nominated a proregulation Democrat (Lurton), a pro-regulation Republican (Hughes), an anti-regulation Democrat (Lamar), and an anti-regulation Republican (Van Devanter). Given the two parties' ambiguity on business regulation at this time, it is impossible to say that one group

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<sup>&</sup>lt;sup>73</sup> With control of Congress, the Republican Party engaged in court curbing between 1857 and 1862, and between 1865 and 1871 (Engel 2011).

<sup>&</sup>lt;sup>74</sup> It is true that the Republican Party generally favored more national government power and intervention than Democrats during almost all of this period, but there was also a strong non-interventionist, or stand-pat, wing of the Republican Party and a strong interventionist, Populist and Progressive, wing of the Democratic Party starting in the late 1890s.

<sup>&</sup>lt;sup>75</sup> There were plenty of protests against judicial power by populists and progressives, but these did not become dominant parts of either party ideology until 1896. Thus, court curbing became bi-partisan more often than partisan.

of justices defected from their parties' ideological positions and another group held true. A "progressive" or a "conservative," a friend of regulation or a foe of regulation, could be found in either party at the turn of the twentieth century. Thus, any of these positions could be plausibly interpreted as faithful to their party's ideology, and thus we cannot code justices as diverging from their nominating party's positions. Given that Republican presidents appointed a majority of the justices between 1874 and 1896, I code this period as one of Republican Party control of the Supreme Court but without significant party debate over the role of the Court.

In the five presidential campaigns between 1872 and 1892, neither of the two parties' platforms said a word about the federal courts or judicial intervention. The Courts did not scale back their power, jurisdiction, or intervention, but because the Courts did not make rulings on which the two parties fundamentally disagreed, the Court did not become an object of party battle until the 1890s. In that decade, the Court began striking down reform legislation pushed by agrarian populists—an insurgent group that split and transformed the Democratic Party. As the Democratic Party incorporated the populist movement, the Democratic Party began advocating that faction's critique of the courts. In 1896, the "Bryan Democrats," which included the Populist Party, criticized the Court's behavior, while the National Democratic platform of the "Gold Democrats," "Bourbon Democrats," or "Cleveland Democrats" insisted on the traditional Democratic position defending judicial independence.

In control of the Supreme Court, the Republican Party establishment, but not its Progressive wing, supported the judiciary's use of the Fourteenth Amendment to strike down reform legislation—especially laws passed during the Wilson and FDR administrations. Democratic Party ideology, on the other hand, returned to its antebellum

opposition to judicial power. The strong showing of Progressive Party candidate Theodore Roosevelt in 1912, along with Socialist Party candidate Eugene Debs, made an impression on the Democratic Party. Though previously less progressive than T.R. and Debs, Wilson and his Democratic Party quickly went to work passing many of the social democratic reforms called for by the Progressives (Milkis 2009, 25). Republicans, now in opposition to the elected branches, but still in control of the Supreme Court, continued to defend judicial intervention. This dynamic came to a climax in 1937 when FDR attempted to pack the Supreme Court with sympathetic justices in order to implement his New Deal. This section will discuss how the parties clashed over the role of the judiciary during this period.

# 5.2 Party Control of the Supreme Court and Party Ideology Development

Between 1870 and 1882, four different Republican presidents made a total of nine appointments to the Supreme Court, and by 1874 the party had established long-tem control of the Supreme Court. Between 1874 and 1895, the two parties' platforms do not mention the federal judiciary, but an analysis of Court-curbing bills introduced into Congress can still give us insight into the developments of this period. During this era of Republican Party control of the Supreme Court, members of Congress introduced 61 different court-curbing bills, but Republican congressmen introduced only 17 of these bills. This indicates that the Republican Party was much less opposed to judicial intervention than the Democratic Party.

#### 5.2.1 Party Ideologies in the Progressive Era

Throughout their history, the Federalists, Whigs, and Republicans had advocated higher tariffs than the Jeffersonian Republican and Democratic Parties. In 1894, with control

<sup>&</sup>lt;sup>76</sup> This data was gathered from a list of "all Court-curbing bills introduced in Congress from 1877 through 2010" provided by Tom Clark on his data website (T. Clark 2013)

of unified government, the Democratic Party lowered tariffs while instituting a small income tax (2%) impacting a very small portion of the population. In *Pollock v. Farmers' Loan Trust Co.* (1895), the Supreme Court ruled that this income tax violated the Constitution's prescription that direct taxes must be apportioned among the states. In addition, in *United States v. E.C. Knight* (1895), the Court again angered populists and progressives when it interpreted the Sherman Act much more narrowly than reformers who crafted the legislation had hoped. <sup>77</sup> These rulings drew the ire of Democrats opposed to the Republican Court. <sup>78</sup>

Like the Old Republicans at the beginning of the nineteenth century, Populist

Democrats at the end of the nineteenth century began calling for impeachment of federal

judges. Even though the Democratic Party had supported the practice of judicial review

during the Taney and Chase Courts, some party members now claimed that no such power

existed:

If the Supreme Court has a right to declare a law of Congress void for lack of conformity to the Constitution, it obtains it outside of that instrument itself; for in no single one of its provision is there any warrant for it, either expressed or implied...Under the Constitution, the Supreme Court can no more nullify a law of Congress, by a decision, than can Congress nullify a decision of the court by an enactment, or than can the president nullify both by an executive order...The power claimed by the Supreme Court, to nullify a law of Congress, is entirely a self-assumed power...Our constitutional government has been supplanted by a judicial oligarchy. The time has now arrived when the government should be restored to its constitutional basis. The duty is plain and the road is clear. If Congress, at its next session, would impeach the nullifying judges for the usurpation of legislative power, remove them from office, and instruct the President to enforce the collection of the income tax, the Supreme Court of the United States would never hereafter presume to trench upon the exclusive power of Congress; and thus the

<sup>&</sup>lt;sup>77</sup> The justices, themselves, did not divide between Republicans and Democrats on the Court. In *Pollock*, of the two justices appointed by Democratic President Cleveland, Chief Justice Fuller wrote the majority opinion and Associate Justice Edward White wrote the dissenting opinion. The seven justices appointed by Republicans split four in favor and three dissenting. The four in favor included Democrat Stephen Field. In *E.C. Knight*, Democratic Chief Justice Fuller once again wrote the majority opinion, and only Republican justice John Marshall Harlan dissented.

<sup>&</sup>lt;sup>78</sup> Alan Westin, "The Supreme Court, the Populist Movement, and the Campaign of 1896," *Journal of Politics* (1953), 3-41.

government, as created by our fathers, would be restored with all of its faultless outlines and harmonious proportions (Pennoyer 1895).

A quarter century before he became Chief Justice, Republican William Taft responded to Governor Pennoyer's discourse in *The American Law Review* by defending the authority of federal courts to overturn unconstitutional state legislation under the 14th Amendment's guarantee to the right of property (Taft 1895). The 1896 Democratic Party platform nominating Populist Party candidate William Jennings Bryan, meanwhile, denounced the Supreme Court's judicial review of the income tax law. Former Republican President Benjamin Harrison argued that this plank in the Democratic Party platform was the most important issue of the 1896 election. Republican politician Chauncy Depew warned in the *Literary Digest* that "Bryan proposes to abolish the Supreme Court and make it the creature of the party caucus whenever a new Congress comes in" (Depew 1896). In the four years from 1896 through 1899, MCs introduced 18 court-curbing bills, but only Republicans introduced four of these bills. Once again, this indicates that Democrats were much more concerned about weakening the power of the federal courts than the Republicans.

The partisan debate over the role of the Court died down after 1899, but was revived again when the GOP nominated former Solicitor General, and future Supreme Court Chief Justice, William Howard Taft in 1908 and 1912. "The Republican party will uphold at all times the authority and integrity of the courts, State and Federal, and will ever insist that their powers to enforce their process and to protect life, liberty and property shall be preserved inviolate" (Republican National Convention 1908). In contrast, the Democratic Party's 1908 platform sounded like the Jeffersonian Republicans from a century earlier.

<sup>&</sup>lt;sup>79</sup> "In my opinion there is no issue presented by the Chicago convention more important or vital than the question they have raised of prostituting the power and duty of the national courts...I cannot exaggerate the gravity and the importance and the danger of this assault upon our constitutional form of government; [upon] the high-minded, independent judiciary that will hold to the line on questions between wealth and labor, the rich and poor" (Harrison 1896).

"Believing, with Jefferson, in 'the support of the State governments in all their rights as the most competent administrations for our domestic concerns, and the surest bulwarks against anti-republican tendencies'... we are opposed to the centralization implied in the suggestion, now frequently made, that the powers of the General Government should be extended by judicial construction (DNC 1908).

Just as populist insurgents had officially split the Democratic Party in 1896, progressive insurgents officially split the Republican Party in 1912. In a challenge to both the Democratic Party and the Progressive Party, the Taft-supporting platform of 1912 defended the judiciary against reformers who called for less judicial intervention and more direct democracy: "The Republican party...will ever insist that...life, liberty and property shall be preserved inviolate...Until these constitutional provisions are so altered or amended, in orderly fashion, it is the duty of the courts to see to it that when challenged they are enforced." Eight years later, in the aftermath of the Wilson Administration, the 1920 platform complained of an "executive usurpation" of the "judicial function." In 1924 Republicans expressed their desire to pass Progressive legislation banning child labor, but their judicial ideology, and support of the Court's decisions, made them insist in the party platform that the Constitution must be amended before the law could be passed (Republican National Convention 1924). This is an instance in which a party's judicial ideology constrained the issue positions that party members would have otherwise taken.

#### 5.2.2 Party Ideologies During the New Deal

The clashes between the Republicans and Democrats over the role of the Supreme Court in American politics during the New Deal are well documented. Under the leadership of President Franklin D. Roosevelt, the Democratic Party eschewed its mostly limited government past and durably changed its ideology concerning government intervention in

the economy. In a series of cases the Supreme Court struck down several New Deal laws. The "four horsemen" who typically voted to overturn the legislation included two Democrats (Pierce Butler, a Cleveland Democrat appointed by Warren Harding, and James McReynolds, a Tennessee Democrat appointed by Woodrow Wilson), and two Republicans (Harding-appointee George Sutherland and Taft-appointee Willis Van Devanter). The "three musketeers" who typically voted to let the legislation stand included two Republicans (Louis Brandeis, a Progressive Republican nominated by Wilson, and Coolidge-appointee Harlan Fiske Stone) and one Democrat (Benjamin Cardozo, who was nominated by Republican President Herbert Hoover). The swing voters on this Court were two Hoover appointees: Chief Justice Charles Evans Hughes and Owen Roberts.

In response to these Lochner Era judicial interventions, the Democratic Congress and president set a record for court-curbing legislation in 1935-37 (Nagel 1965). In these three years, MCs introduced 52 court-curbing bills, but less than a quarter were introduced by Republicans. The GOP voiced its support for the Supreme Court's actions and resisted "all attempts to impair the authority of the Supreme Court of the United States, the final protector of the rights of our citizens against the arbitrary encroachments of the legislative and executive branches of government. There can be no individual liberty without an independent judiciary" (Republican National Convention 1936). During the 1936 campaign, the Republican presidential challenger attacked President Roosevelt's views of the judiciary: "He has publicly belittled the Supreme Court of the United States...If changes in our civilization make amendment to the Constitution desirable it should be amended...Will an amendment be submitted to the people or will he attempt to get around the Constitution by tampering with the Supreme Court?" (Landon 1936).

Most famously, on 5 February 1937, FDR unveiled his plan to put more judges on the Supreme Court sympathetic to his administration's legislation. It is during this time that we have the first surveys available to measure party attitudes toward the Court. Gallup surveys conducted between February and May 1937 showed that, by a slight margin, more Americans opposed the proposal than supported it. However, this opposition and support was strictly partisan. In one survey, Gallup found that 73% of Democrats supported FDR's court-packing plan while just 6% of Republicans supported it (Dolbeare 1967).

Thus, between 1874 and 1937 the two parties had switched positions with regard to their theories of judicial intervention. At the time of the Civil War, Lincoln's Republican Party criticized the Democratic Supreme Court's "perversions of judicial power" while the Democratic Party insisted that Supreme Court decisions "should be respected by all good citizens, and enforced with promptness and fidelity by every branch of the general government." By the end of the nineteenth century, Democrats were complaining of "judicial oligarchy" while Republicans now defended the authority of the courts. The postwar era would witness yet another reversal by the two parties in their attitudes toward the Court.

### 5.3 Other Factors that Explain Party Ideology Development

The evolution in Democratic and Republican Party theories of judicial intervention was not, of course, only about change in control of the Supreme Court. These developments were also the product of changes in the party coalitions. The Democratic Party, whose base of membership had always been in the South and West, responded to the emerging Granger and Populist movements in the 1860s-90s. The adoption of the Populist Party in 1896 represented a significant evolution in party ideology: the Democratic Party now advocated

for national government regulation of the railroads and an inflationary monetary policy, and its rhetoric revived the anti-elitist language of the early nineteenth century Radical Republicans. Just as the Jeffersonian Republicans' anti-elitist language fit with anti-judiciary sentiment at the turn of the nineteenth century, the Bryan Democrats' anti-elitist language fit with anti-judiciary sentiment at the turn of the twentieth century.

The Republican Party's coalition also changed during this period. An insurgent Progressive faction emerged within the party in the 1880s and eventually led to a split from the party in the presidential nomination battle of 1912. This Progressive movement not only wanted to expand national government administrative power to regulate the economy, and redistribute economic outcomes, but it also wanted to promote direct, or "pure," democracy, which included a critique of judicial independence (Milkis 2009). Thus, the Republican Party between 1874 and 1912 was somewhat ambivalent about judicial power. However, after the 1912 split between the Republican Party and the Progressive Party, the GOP remnant took a strong stand in favor of judicial independence, judicial review, and judicial supremacy that lasted through the New Deal.

# 6 Liberal Consensus and Conservative Response, 1937-1991

Around the time of the court-packing controversy, the Supreme Court ceased striking down FDR's New Deal legislation (the famous, and arguably mythical, "switch in time that saved nine"). From that point forward, the American government undertook many social democratic reforms that have increased the power and scope of the national government among all three branches. Since 1937, the two parties have been consistently divided over the question of "big government": Democrats typically calling for more government intervention in society and the economy to overcome social and economic

inequalities, and Republicans typically calling for less government intervention in the name of individual liberty.

By the time FDR died in office in 1945, he had appointed nine justices to the Supreme Court—with eight of them still serving alongside Hoover appointee Owen Roberts (the one whose switch saved nine). FDR's successor, Truman, appointed four more.

Democrats kept control of the Supreme Court for the next half-century, and during that time the two parties' ideologies evolved as expected.

## 6.1 Historical Context of the Mid-Twentieth Century

In the postwar era, the Supreme Court became entangled in politics through the emergence of social issues like racial desegregation, criminal law reform, and abortion. The two parties debated the role of the judiciary more in the context of social legislation than economic legislation. As in previous periods, the Court once again expanded its power and reach into American social and political life. In the mid-nineteenth century, the Republican Party advocated the use of national government power to abolish slavery and end racial discrimination and segregation conducted by state governments, while the Democratic Party opposed the expansion of national government power to pursue these Reconstruction measures. By the mid-twentieth century, the Democrats now advocated the use of national government power to end racial discrimination and segregation conducted by both governments and citizens, while the Republican Party opposed the expansion of national government power to pursue school busing and affirmative action. These developments in party ideology had implications for the parties' evolving theories of judicial intervention.

# 6.2 Party Control of the Supreme Court and Party Ideology Development

Even though Democrats took control of the Court in 1937, the path dependence of party ideologies meant that these ideologies would continue into the future until political entrepreneurs could use a political issue, over which the parties disagreed, to bring about party ideology change. Thus, the 1940 GOP platform continued to support the judiciary against the elected branches. "Instead of the Establishment of Justice the Administration has sought the subjection of the Judiciary to Executive discipline and domination...Our greatest protection against totalitarian government is the American system of checks and balances" (Republican National Convention 1940). Similarly, after twenty straight years of opposition to the White House, the party called for "the protection of independent judicial review against administrative invasions" (Republican National Convention 1952). By the 1950s, civil rights legislation and judicial decisions no longer divided the parties, and, thus, the Court's decision in *Brown v. Board* (1954) did not change the Republicans' continuing commitment to judicial power and intervention.

The Republican Party points to an impressive record of accomplishment in the field of civil rights and commits itself anew to advancing the rights of all our people regardless of race, creed, color or national origin. In the area of exclusive Federal jurisdiction, more progress has been made in this field under the present Republican Administration than in any similar period in the last 80 years... We support the enactment of the civil rights program already presented by the President to the Second Session of the 84th Congress....The Republican Party has unequivocally recognized that the supreme law of the land is embodied in the Constitution, which guarantees to all people the blessings of liberty, due process and equal protection of the laws. It confers upon all native-born and naturalized citizens not only citizenship in the State where the individual resides but citizenship of the United States as well. This is an unqualified right, regardless of race, creed or color. The Republican Party accepts the decision of the U.S.. Supreme Court that racial discrimination in publicly supported schools must be progressively eliminated. We concur in the conclusion of the Supreme Court that its decision directing school desegregation should be accomplished with "all deliberate speed" locally through Federal District Courts (Republican National Convention 1956).

The 1960 platform included a similar civil rights plank that again expressed support for the actions and authority of the federal judiciary in desegregation.<sup>80</sup>

Even though the Democratic Party was quicker to switch to an ideology of judicial supremacy than the GOP was to switch to an ideology of judicial deference, some veterans of the New Deal Era continued to worry about a "counter-majoritarian problem" with the Supreme Court. Felix Frankfurter, a social democratic Progressive appointed by FDR, often dissented from his Democratic colleagues who used the activist tradition of the Court to pursue liberal causes in civil rights. Frankfurter's dissents from his liberal colleagues shows the constraining power of previously developed ideologies. By the 1950s, however, Frankfurter was increasingly in the minority in the Democratic Party. The 1956 Democratic Party platform, the first to comment on the Supreme Court since the 1912 platform's denunciation of it, proclaimed:

The Democratic Party emphatically reaffirms its support of the historic principle that ours is a government of laws and not of men; it recognizes the Supreme Court of the United States as one of the three Constitutional and coordinate branches of the Federal Government, superior to and separate from any political party, the decisions of which are part of the law of the land. We condemn the efforts of the Republican Party to make it appear that this tribunal is a part of the Republican Party (Democratic National Convention 1956).

The DNC felt the need to address the party's views about judicial power and intervention because of the Southern Manifesto signed by 96 Southern Democrats in Congress (19

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<sup>80 &</sup>quot;The Department of Justice will continue its vigorous support of court orders for school desegregation...It will use the new authority provided by the Civil Rights Act of 1960 to prevent obstruction of court orders. We will propose legislation to authorize the Attorney General to bring actions for school desegregation in the name of the United States in appropriate cases, as when economic coercion or threat of physical harm is used to deter persons from going to court to establish their rights. We oppose the pretense of fixing a target date 3 years from now for the mere submission of plans for school desegregation. Slow-moving school districts would construe it as a three-year moratorium during which progress would cease, postponing until 1963 the legal process to enforce compliance. We believe that each of the pending court actions should proceed as the Supreme Court has directed and that in no district should there be any such delay" (Republican National Convention 1960).

Senators and 77 representatives). The manifesto criticized judicial supremacy and called for judicial deference to the elected representatives in Congress: "We regard the decision of the Supreme Court in the school cases as a clear abuse of judicial power. It climaxes a trend in the Federal judiciary undertaking to legislate, in derogation of the authority of Congress, and to encroach upon the reserved rights of the States and the people" (George 1956). Even though the Democratic Party was split on this issue between its Northern and Southern membership, the Southern critics of judicial power made up only a fraction of the Democratic Party's Senate and House delegations. The 1960 platform again expressed its commitment to judicial authority. By the early 1960s, "the Democratic Party abandoned its traditional unease with the judiciary and instead concluded that a Great Society needed a great Court" (Powe 2009, 255).

Three decades after the change in party control of the Supreme Court, judicial issues finally began dividing the two parties and provided the incentive Republicans needed to change their party's theory of judicial intervention. In Mapp v. Ohio (1961), the Court ruled that evidence for a case obtained in violation of the Fourth Amendment may not be included in a criminal trial. In Escobido v. Illinois (1964), the Court ruled that confessions given in violation of the Sixth Amendment may not be included. In Miranda v. Arizona (1966), the Court ruled that evidence obtained by law enforcement without the suspect being given four warnings, including the right to remain silent, may not be used in a criminal trial. Miranda "nationalized opposition to the Warren Court in the Republican Party. All of a sudden the Republicans had a winning issue—law and order" (Powe 2009, 265). In his 1968 RNC nomination acceptance speech, Nixon explained: "Let us always respect, as I do, our courts and those who serve on them. But let us also recognize that some of our courts in their decisions have gone too far in weakening the peace forces as against the criminal forces

in this country and we must act to restore the balance" (Nixon 1968). Nixon's prefatory remarks indicate that the Republican Party's pro-judicial ideology, built up over six decades of control of the Court, continued to constrain the rhetoric and attitudes of party members. However, in the 1960s, the Republican Party began layering a new anti-judicial ideology on top of their older pro-judicial sentiments.

The Court's entanglement in the presidential election of 1968 coincided "with widespread debate over the legitimacy of judicial review and the Court's role in the political system" (Stephenson 1999, 15). In addition to the Court's criminal law rulings, the Court's rulings in desegregation busing cases were also unpopular. When Nixon received the party nomination in August, a reporter asked him about school busing and federal judges, to which he "replied that he preferred those who attempted to interpret rather than make the law and that he did not think it proper for judges to act as local school boards" (New York Times 1968). Two days before the general election, Nixon made his judicial ideology clear, claiming that his appointments to the Supreme Court "would be strict constructionists who saw their duty as interpreting law and not making law. They would see themselves as caretakers of the Constitution and servants of the people, not super-legislators with a free hand to impose their social forces and political viewpoints on the American people" (Kenworthy 1968). In response, Democratic presidential candidate Hubert Humphrey argued that Nixon's attacks on the Court were irresponsible and would lead to "civil explosions" (Semple 1968).

Almost every major party platform since 1968 has made reference to the Supreme Court and its role in the political system: Republicans typically warning about judicial activism and Democrats typically defending the Court's actions. The 1972 GOP platform supported the Student Transportation Moratorium Act, as a way to halt "court-ordered"

busing" and give Congress time to determine a solution to desegregated schools, and supported the Equal Employment Opportunity Commission as a way to have Congress ensure the protection of civil rights "rather than leaving this task to judges appointed for life." The 1972 Democratic Party platform voiced support for "Court decisions holding unconstitutional the disparities in school expenditures produced by dependence on local property taxes." The 1976 and 1980 GOP platforms took issue with what they perceived as the Court's overreach in *Roe v. Wade.* In contrast, the 1980 Democratic Party platform maintained support for "the 1973 Supreme Court decision on abortion rights as the law of the land and oppose [d] any constitutional amendment to restrict or overturn that decision."

The Republican Party campaigned in opposition to *Roe v. Wade* with success. "The enlarged Republican presence on Capitol Hill and a sympathetic president begot the most Court-curbing bills in over a decade: twenty-three in the House and four in the Senate, all by late spring 1981" (Stephenson 1999). In response, the 1984 Democratic Party platform opposed "efforts to strip the federal courts of their historic jurisdiction to adjudicate cases involving questions of federal law and constitutional right...The hard truth is that if Mr. Reagan is reelected our most vigorous defender of the rule of law—the United States Supreme Court—could be lost to the cause of equal justice for another generation."

By 1984, the Republican Party had developed a new theory of jurisprudence (retrieved from the past) to accompany their ideological opposition to judicial activism and judicial supremacy: originalism. Since 1984, GOP platforms have typically included a long critique of judicial activism and a defense of strict construction:

Our Constitution, now almost 200 years old, provides for a federal system, with a separation of powers among the three branches of the national government. In that system, judicial power must be exercised with deference towards State and local officials; it must not expand at the expense of our representative institutions. It is not a judicial function to reorder the economic, political, and social priorities of our nation. The intrusion of the

courts into such areas undermines the stature of the judiciary and erodes respect for the rule of law. Where appropriate, we support congressional efforts to restrict the jurisdiction of federal courts...We share the public's dissatisfaction with an elitist and unresponsive federal judiciary...In his second term, President Reagan will continue to appoint Supreme Court and other federal judges who share our commitment to judicial restraint (RNC 1984).

The Republican Party of 1984, with its call for deference to democratically elected branches of government, sounded like the Republican Party of 1804. In 1986, Republican Attorney General Edwin Meese shook up the postwar liberal consensus on the role of the federal courts with a speech at Tulane University. Writing in the Chicago Tribune, Professor Richard Labunski explained that Meese "made some of the most reckless, dangerous and irresponsible statements ever uttered by an attorney general when he said the Supreme Court's interpretations of the Constitution were not 'the supreme law of the land'...It is strange that Meese would choose now to attack the Supreme Court. President Reagan has appointed two very conservative jurists, and picked the even more conservative William Rehnquist to be the chief justice" (Labunski 1986). While puzzling to Labunski, this call for a non-interventionist Court, just as Republicans were about to control it, can be understood in light of our understanding of path dependency: it takes several years (not days) for party ideologies to change in accordance with party control of government institutions.

Between 1937 and 1991, the rhetoric of the two parties concerning judicial intervention evolved in the expected way. The Democrats, who had railed against judicial oligarchy at the turn of the twentieth century, stood for judicial authority and integrity in the second half of that century. The Republicans, who held up the Supreme Court as a bulwark against majority tyranny during the New Deal, now argued for judicial deference to majority will.

These developments in party theories of intervention had implications for changes in party theories of ends. The anti-judicial sentiment that emerged in the Republican Party beginning in the 1960s coincided with that Party's embrace of a New Right that was more populist in orientation than the GOP's Old Right. The Republican Party's theory of ends during this time came to include calls for liberty, equality, and limited government that resembled Jefferson's Republican Party. The Democratic Party's embrace of judicial power and intervention, on the other hand, aided the Party's change in ideological foundations from populism to universalism in the postwar era (Gerring 1998).

# 7 Rehnquist and Roberts Courts, 1991-Present

After winning five of six presidential elections between 1968 and 1988, the Republican Party took control of the Supreme Court in 1991, but our current period marks the first era in American history in which the two parties have not changed their theories of judicial intervention as expected by the political institutional theory. Since Meese's 1986 speech, the Republican Party has continued to develop this ideology opposed to judicial activism and judicial supremacy. The 1992 GOP platform represented this high watermark for GOP anti-judicial sentiment:

The American people have lost faith in their courts, and for good reason. Some members of the federal judiciary threaten the safety, the values, and the freedom of law-abiding citizens. They make up laws and invent new rights as they go along, arrogating to themselves powers King George III never dared to exercise. They free vicious criminals, pamper felons in prison, frivolously overturn State laws enacted by citizen referenda, and abdicate the responsibility of providing meaningful review of administrative decisions. The delicate balance of power between the respective branches of our national government and the governments of the 50 states has been eroded. The notion of judicial review has in some cases come to resemble judicial supremacy, affecting all segments of public and private endeavor...The federal judiciary, including the U.S. Supreme Court, has overstepped its authority under the Constitution. It has usurped the right of citizen

legislators and popularly elected executives to make law by declaring duly enacted laws to be "unconstitutional" through the misapplication of the principle of judicial review. Any other role for the judiciary, especially when personal preferences masquerade as interpreting the law, is fundamentally at odds with our system of government in which the people and their representatives decide issues great and small (RNC 1992).

Of the 138 court-curbing bills introduced in Congress since 1991, 80% of them have been introduced by Republicans MCs.

In response, Democrats have reaffirmed their opposition to "efforts to strip the federal courts of jurisdiction to decide critical issues affecting workers, immigrants, veterans and others of access to justice" (DNC 2000). The path dependence of the ideologies that developed in the 1960s-80s has not yet been overcome by party entrepreneurs acting in response to emerging judicial issues. This may be due to the fact that the Republican Party has not actually taken decisive control of the Supreme Court, which means that the Court does not clearly and consistently favor the preferences of the Republican Party over the Democratic Party. In the past three decades, many Republican-appointed justices have joined with the Democratic-appointed justices on a variety of issues, including hot-button cultural issues, to hand down decisions in line with Democratic Party preferences.

### 7.1 Party Control of the Supreme Court and Party Ideology Development

Similar to Republican presidents in the early nineteenth century, Republican presidents in the late twentieth century, over a 24-year period, made every appointment to the Supreme Court, but in both cases the party failed to take control of the Court. Just as Republican appointees Livingstone, Todd, Duvall, and Story ended up siding with the Federalists on the Court, Republican appointees Warren, Brennan, Blackmun, and Stevens sided with the Democrats on the Court. Not until George H. W. Bush nominated Clarence

Thomas to join Rehnquist, O'Connor, Scalia, and Kennedy did the Republican Party have a majority of justices on the Supreme Court who favored their policies.

However, to claim that the Supreme Court has been controlled by a 5-4 Republican majority since 1991 requires two contestable assumptions: that both O'Connor and Kennedy should be counted as generally supporting the Republican Party's jurisprudential preferences—in the way that Rehnquist, Scalia, Thomas, Alito, and Roberts are counted—rather than as swing voters. If either of them is coded as swing voters, then the Court cannot be coded as Republican during the past 25 years. If either of them is coded as Democratic voters, then the Democrats have, in fact, never lost control of the Court since they took in in 1937.

Given the tenuous nature of this Republican "majority" on the bench, upon closer examination it is not actually that surprising that the two parties' theories of judicial intervention have not changed much since 1991. Perhaps we should not expect the bare Republican majority, and the uncertainty about which way swing justices will cast their votes, to provide enough of an incentive for the parties to completely overcome the path dependence of ideological inertia. Since 1991, the Court has not consistently favored one party's policies over the other, and so there are no long-term tensions that have caused party ideologies to durably switch.

To the extent that the Court has, since 1991, sometimes favored the Republicans and sometimes favored the Democrats, then we do see some marginal movements away from the more static and strident division over the role of the Court seen in the 1970s and 80s. After all, Democratic rhetoric becomes relatively more anti-Court, and Republican rhetoric becomes relatively more pro-Court after decisions like *Bush v. Gore* (2000) and *Citizens United v. Federal Election Commission* (2010). It seems that the two parties have moderated their

theories of judicial intervention since control of the Court has been up for grabs. However, the layers of past ideological changes cannot simply be peeled away from the parties, and it will take a much more decisive and long-term change in party control of the Supreme Court to effect a more decisive change in party attitudes toward the judiciary like we have witnessed in earlier periods of American political history.

### **8 Conclusion**

Party control of the Supreme Court has changed five times in American history, and in four of those instances the parties' theories of judicial intervention have clearly developed as predicted by the political institutional theory (see Table 2). In one case, our current era, the parties have not clearly changed as expected. That the five instances of change in long-term party control of the Supreme Court resulted in four instances of expected change in party ideologies is worth noting.

Table 2: Party Control of the Supreme Court and Party Theories of Judicial Intervention (Expectations with Results)

	Time Period	Independent Variable: Change in Long- Term Party Control of the Supreme Court	Dependent Variable: Expected Change in Relative Party Ideologies	Dependent Variable: Change in Relative Party Ideologies as Expected?
1	Federalist Era and the Marshall Court 1790-1836	Federalist Supreme Court	Federalists should move more toward intervention than the Republicans	Yes: Federalists became more interventionist than the Republicans
2	Taney and Chase Courts 1836-1874	Democratic Supreme Court	Democrats should move more toward intervention than the Whigs and Republicans	Yes: Democrats became more interventionist than the Whigs and Republicans
3	Gilded Age and the Lochner Era 1874-1937	Republican Supreme Court	Republicans should move more toward intervention than the Democrats	Yes: Republicans became more interventionist than the Democrats
4	Postwar Liberal Consensus and Conservative Response 1937-1991	Democratic Supreme Court	Democrats should move more toward intervention than the Republicans	Yes: Democrats became more interventionist than the Republicans
5	Rehnquist and Roberts Courts 1991-present	Republican Supreme Court	Republicans should move more toward intervention than the Democrats	No: Republicans have not clearly become as interventionist as the Democrats

These empirical results also emphasize the importance of historical contingency in changing party ideology. While changes in party control of the Supreme Court provide the structural tensions and incentives needed for party ideologies to evolve, they do not change unless entrepreneurial political actors use historically contingent political issues to entangle the Court in electoral politics, and thus focus party leaders and members on the issue of

entrepreneurs to combine in a way that resulted in party ideology change. Jacksonian Democratic control of the Supreme Court only resulted in party ideology change through Republican opposition to the *Dred Scott* decision. GOP control of the Supreme Court at the turn of the twentieth century only resulted in party ideology change through the successes of the populist and progressive movements passing social democratic reforms like the income tax and the New Deal. Postwar Democratic control of the Supreme Court only resulted in party ideology change through New Right Republican opposition to cases like *Miranda* and *Roe*.

The hypothesis that changes in long-term party control of the Supreme Court are associated with changes in party theories of judicial intervention was not falsified by the foregoing empirical test. The results lend credence to the idea that a political factor—party control of political institutions—can help explain party ideology dynamics in addition to the sociological factors and historical contingencies focused on by previous scholarship.

Appendix 1: Partisan Composition of the U.S. Supreme Court, 1789-2015

Ju	STICE	Nominating President	President's Party	DATE OF OATH	JUSTICE'S PRIOR PARTY AFFILIATION	OPERATIONAL PARTY AFFILIATION ON THE COURT	OPERATIONAL COURT COMPOSITION
1	Wilson	Washington	Federalist	1789	Federalist	Federalist	Federalist 1-0
2	Jay	Washington	Federalist	1789	Federalist	Federalist	Federalist 2-0
3	Cushing	Washington	Federalist	1790	Federalist	Federalist	Federalist 3-0
4	Blair	Washington	Federalist	1790	Federalist	Federalist	Federalist 4-0
5	J. Rutledge	Washington	Federalist	1790	Federalist	Federalist	Federalist 5-0
6	Iredell	Washington	Federalist	1790	Federalist	Federalist	Federalist 6-0
7	T. Johnson	Washington	Federalist	1792	Federalist	Federalist	Federalist 6-0
8	Paterson	Washington	Federalist	1793	Federalist	Federalist	Federalist 6-0
	Rutledge	Washington	Federalist	1795	Federalist	Federalist	Federalist 6-0
9	S. Chase	Washington	Federalist	1796	Federalist	Federalist	Federalist 5-0
10	Ellsworth	Washington	Federalist	1796	Federalist	Federalist	Federalist 6-0
11	Washington	Adams, John	Federalist	1799	Federalist	Federalist	Federalist 6-0
12	Moore	Adams, John	Federalist	1800	Federalist	Federalist	Federalist 6-0
13	J. Marshall	Adams, John	Federalist	1801	Federalist	Federalist	Federalist 6-0
	W. Johnson	Jefferson	Dem-Rep	1804	Dem-Rep	Dem-Rep	Fed 5 - Dem 1
15	Livingston	Jefferson	Dem-Rep	1807	Dem-Rep	Federalist	Fed 5 - Dem 1
16	Todd	Jefferson	Dem-Rep	1807	Dem-Rep	Federalist	Fed 6 - Dem 1
17	Duvall	Madison	Dem-Rep	1811	Dem-Rep	Federalist	Fed 6 - Dem 1
18	Story	Madison	Dem-Rep	1812	Dem-Rep	Federalist	Fed 6 - Dem 1
19	Thompson	Monroe	Dem-Rep	1823	Dem-Rep	Dem-Rep	Fed 5 - Dem 2
20	Trimble	Adams, J. Q.	Nat'l Republican	1826	Dem-Rep	Federalist	Fed 5 - Dem 2
21	McLean	Jackson	Democrat	1830	Democrat	Federalist	Fed 5 - Dem 2
22	Baldwin	Jackson	Democrat	1830	Democrat	Democrat	Fed 4 - Dem 3
23	Wayne	Jackson	Democrat	1835	Democrat	Democrat	Fed 4 - Dem 3
24	Taney	Jackson	Democrat	1836	Democrat	Democrat	Dem 4 - Fed 3
25	Barbour	Jackson	Democrat	1836	Democrat	Democrat	Dem 5 - Fed 2
26	Catron	Jackson	Democrat	1837	Democrat	Democrat	Dem 6 - Fed 2
27	McKinley	Van Buren	Democrat	1838	Democrat	Democrat	Dem 7 - Fed 2
28	Daniel	Van Buren	Democrat	1842	Democrat	Democrat	Dem 7 - Fed 2
29	Nelson	Tyler	Democrat	1845	Democrat	Democrat	Dem 7 - Fed 2
30	Woodbury	Polk	Democrat	1845	Democrat	Democrat	Dem 8 - Fed 1
31	Grier	Polk	Democrat	1846	Democrat	Democrat	Dem 8 - Fed 1
32	Curtis	Fillmore	Whig	1851	Whig	Whig	Dem 7 - Fed 1 - Whig 1
33	Campbell	Pierce	Democrat	1853	Democrat	Democrat	Dem 7 - Fed 1 - Whig 1
34	Clifford	Buchanan	Democrat	1858	Democrat	Democrat	Dem 8 - Fed 1
35	Swayne	Lincoln	Republican	1862	Republican	Republican	Dem 6 - GOP 1
36	Miller	Lincoln	Republican	1862	Republican	Republican	Dem 6 - GOP 2

37	Davis	Lincoln	Republican	1862	Republican	Democrat	Dem 7 - GOP 2
38	Field	Lincoln	Republican	1863	Democrat	Democrat	Dem 8 - GOP 2
39	S. P. Chase	Lincoln	Republican	1864	Republican	Democrat	Dem 8 - GOP 2
40	Strong	Grant	Republican	1870	Republican	Republican	Dem 5 - GOP 3
41	Bradley	Grant	Republican	1870	Republican	Republican	Dem 5 - GOP 4
42	Hunt	Grant	Republican	1873	Republican	Democrat	Dem 5 - GOP 4
43	Waite	Grant	Republican	1874	Republican	Republican	GOP 5 - Dem 4
44	Harlan, I	Hayes	Republican	1877	Republican	Republican	GOP 6 - Dem 3
45	Woods	Hayes	Republican	1881	Republican	Republican	GOP 6 - Dem 3
46	Matthews	Garfield	Republican	1881	Republican	Republican	GOP 6 - Dem 3
47	Gray	Arthur	Republican	1882	Republican	Republican	GOP 7 - Dem 2
48	Blatchford	Arthur	Republican	1882	Republican	Republican	GOP 8 - Dem 1
49	L. Lamar	Cleveland	Democrat	1888	Democrat	Democrat	GOP 7 - Dem 2
50	Fuller	Cleveland	Democrat	1888	Democrat	Democrat	GOP 6 - Dem 3
51	Brewer	Harrison	Republican	1890	Republican	Republican	GOP 6 - Dem 3
52	Brown	Harrison	Republican	1891	Republican	Republican	GOP 6 - Dem 3
53	Shiras	Harrison	Republican	1892	Republican	Republican	GOP 6 - Dem 3
54	H. Jackson	Harrison	Republican	1893	Democrat	Republican	GOP 7 - Dem 2
55	E. White	Cleveland	Democrat	1894	Democrat	Democrat	GOP 6 - Dem 3
56	Peckham	Cleveland	Democrat	1896	Democrat	Democrat	GOP 5 - Dem 4
57	McKenna	McKinley	Republican	1898	Republican	Republican	GOP 6 - Dem 3
58	Holmes	Roosevelt, T.	Republican	1902	Republican	Republican	GOP 6 - Dem 3
59	Day	Roosevelt, T.	Republican	1903	Republican	Republican	GOP 6 - Dem 3
60	Moody	Roosevelt, T.	Republican	1906	Republican	Republican	GOP 6 - Dem 3
61	Lurton	Taft	Republican	1910	Democrat	Republican	GOP 7 - Dem 2
62	Hughes	Taft	Republican	1910	Republican	Republican	GOP 7 - Dem 2
	White	Taft	Republican	1910	Democrat	Democrat	GOP 7 - Dem 2
63	Van Devanter	Taft	Republican	1911	Republican	Republican	GOP 8 - Dem 1
64	J. Lamar	Taft	Republican	1911	Democrat	Republican	GOP 8 - Dem 1
65	Pitney	Taft	Republican	1912	Republican	Republican	GOP 8 - Dem 1
66	McReynolds	Wilson	Democrat	1914	Democrat	Democrat	GOP 7 - Dem 2
67	Brandeis	Wilson	Democrat	1916	Republican	Democrat	GOP 7 - Dem 2
68	Clarke	Wilson	Democrat	1916	Democrat	Democrat	GOP 6 - Dem 3
69	Taft	Harding	Republican	1921	Republican	Republican	GOP 6 - Dem 3
70	Sutherland	Harding	Republican	1922	Republican	Republican	GOP 7 - Dem 2
71	Butler	Harding	Republican	1923	Democrat	Republican	GOP 7 - Dem 2
72	Sanford	Harding	Republican	1923	Republican	Republican	GOP 7 - Dem 2
73	Stone	Coolidge	Republican	1925	Republican	Democrat	GOP 6 - Dem 3
	Hughes	Hoover	Republican	1930	Republican	Republican	GOP 6 - Dem 3
74	O. Roberts	Hoover	Republican	1930	Republican	Republican	GOP 6 - Dem 3
75	Cardozo	Hoover	Republican	1932	Democrat	Democrat	GOP 5 - Dem 4
76	Black	Roosevelt, F.	Democrat	1937	Democrat	Democrat	Dem 5 - GOP 4
77	Reed	Roosevelt, F.	Democrat	1938	Democrat	Democrat	Dem 6 - GOP 3
78	Frankfurter	Roosevelt, F.	Democrat	1939	Republican	Democrat	Dem 6 - GOP 3

79 Doug	las Roosevel	t, F. Democrat	1939	Democrat	Democrat	Dem 6 - GOP 3
80 Murpl	ny Roosevel	t, F. Democrat	1940	Democrat	Democrat	Dem 6 - GOP 3
Stone	Roosevel	t, F. Democrat	1941	Republican	Democrat	Dem 6 - GOP 2
81 Byrne	s Roosevel	t, F. Democrat	1941	Democrat	Democrat	Dem 7 - GOP 2
82 R. Jac	kson Roosevel	t, F. Democrat	1941	Democrat	Democrat	Dem 7 - GOP 2
83 W. Ru	tledge Roosevel	t, F. Democrat	1943	Democrat	Democrat	Dem 7 - GOP 2
84 Burto:	n Truman	Democrat	1945	Republican	Democrat	Dem 8 - GOP 1
85 Vinso	n Truman	Democrat	1946	Democrat	Democrat	Dem 9 - GOP 0
86 Clark	Truman	Democrat	1949	Democrat	Democrat	Dem 9 - GOP 0
87 Minto	n Truman	Democrat	1949	Democrat	Democrat	Dem 9 - GOP 0
88 Warre	en Eisenhow	ver Republican	1953	Republican	Democrat	Dem 9 - GOP 0
89 Harlas	n, II Eisenhow	ver Republican	1955	Republican	Republican	Dem 8 - GOP 1
90 Brenn	an Eisenhow	ver Republican	1956	Democrat	Democrat	Dem 8 - GOP 1
91 Whitt	aker Eisenhow	ver Republican	1957	Republican	Republican	Dem 7 - GOP 2
92 Stewa	rt Eisenhow	ver Republican	1958	Republican	Republican	Dem 6 - GOP 3
93 B. Wh	ite Kennedy	Democrat	1962	Democrat	Democrat	Dem 7 - GOP 2
94 Goldb	oerg Kennedy	Democrat	1962	Democrat	Democrat	Dem 7 - GOP 2
95 Fortas	Johnson,	L. Democrat	1965	Democrat	Democrat	Dem 7 - GOP 2
96 T. Ma	rshall Johnson,	L. Democrat	1967	Democrat	Democrat	Dem 7 - GOP 2
97 Burge	er Nixon	Republican	1969	Republican	Republican	Dem 6 - GOP 3
98 Blacks	mun Nixon	Republican	1970	Republican	Democrat	Dem 6 - GOP 3
99 Powel	l Nixon	Republican	1972	Democrat	Republican	Dem 5 - GOP 4
100 Rehno	quist Nixon	Republican	1972	Republican	Republican	Dem 5 - GOP 4
101 Stever	ns Ford	Republican	1975	Republican	Democrat	Dem 5 - GOP 4
102 O'Cor	nnor Reagan	Republican	1981	Republican	Republican	Dem 5 - GOP 4
Rehn	<b>quist</b> Reagan	Republican	1986	Republican	Republican	Dem 5 - GOP 3
103 Scalia	Reagan	Republican	1986	Republican	Republican	Dem 5 - GOP 4
104 Kenno	edy Reagan	Republican	1988	Republican	Republican	Dem 5 - GOP 4
105 Soute	Bush, G.	H. W. Republican	1990	Republican	Democrat	Dem 5 - GOP 4
106 Thom	as Bush, G.	H. W. Republican	1991	Republican	Republican	GOP 5 - Dem 4
107 Ginsb	ourg Clinton	Democrat	1993	Democrat	Democrat	GOP 5 - Dem 4
108 Breye	r Clinton	Democrat	1994	Democrat	Democrat	GOP 5 - Dem 4
109 <b>J. Rol</b>	perts Bush, G.	W. Republican	2005	Republican	Republican	GOP 5 - Dem 4
110 Alito	Bush, G.	W. Republican	2006	Republican	Republican	GOP 5 - Dem 4
111 Sotom	nayor Obama	Democrat	2009	Democrat	Democrat	GOP 5 - Dem 4
112 Kagar	o Obama	Democrat	2010	Democrat	Democrat	GOP 5 - Dem 4

<sup>&</sup>lt;sup>a</sup>The names of chief justices are printed in boldface type

<sup>&</sup>lt;sup>b</sup>Chief justices who previously served as associate justices on the Court are not numbered

<sup>&</sup>lt;sup>b</sup>The party affiliations of justices that differ from that of the nominating president are printed in orange text

<sup>&</sup>lt;sup>c</sup> The operational party affiliations of justices that differ from that of the nominating president are printed in orange text

<sup>&</sup>lt;sup>d</sup> Supreme Court appointments that lead to long-term changes in partisan composition of the Court are highlighted in blue

# CHAPTER 5

# **CONCLUSION:**

# HISTORY AND POLITICS IN THE STUDY OF IDEOLOGY

The preceding chapters have added something new to our understanding of ideology by attending to some older, or more traditional, forms of political science. By focusing on historical change and political forms, this dissertation has brought to light some important characteristics of American party ideologies that have been overlooked in previous scholarship. These chapters have sought to contribute to the efforts of political scientists in recent decades to bring the state, and history, back into the study of politics. Specifically, I have examined the hybrid system of government in which separated powers and political parties interact over time to shape the ideas that animate the American political system. In this way, the research project brings together the sub-fields of American political institutions, thought, and development, and responds to the call by scholars of American politics for synthesizing institutional and ideational approaches. In the political institutional theory of American party ideology development explored in this dissertation, "change arises out of 'friction' among mismatched institutional and ideational patterns" (Lieberman 2002, 697). I have attempted to illuminate our understanding of ideology in American politics by focusing

on, first, the dynamic character of ideology and, second, the political sources of ideological development.

In recent years, the political science discipline has become preoccupied with the concept of ideology. Almost half of all major political science journal articles, and over 80% of articles on Congress, refer to ideology (Lee 2009, 29-30). It is encouraging to see contemporary scholars recognizing that ideas are important in explaining political phenomena. Ideology is certainly a fit subject of study for political scientists. As Kathleen Knight (2006) has observed: "Political Science is generally characterized as a 'borrower' discipline due to its tendency to appropriate concepts like class, capital, and even power from other fields of inquiry. 'Ideology' is one of the few terms to have originated in political science, having apparently been invented by Count Antoine Destutt de Tracy, who survived the revolution to publish *Elements d'Ideologie* in 1817."

Although a political scientist may have coined the term "ideology," political scientists still rely on borrowing from other disciplines to study ideology. Most scholars, who have sought to explain the manifestations of ideology that we observe in politics, have relied almost exclusively on theories from psychology, sociology, and economics (Gerring 1998, 257-275). Political scientists have explained ideology as the product of personality, religion, and class, but not—ironically—politics. While these other theoretical approaches are useful, this dissertation has sought to add to that literature by showing how a political factor—party control of government—can help explain ideology. Parties in control of unified government tend to evolve in ways that justify national government power and economic intervention, parties in control of the presidency tend to develop in ways that justify presidential power and foreign intervention, and parties in control of the Supreme Court tend to change in ways that justify judicial power and judicial intervention. Parties in opposition tend to do the

opposite. These changes in theories of governance and theories of intervention sometimes have implications for more foundational aspects of party ideology.

The three empirical chapters of this dissertation tested each of these three hypotheses. In each case, in all but one of the observed eras of American history, the party ideologies evolved as expected. I identified 19 instances of long-term change in party control of government institutions, and each instance was associated with an expectation about how party ideologies would change during that time frame. In 16 of those 19 cases, party ideologies developed as predicted by the political institutional theory. While not a statistically indisputable finding, it is remarkable that party ideologies changed as expected in almost every instance. These empirical findings lend credence to the idea that party control of government institutions influences party ideology development.

This dissertation is not, however, entirely political. It, too, has borrowed from a different discipline. Intellectual historians have previously recognized that ideologies are subject to evolution, and this dissertation seeks to import that insight from the field of intellectual history. By emphasizing the dynamic character of ideology, I have tried to correct a common misunderstanding of the concept of ideology. When political scientists explain ideology, they typically try to account for why an individual, a group, or a party takes the position that they do on a presumably stable, left-right, ideological spectrum. Unfortunately, they do not take much time to describe the content and meaning of that ideological space. They typically do not tell us what ideas and attitudes, bound together in what way, make up the "liberal" or "conservative" label that is applied at any given time to these individuals, groups, and parties.

The insight that ideologies are dynamic helps us realize that not much information is conveyed by describing an individual's place on a liberal-conservative spectrum without also telling us what the content of that dimension is at any given time. To make any sense of roll call scaling, for example, political scientists must place these votes in historical context. A political scientist cannot understand empirical data on ideology without also being a historian. This context is necessary to know what it means when congressmen and presidents take positions on roll call votes. Otherwise, we are simply left to assume that the meaning and content of ideology is the same today as it was 10, 20, 50, and 100 years ago.

The tendency of political scientists to overlook the fact that ideologies are endogenous structures subject to change by political actors is, in part, a result of political scientists focusing on non-political explanations of political phenomena. If the theoretical tool kit that we use to analyze something like party ideologies is based on social psychology or economics, then we are more likely to see stasis rather than change. It becomes easy to describe party development as the continuous, unending conflict of class, racial, religious, or ethnic warfare. If, however, we pay attention to the character of the political regime—in this case, a constitutional system characterized by separated powers and political parties—then we can more easily see, like Lincoln in 1859, the dynamics of American party ideology development. Because parties are constantly changing control of government institutions, they constantly face incentives to change their ideologies. Once we recognize, conceptually, the dynamic character of ideology, we can then move forward, as a political science discipline, in explaining how, when, and why ideologies develop as they do. The fact that party ideology development is so difficult to measure indicates that ideology may very well be one of the most important things we can study.<sup>81</sup>

<sup>81</sup> This claim was articulated by Converse (1964, 1).

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