

Presidential Leadership, Then and Now

Woodrow Wilson and Barack Obama



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ABSTRACT

Every presidency develops a leadership style, which has bearing on presidential accomplishments. Historical comparisons shed light on the matter. The following paper compares Barack Obama and Woodrow Wilson in their respective early years.

The narratives of these two presidents share certain elements. Both men were progressive agents of change, who would try to adjust the balance of public and private power in society. Both men took office following back-to-back wave elections, resulting in clear Democratic congressional majorities. Both compiled impressive legislative scorecards. (In the rear-view mirror of history, Wilson's legacy, which included achievements like establishing the Federal Reserve, would acquire indisputable legendary status.) Each president faced an economic crisis while pursuing his agenda.

For all the parallels, however, key contrasts stand out. President Wilson had more wind at his back since, albeit within important limits, the political climate was more receptive to reform during the Progressive era, and he confronted a less-solid opposition party in Congress. Also, parliamentary rules differed a century ago. Filibustering in the Senate was not the same as it is today. The electoral campaigns of the two presidents differed. And, Wilson was far more predisposed to govern through his party's legislative majority, rather than bet on bipartisan agreements, and he managed relations with the legislature differently.

There may be lessons here. For instance, could it be that Wilsonian "party government"—however difficult in contemporary politics—still offers a serviceable model during periods of unified party control of the executive and legislative branches, one that at times befits the reality of today's political polarization more than does a frustrating quest for post-partisanship?

A caveat: This essay does not purport to offer more than a partial, and tentative, comparative assessment. The bookends of Woodrow Wilson's presidency have been in place for nearly a century, whereas Obama's record remains very much a work in progress. Observations drawn at the mid-point of a president's first term can be suggestive, but their limitations are evident. Much of what is observed now may well be overtaken by events. This paper only focuses on domestic issues, not the conduct of foreign policy. As we know, in Wilson's case international setbacks were ultimately a principal source of his undoing. We have yet to see how world affairs will inform the rest of the Obama years.

INTRODUCTION

“Peoples and governments never have learned anything from history,” declared Hegel. Despite the kernel of truth in that notion, lessons of history are still worth pursuing. There is at least one past American presidency that in its initial two years invites an especially instructive historical comparison with Barack Obama’s tenure in office at the halfway mark of his first term. The juxtaposition I have in mind is with Woodrow Wilson, and the years are 1913 through 1914. Here’s why:

Like Obama in 2008, Wilson in 1912 was elected promising a change. And like today, much of the change would be about what came to be perceived as a re-delineation of public and private power and the scope of government. Similar to now, the nation in 1912 had witnessed widening economic inequalities, abuses by captains of industry, and financial crises still raw in the memories of policymakers. The Democrats had swept consecutive elections in 1910 and in 1912, as we saw in 2006 and 2008, and similarly secured for the first time in many years Democratic Party control of the White House and the legislative branch, though, as in 2010, there would be no Democratic supermajority in the Senate.

On President Obama’s watch, big pieces of legislation would become law. These included a broad expansion of health insurance coverage and a torrent of fiscal stimulus that not only aimed at

combating a deep recession but also, proponents hoped, at fortifying the economy for the long haul. And an effort to curb future excesses by financial institutions culminated in the most significant overhaul of bank regulation since the New Deal. A flurry of legislative activity at the end of 2010 completed work on additional items. Among these were the New Strategic Arms Reduction Treaty with Russia, a food-safety measure, a bill to end the ban on openly gay and lesbian soldiers and sailors, extended unemployment benefits, and a two-year extension of the existing marginal tax rates.

The huge economic recovery package, passed in February 2009, included a longer-range investment agenda that was hard to characterize as counter-cyclical. If those portions of the omnibus stimulus bill had been legislated separately, several would have constituted noteworthy enactments—and as such, would have made the legislative victory parade look longer. Either way, the corpus of achievements has been extensive, even if some of the president’s priorities (most notably, climate-change legislation) languished, while his greatest domestic challenge—how to reduce the nation’s ballooning deficit and debt—remains unresolved.

How does Obama’s scorecard compare with Woodrow Wilson’s? Their comparative importance is hard to weigh definitively. (Inevitably, there’s an apples-and-oranges quandary in this exercise.)

What Obama and the Democratic congressional majorities achieved is a good deal more impressive than their harsh critics are willing to acknowledge. That said, truly extraordinary exploits were performed by Wilson and the lawmakers he led—and the style of his leadership, which was distinctive by current standards, played no small part in the outcome. His feats included establishing the Federal Reserve, passing major anti-trust and commercial regulatory legislation, and not least, substituting some of the treasury's egregiously protectionist tariff with a federal income tax.

Not all of these milestones would stand the test of time (nor, in the end, may some of Obama's). Portions of the Wilsonian anti-trust program, for instance, would grow obsolete, while other reforms—the lower tariff—were, alas, too ahead of their time. But even had Wilson done little else, the creation of the Federal Reserve would prove to be a monumental event.

In the context of the time, the tariff revision, too, signified reform of historic proportions.¹ Apart from slavery, no other issue in American politics had been more divisive in the 19th century, and it continued to fester well into the 20th. Repeated attempts to address this anti-competitive anachronism had failed in the preceding decades. Wilson accomplished mission impossible within four months of taking office.

How was so much truly innovative policy enacted so swiftly back then? And even if, with the passage of time, the substance of legislative action in the past couple of years proves to have been comparably daring and consequential, is there something to be said for doing things, so to speak, the old fashioned way—that is, the way of the resolute Wilson and 63rd Congress?



COMPARING RESULTS

Before we can start to answer such questions, a few more prefatory observations are in order. It is not a principal purpose of this paper to grade the implications of the respective policies legislated in 2009–2010 versus 1913–1914. But without some additional perspective on the reach of the two agendas, further discussion of the presidential roles—their political circumstances, strategies and tactics—would lack proper footing.

Begin with the record under President Obama. The first of his notable initiatives was the American Recovery and Reinvestment Act (the stimulus bill). In terms of sheer magnitude, no other anti-recessionary fiscal measure had ever come close to this behemoth. It is likely that the stimulus helped arrest the economy's free-fall in 2009. Whether it was *the* grand stroke that pulled us back from the abyss is another matter. Plausibly, it was the Federal Reserve's expansionary moves along with bank-deposit guarantees and an earlier vast financial rescue plan—the \$700 billion Toxic Asset Relief Program (TARP) adopted in the fall of 2008—that did more to halt the market meltdown and restore some confidence. Defenders of the Obama administration's fiscal intervention believe that it averted another great depression. The claim was tenable, but impossible to prove.

Nor do we know enough about how much prosperity might be assured over time by the various

long-term investments that were advanced by the stimulus. A portion of the legislation was dedicated to expenditures or tax breaks to promote everything from green energy and school reform, to broadband access, smart grids, college attendance, rapid trains, and health-information technology. Elements of this bountiful assortment (for example, the Department of Education's so-called Race to the Top experiment) did show early promise, but for some items it will be many years before their beneficial impact might be felt.

The same could be said about parts of the financial reform bill and, at least with respect to the critical issue of cost-control, the health care law. Although the latter, titled the Patient Protection and Affordable Care Act, contained ingredients that could help moderate the nation's rate of spending on medical services, the law largely promised to improve coverage and access more than to hit the brakes on runaway costs.

If the Congressional Budget Office's assumptions and estimates stand up, the law could yield about \$140 billion in net budgetary savings in the first ten years.² If the law's cost-saving provisions work less well, it poses a risk of setting back efforts to correct an alarming structural budget deficit, already deepened by the recession, unanticipated expenditures required to shore up aggregate demand, and the after-effects of various fiscal choices made

in the preceding decade (notably, the George W. Bush-era Medicare enlargement and tax cuts, most of which Obama campaigned to extend). Such considerations cast the legislative productivity of the past couple of years, bold as much of it has been, in a somewhat less flattering light.

What about the legislative output of the Wilson era? Here, too, the extent of its immediate consequence should not be exaggerated. The Federal Reserve Act did not prevent a chain of recessions from occurring between 1913 and, cataclysmically, 1929.³ Under a resurgent Republican Party in the 1920s both the Fed and another Wilsonian invention, the Federal Trade Commission, failed to perform as the potent independent authorities that had been originally envisioned. Parts of the Clayton anti-trust act (for example, its injunctions against so-called price discrimination) would look increasingly outmoded as the century progressed. As for the Underwood-Simpson tariff reduction, it did not last long. In a notorious about-face, Congress enacted the infamous Smoot-Hawley tariff in 1930.

Yet, unarguably, cornerstones of what would eventually become towering institutions were laid during the Wilson years.⁴ Such certainly proved to be the case with regard to the evolution of the modern Fed. Similarly, the modernization of trade policy began with Underwood-Simpson; it provided a much-needed precedent for the eventual shift toward freer trade. Further, the partial replacement of the tariff (thus, the reliance on customs duties for revenue) by a national income tax in 1913, however modest at the outset, planted the seeds for what would soon become the federal government's dominant and more efficient source of revenue. These actions were fiscally responsible, a matter of considerable relevance today.⁵ For when a new policy punches a hole in the budget,

ordinarily the agents also ought to craft a credible means of filling it.

POLITICAL CLIMATES

The epical legacy of what was done a century ago naturally owes a great deal to the propitious circumstances of the time.

As is well known, transformational forces were at work during the Progressive era and elected officials were caught up in them at all levels. The ferment of the period had at least two distinguishing characteristics particularly noteworthy for present purposes: Progressivism had deep grassroots, first taking hold in states and municipalities across the land, and its participants hailed from both political parties.

Within the Democratic Party, the Progressive movement had drawn inspiration from the populist themes of William Jennings Bryan but, in places as geographically disparate as Texas, Ohio, and New Jersey, also grew increasingly pragmatic and credible in the hands of a new and creative crop of Democratic governors. The most vibrant voices of the movement, however, could often be found in the ranks of the Republican Party. Republican governors such as Charles Evans Hughes of New York, Hiram Johnson of California, and Robert La Follette of Wisconsin led the way. Some of them (La Follette and Johnson, for instance) would soon add their names to a distinguished cadre of progressive Republicans in the U.S. Senate.

In their varying ways, all of these Republican figures favored a wider role for government in regulating rapacious business practices—as had, in his fashion, Theodore Roosevelt during his



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years as the party's titular head (and even more so afterward). That inclination would eventually set the progressive wing of the GOP on a collision course with the party's Old Guard. Indeed, so at odds was the progressive faction that, led by TR, several of its leading adherents bucked the party in 1912.⁶ The result for the Democrats and Wilson was a gift: a three-way race with the Republican vote divided between Roosevelt and Taft.

Given all this, how the Democratic presidential contender would position himself in 1912 was pretty predictable. With reformist currents coursing through both parties and splitting the GOP, and with the electorate's center of gravity tilting leftward, the political running room for Wilson, albeit within important limits, was on the center-left. Under conditions so receptive, it was unsurprising that he would campaign that year, pragmatically but forthrightly, on a reformist platform and, once elected, would invoke a plausibly widespread endorsement of it.

Barack Obama's situation in 2008 was in some ways less auspicious. As the nominee of the contemporary Democratic Party, and ultimately tethered to several of its most liberal aspirations, he would have to sell that brand to a less pliable public. True, his party had trounced the opposition in the election two years earlier, and opinion surveys indicated that it was likely to do so again. Following the back-to-back Democratic victories, many observers inferred that a left-leaning shift, perhaps even a durable realignment,

was underway. Closer scrutiny of polling data, though, suggested that such a transformation was dubious.⁷

Consider the public's attitudes toward three of the Obama administration's main domestic goals when it took charge in January 2009: countervailing the recession through a massive Keynesian cash-infusion, widening health care coverage, and combating climate change by instating a trading regime for carbon emissions.

By then, the economy had cratered to the point that a majority of Americans acknowledged the government's need for some sort of stimulus. But the majority was underwhelming—52 percent, according to a Gallup poll taken that month—and its reservations appeared to increase as the spending program unfolded. For example, by August 2009, 51 percent seemed to feel it would have been better for the government to have spent less money to stimulate the economy.⁸

At the start of the year-long health care debate, most people seemingly supported something called "reform." But even in the early rounds, when pollsters probed a bit further and posed specifics, it became apparent that the popular majority was shaky. For example, an NBC News/*Wall Street Journal* poll taken in late February 2009 asked respondents whether they agreed with the following simple proposition: "I would be willing to pay higher taxes so that everyone can have health insurance." Forty-nine percent said yes. Forty-five



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percent said no, while 6 percent were either uncertain or unwilling to sound non-altruistic.

Below its surface, the notion of a cap-and-trade program to curb carbon emissions also bore discouraging public reactions. To get the picture, one would have to drill deeper than did, for example, an ABC/Stanford University survey, according to which 61 percent agreed that “the federal government should do more than it’s doing to try to deal with global warming” and 59 percent said they favored a cap-and-trade system. Findings like these were inconclusive, for they were asking people about abstractions (“doing more”) or about the generic label on a policy proposal that the average person was unlikely to comprehend (“cap-and-trade”).⁹ When, on the other hand, survey-takers tapped more exactly into the underlying implications of an emissions-trading program—for example, querying respondents whether they would be willing to pay increased taxes on electricity simply to “use less of it”—people’s enthusiasm waned. An ABC/*Washington Post* poll had done exactly that in April 2007. Surveying opinions on various ways “for the federal government to try to reduce future global warming,” the poll found that the concept of taxing electricity was not well-received: 79 percent rejected it.

Such was the muddy political terrain on which Obama sought to drive an ambitious series of undertakings. The environment, moreover, would become all the more daunting given the economic bust that beset his administration from the start.

Obama had an immediate emergency on his hands, and the awkward measures it called for—such as bailing out big banks, reviving the likes of General Motors, and giving relief to even the most profligate state governments—looked increasingly suspect to a frightened and distrustful citizenry. Piling additional mega-projects (like another large healthcare obligation for the nation’s already sizeable welfare state) onto this heavy load would be perilous. It would require, at a minimum, a display of political prowess in the Oval Office not seen since the days when Franklin D. Roosevelt confronted the Great Depression. Arguably, even greater genius was needed, because taking action to dig out from a depression was, in a sense, less controversial than taking action to avoid one.¹⁰

Finally, it should be noted again that Obama had to contend with a circumstantial challenge that Wilson had not faced, at least not right away and not to the same degree: a rather different Republican Party, one more unified and defiant. The disciplined Republican minority in Congress mounted a remarkably concerted resistance. Although in the end the GOP’s tactics did not succeed in derailing many of the Democratic majority’s pieces of legislation in 2009 and 2010, politically it managed to lessen their luster. A factor contributing to this outcome, as I will suggest more fully later, may have been that Obama—in sharp contrast to Wilson—had raised expectations of greater bipartisan cooperation under his tutelage, and expectant voters grew disappointed when so little of it emerged.

ANOTHER SIDE OF THE STORY

This backdrop notwithstanding, it would be a mistake to conclude that Wilson entered his presidency freehanded, whereas Obama started with one hand tied behind his back.

To begin with, Wilson had attained only a plurality of the popular vote in a three-candidate election. Obama would be one of the few Democratic presidential aspirants in history to triumph with a convincing majority. True, deep down, the country in 1912 was more fertile for growing the public sector than it is now. Still, it is difficult to get around the simple fact that almost six-out-of-ten voters had cast their ballots for someone other than Mr. Wilson, and that claiming a mandate on that basis was no trifle.

In addition, it was not just the Republicans who were more diverse and factional in Wilson's day; so were the Democrats. Granted, today's Democratic tent has to accommodate both a liberal base and a more moderate constituency, and a group of congressional "Blue Dogs" sometimes distances itself from the party caucus. And sure, the presidential campaign in 2008 featured an array of contestants, some more centrist than others. Candidate Obama soldiered through a marathon of hard-fought primaries and caucuses. Those stresses and strains, however, seem tame from the perspective of 1912.

In its level of internecine friction, Wilson's nomination process was rougher than Obama's. Wilson had staggered through an ordeal in which he had not run well in the early primaries and barely prevailed—on the 46th ballot—at the contentious Democratic convention in Baltimore. Rivalries within the party were more intense at the time, as at least four groups battled for supremacy: a

populist wing in the agrarian West represented by Bryan; a nucleus of progressives who were not all followers of Bryan; the backers of boss-controlled machines in industrial states; and a traditionalist Southern base composed of almost every white male in the late Confederacy. To unify these disparate strands around a common purpose—let alone the high-minded candidacy of a former Princeton professor—and then forge them into a governing coalition, not just an electoral alliance of convenience, were tasks of immense complexity.

And the difficulty mounted because, as with Obama, an economic downturn greeted Wilson when he came to power. Over the ensuing 22 months, business activity contracted by nearly 25 percent from its previous peak.¹¹ Congressional Democrats grew restive as the economy continued to worsen. The president had to scramble to keep political panic in his party from disrupting his legislative plans.

Meanwhile, although Republican unity had decidedly frayed in the years leading up to 1912 as the party's progressives tore at its flank, the old core was hardly in tatters. Roosevelt's third party (the "Bull Moose" movement) had performed well in the presidential race, but ushered few of its ex-Republicans into the 63rd Congress: there would be merely one card-carrying member of the Progressive Party in the Senate, and only nine in the House.¹² A group of progressive politicians who retained their Republican Party affiliation was conspicuous in Congress, but didn't always render Wilson's job easier.

Despite its rifts, the GOP posed challenges for Wilson's most controversial ventures. Just six Republican representatives voted with the Democrats when the tariff-reduction bill came before the House in 1913, and only one Republican senator did when the upper chamber voted on final passage. That December, 41 House Republicans

ended up voting with the Democrats on the Federal Reserve Act, but it was in the Senate where strenuous dissent had to be overcome—and there, in the final tally, merely three Republicans broke with their party. The Clayton Act, in its final version, and the Federal Trade Commission Act (FTC) garnered more support across the aisle. Anti-trust ideas, after all, had roots among Republican progressives. In the Clayton case, seven of them ended up joining the unanimous Democrats to pass the bill in the Senate on a 46-to-16 vote in September 1914. The bill creating the FTC, which was reminiscent of a Progressive Party plank, fared even better in the GOP's progressive faction. In August, this one cleared the Senate by a wide margin, 53 to 16.

President Wilson was not up against the same minority party encamped on Capitol Hill in the past couple of years. But neither can it be said that the Republicans he faced were mostly an accommodating lot, usually prepared to say “yes,” or even “maybe.” Particularly in the problematic Senate, Wilson's foes were numerous enough, and well entrenched.¹³

True, far more than nowadays, there were rebels within the GOP's congressional ranks, and at times they gave Wilson more consent than Obama managed to receive.¹⁴ Still, Republican progressives were not dependable confederates of the Democratic congressional majorities and their president. For one thing, their zeal sometimes exceeded the comfort zone of those majorities. For another, then as now, the parties distrusted each other. The most outspoken Republican insurgent of all, Teddy Roosevelt, was unsparing in his contempt for the Democrats. He saw no hope in them because (as he had cautioned a fellow GOP progressive, Governor Hiram Johnson of California, in 1911) they “are playing politics for advantage,” and he concluded, “even those among them who are not foolish, like Woodrow Wilson, are not

sincere.”¹⁵ In a word, Wilson did not experience a bipartisan nirvana any more than Obama has.

CAMPAIGNS MATTER

The historical contexts of presidencies help explain their fortunes—but only up to a point. Much also depends on the chosen political ends and means of the men themselves. Here, Obama and Wilson would diverge in at least three respects: how they conducted their electoral campaigns; how they viewed the governing roles of political parties; and how they managed legislative relations. In each sense, Wilson's approach was different—and the force of his message and methods mattered.

Although Barack Obama marched toward the White House in 2008 under a vague generic slogan (“change you can believe in”), his campaign was anything but devoid of specifics. Quite the contrary, Obama's manifesto—called *The Blueprint for Change*—was a 60-page list, promising detailed actions on dozens of issues.¹⁶

Under a president who wouldn't pit “Red America” against “Blue America,” presumably great progress could be made. There would be ethics reform in government, and an increase in transparency. There also would be a boost in the ability of workers to unionize, and to obtain a living wage. Efforts would be made to “fix” the North American Free Trade Agreement and other prospective trade treaties.

There would be additional support for homeowners, including more subvention of “affordable housing” and home energy assistance. Family leave and afterschool programs would be expanded, as would a plethora of educational reforms and subsidies from pre-school through college.



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There would be a cap-and-trade system to lower greenhouse gas emissions, and a federal requirement to generate at least a quarter of the nation's electricity from renewable sources by 2025. There would be programs to create millions of "green jobs," along with more government support for the development of biofuels. Assistance to the domestic auto industry would be forthcoming to ensure that American workers built fuel-efficient vehicles. Yet, less pork barrel spending would also be sought.

New farmers would be aided. New tax and loan incentives would help spread broadband to every community in the country. Immigration policy would be comprehensively reformed.

The ranks of the Army and Marines would be enlarged. Our troops in Iraq would come home, but the military effort in Afghanistan would be stepped up. Borders would be secured, and international terrorism fought, even as the detention center at Guantanamo Bay would be shuttered.

There would be better enforcement of pay equity for women, and a bigger childcare tax benefit, an expanded earned income tax credit, full tax exemption for seniors with moderate incomes, extended tax cuts for the entire middle class, and health care coverage for all Americans. An eventual increase in the social security retirement age would not be necessary. All this, and more, would be supplied, while somehow ensuring overall "fiscal discipline."

The liabilities in an inventory so extensive soon became perceptible.¹⁷ One, of course, would be how to pay for it without running up the national debt—and that was *before* the Obama administration unexpectedly found itself having to commit additional vast sums to fight a severe recession. It was only a matter of time before the reckoning would begin, even among voters who scarcely understood the composition of government spending and budgets.¹⁸

Compounding the problem was that an item with a very big ticket—comprehensive healthcare coverage—struggled to square two objectives: wider access and cost-restraint. The Democratic Party's platform juggled the hot potatoes uneasily. The first half of its detailed discussion of health care reform underscored how deeply "Democrats are united around a commitment to provide every American access to affordable, comprehensive health care."¹⁹ Only afterward does the document interpose another essentiality: "aggressive efforts to cut costs and eliminate waste."

Looking back, as a candidate, Obama could have advanced the argument a bit differently. His campaign could have done more to educate the electorate about the fundamental predicament of the nation's health care system: namely, that its cost trends were not sustainable, and that it was crucial to begin bending them down sooner rather than later to avoid insolvency.

Once elected, President Obama did take up those



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themes. In a speech before the American Medical Association (AMA) in June 2009, for instance, he stressed that “the cost of our health care is a threat to our economy” and “a ticking time-bomb for the federal budget.” “Reform is not a luxury, but a necessity,” he stated emphatically. Indeed, an overhaul was “*the single most important thing we can do for America’s long-term fiscal health.*”²⁰

Would that more of this sense of urgency had been delivered on the stump throughout the previous year. In fairness, elements had appeared earlier in Obama’s 2006 book, *The Audacity of Hope*. Therein, he had duly addressed how “we can’t sustain current rates of healthcare inflation every year; we have to *contain costs for the entire system*, including Medicare and Medicaid.”²¹ The book, moreover, did not gloss over those charged subjects: “the two main government-funded healthcare programs—Medicare and Medicaid—really are broken,” Obama wrote bluntly; “without any changes, by 2050 these two entitlements, along with Social Security, could grow to consume as large a share of our national economy as the entire federal budget does today.”

In the heat of the campaign, however, these core issues mostly got a rather different spin. Top billing went to the concern that “skyrocketing” costs threatened access to care: “Millions of Americans are Uninsured or Underinsured because of Rising Medical Costs,” the *Blueprint* reckoned.²² And customary caution regarding political third-rails took precedence. Apart from noting that the sub-

sidies to Medicare Advantage plans were excessive, and that Medicare needed to negotiate for lower drug prices, not much was said about the budget-busting trajectory of health entitlements.

To be sure, plenty was aired about policies that might render health care more “affordable.” Investment in preventive medicine, novel chronic disease management, improved information technology, transparency in reporting, research in comparative effectiveness, increased competition in the insurance industry, eased importation of drugs and access to generics, tax credits for people striving to obtain insurance, guaranteed eligibility regardless of medical status or history, and partial government reinsurance for employer health plans burdened by cases of catastrophic illness—all these changes would presumably enable consumers and businesses to better “cope with soaring medical costs.”²³

But worrisome to an attentive audience was the invoice this tall order would run up, and above all, whether it would truly bring a net savings for taxpayers and ultimately for the economy as a whole. The questions became more vexing as the campaign lumbered on, seeming at times of two minds. Yes, it was understood that the rising expense of healthcare services had to be slowed for families and firms. Yet, fierce attack ads were directed at a logical proposal for restraining an underlying systemic source of cost-inflation: the tax exclusion of employer-provided health benefits. Shrinking that cavernous shelter, a sensible step, was pilloried as “the largest middle-class tax increase in history”

and as “taxing health care instead of fixing it.”²⁴ (From the perspective of some 17 months later, these broadsides had been especially perplexing, because in the end the Affordable Care Act *did* begin to levy a tax on some employer-provided plans, so-called gold-plated or “Cadillac” plans.)

One purpose of electoral campaigns is to win elections. But another is to prepare the voting public for what to expect if the election is won. The Obama candidacy performed the first of these tasks more impressively than the second. In hindsight, Obama could conceivably have afforded to take a few more risks, given his clear lead in the polls from mid-summer 2008 through the fall (save for a couple of weeks in early September following the Republican convention). Leveling with the voters more explicitly about the trade-offs needed to put the nation’s sorry fiscal affairs in order—or getting across that an efficient system of health care would have to align supply and demand, a state that cannot be attained painlessly—might have stood him in good stead when Congress took up his large legislative agenda the following year. Possibly, a public that was better primed might have absorbed the essentials of “fixing” health care a bit more when that delicate operation began, and might even have provided somewhat less favorable conditions for the inevitable Republican counter-attack when it came.

The composition of the New Freedom—Woodrow Wilson’s presidential campaign in 1912—was more parsimonious. It led with three interrelated motifs: tariff reduction, banking reform, and anti-trust policy. The specifics of each were not spelled out in the early going, and they were hardly the only issues recognized in the campaign. His acceptance speech on August 7, 1912 also made reference, for instance, to the need for justice in “the treatment of those who do the daily labor in our factories and

mines,” and for “the people of the Philippines.”²⁵ And the speech acknowledged a “second great duty,” which was to come “face to face with questions of conservation and of development”—protecting the nation’s natural resources while building up essential commercial capabilities like “an adequate merchant marine.” Nonetheless, what Wilson came to call the “triple wall of privilege,” starting with the tariff, became the dominant object.

At the core of Wilson’s public philosophy was essentially a classical liberal conception of capitalism in which the government’s role was limited to ensuring genuinely free enterprise—in other words, enabling even the small entrepreneur to compete in the marketplace.²⁶ To create what in today’s parlance would be called a level playing field, three market distortions would have to give way: protectionism, the predatory practices of trusts, and “a concentration of the control of credit.” For, as Wilson gradually explained, each of these perversities sustained the “established monopolies.”

The message became relatively self-contained and coherent, even if it lacked detail and did not exclude additional goals, such as improving waterways or conserving resources (favorite themes of his rival, Teddy Roosevelt). But from Day One, Wilson did not leave an impression that his ministrations would be open-ended. “It requires self-restraint not to attempt too much,” he was careful to say upon accepting his nomination, before adding “yet it would be cowardly to attempt too little.”²⁷

Thus, unlike presidential candidates in the modern era, Wilson reined in the extent of his campaign commitments. He resisted entering a bidding war with his main opponent on issues of social justice, including certain basic reforms of labor laws. Indeed, he cautioned that aspects of Roosevelt’s proposed social welfare agenda could risk turning

working men into wards of the federal government.²⁸ He disapproved of the restrictive practices of unions, even though organized labor was already a growing presence in the Democratic Party's coalition.²⁹ And he did not commit to offering special long-term credit to farmers, despite pleas from groups allied with Bryan, whose support he could not do without. As is well known, he shied from taking up the cause of women's suffrage, which put him out of step with many progressives of his day.³⁰ Lamentably, he also steered shamefully clear of the question of racial equality, even as lynchings were on the rise in parts of the country.

The contours Wilson drew for the New Freedom were generally well-matched with what most Americans were ready to accept at the time, and largely reflected his view that a party platform should not degenerate into a blizzard of promises "constructed to deceive and bewilder."³¹ By not cluttering his bandwagon with too many obligations to particular electoral constituencies or digressing in multiple directions, he not only succeeded in keeping his campaign, for the most part, relatively focused and edifying; when it came to shifting gears from campaigning to governing, as we shall see, he gained room to maneuver in Congress.

POST-PARTISANSHIP VS. PARTY GOVERNMENT

From the steps of the Capitol on January 20th, 2009, President Barack Obama appealed for an end to the party politics of "petty grievances" and "worn-out dogmas." The time had come, exhorted the new president drawing from Scripture, to lay "childish" polemics aside.³² He implored Republicans and Democrats to stop squabbling, and would strive to have them sit down to work together.

The call from Obama at his inauguration was not the first time he had stirred hopes for a post-partisan awakening. The campaign, partly poll-driven, had cultivated that notion.³³ And upon taking office, he tried to give it substance (contrary to a myth fastened upon by his detractors). For example, in a bipartisan move that never received the recognition it deserved, the president promptly retained for his cabinet the best of President Bush's appointees, Robert M. Gates, as secretary of Defense. He also tapped a Republican congressman, Ray LaHood, for secretary of Transportation. Another cabinet prospect, Senator Judd Gregg, Republican of New Hampshire, first appeared to agree to serve as Obama's Commerce secretary but then abruptly backed out. The president re-appointed a Republican, Ben S. Bernanke, as chairman of the Federal Reserve. Jon Huntsman, the governor of Utah and a potential rising star in the Republican Party, agreed to serve as ambassador to China. From time to time, during various legislative debates in 2009 and 2010, the president did reach out to Republican lawmakers, and sought to engage them in a civil dialogue—the kind of give-and-take that appeared most consonant with Obama's preferred political gestalt.³⁴

But the Obama administration also carried campaign baggage, and came to the table having forfeited some high-ground, or at least tactical flexibility. (How, for instance, could a solemn pledge not to raise taxes on about 98 percent of households be readily reconciled with plans to dispense a lot of additional government benefits?) As for the GOP, the party formed a stiff and solid opposition. One can debate the degree to which Republican intransigence was merely opportunistic—figuring that it sufficed just to say "no" in preparation for the next midterm election—or how much it reflected a principled reaction to



Obama was largely compelled to abandon the quest for bipartisan comity. Nearly all of his biggest legislative initiatives eventually had to repair to party-line voting.



overreaching, and occasional arrogance, on the part of the Democratic legislative majority.³⁵

Whatever the case, in the end, Obama was largely compelled to abandon the quest for bipartisan comity. Nearly all of his biggest legislative initiatives eventually had to repair to party-line voting. Democratic legislators often seemed more apprehensive than gleeful when their party—the clear majority in both houses—pulled together and prevailed. They sensed dangers in these one-party victories. But Obama and his party also paid a political price for having chased the mirage of bipartisanship. More than a few voters were disillusioned when the yearned-for post-partisan dawn didn't arrive. For them, in a sense, the president had come up empty-handed.³⁶

Woodrow Wilson shared little of Obama's unease with partisanship. Quite the contrary, he was an enthusiast of party government. An admirer of the British parliamentary system, Wilson viewed the president's role as tantamount to that of a prime minister—that is, the explicit head of the majority party, whose responsibility it was to make policy without any expectation of cooperation by the minority. Hence, he repeatedly invoked his party's "programme," largely uncompromised by bids to the opposition, and asserted that the voters had elected him to do no less. The president, Wilson wrote in 1913, "*is expected by the Nation to be the leader of his party* as well as the Chief Executive officer of the government, and the country will take no excuses from him."³⁷

More than Obama in the face of the hyper-partisan 111th Congress, Wilson had the distinct possibility of at least partially bridging the partisan divide in the 63rd. And there were occasions when, as in the FTC legislation, he effectively chose to avail himself of that opportunity. After all, spirited progressive Republicans sat in both the House and Senate then, and at times could be natural allies. On the whole, though, he preferred just to do business with his own party.³⁸

There were, to be sure, practical considerations in this choice. Aside from a scattering of voters who both bolted the GOP and spurned the Bull Moose ticket, plus a few independents and Senator La Follette (the one prominent Republican who covertly had welcomed Wilson's candidacy), Wilson had drawn practically all his electoral support from Democrats.³⁹ It was to them he would turn first—even if later on he began entertaining ways of widening his electoral coalition to fold in additional Progressive renegades. In 1913, as in 2009, there was pent up demand in the new majority party on Capitol Hill—not least among a powerful group of committee chairmen—to take command and push ahead, rather than humbly court members of the opposition.

But the larger reason for Wilson's embrace of majority-party governance was that he considered it sound and "responsible." Yes, ruling with a partisan majority could be polarizing, but to Wilson, that effect did not have the negative connotation it carries today. "Debate is the essential function of



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a representative body," Wilson had declared. And not just guarded or gentle debate. He welcomed "the severe, distinct, and sharp enunciation of underlying principles, the unsparing examination and telling criticism of opposite positions"—in other words, what we now tend to regard, pejoratively, as polar positioning. For Wilson believed that this rough-and-tumble, and stark delineation of choices, was not only the basis of accountability in politics but would get the public's attention—indeed, that it might even be "the *only* effective means of educating public opinion."⁴⁰

Public opinion may not quite have been "educated" by Wilson's taste for the clash of partisan convictions, but neither was he diminished by countenancing it. His standing remained strong through the first years of his tenure, and his stance rallied his party in Congress. Party government was one of the secrets to his early mastery of the legislative process. By contrast, Obama's predilection to govern in a manner that would transcend partisan distinctions may have been, ironically, among the factors that caused him difficulties at various junctures as major legislation was wending its way to law.

LEGISLATIVE RELATIONS IN 1913–14

By the standards of most new arrivals to the White House, Wilson's demarche was quite systematic. It

helped that his inauguration came in the month of March, not January, which allowed more time to reflect and to plan his first steps carefully. He sequenced his legislative priorities sensibly, beginning with an all-out assault on the tariff.⁴¹

There were good reasons to start with tariff reform. It was, to a considerable extent, an idea whose time had finally come. Frustration with the extortionate costs of protectionism had spread from a long-standing sentiment in the South to much of the Midwest.⁴² Even Taft had flirted with the notion of a lower tariff in 1909, though only to be thwarted by members of the GOP's Old Guard in the Senate. Freer trade was the linchpin to the rest of the Wilsonian economic program. Without first cutting the tariff—"the mother of trusts," as Wilson called it—anti-trust regulation and financial reorganization could not adhere. In addition, the tariff bill would be shepherded by two committee chairmen on whom the president could depend: Oscar Underwood of Alabama in House Ways and Means, and Furnifold Simmons of North Carolina in Senate Finance.

Next up would be banking reform, a more complex project that, among other intricacies, would have to overcome deeper fault lines within his own party, and that required the momentum of a victory over the tariff to stand a chance of succeeding. Last was the anti-trust legislation, another sensitive matter, and one that would have to be steered through twice as many congressional committees (the Commerce committees of both houses and

the respective Judiciary committees as well).

Wilson wasted no time—and launched his effort in dramatic fashion. A little over a month after being sworn in, he went before a joint session of Congress to call for immediate action on the tariff problem. Wilson began his remarks by expressing his gratitude for the opportunity to show “that the President of the United States is a person, not a mere department of the Government hailing Congress from some isolated island of jealous power, sending messages, not speaking naturally and with his own voice.”⁴³ He was there, he stressed, to prove that a president “is a human being trying to cooperate with other human beings in a common service.” Then he got down to business, not only often conferring with lawmakers at the White House in the ensuing weeks but spending long days in the Capitol’s President’s Room, actively cajoling skeptical members. He believed, in his words, in pursuing “a much more habitual and informal, and yet at the same time much more public and responsible, interchange of opinion between the Executive and Congress.”⁴⁴

Wilson was no policy wonk. He was not known for immersing himself in the granular details of legislation. Nonetheless, he quickly proved to be a forceful driver of the legislative process, a role that was not surprising given his stated view that a president should act like a “prime minister, as much concerned with the guidance of legislation as with the just and orderly execution of the law.”⁴⁵ When the tariff measure was taken up in the Senate (where, then as now, obstruction was easiest) the president would show up with almost embarrassing frequency in committee rooms, vigilantly monitoring the deliberations.⁴⁶

When necessary, too, he was prepared to play hardball. Few Republicans were enthusiastic about

sharply curbing protection. For years, this had been the case even amid the party’s insurgent wing. (Teddy Roosevelt had dodged the question, and the Bull Moose Party had not favored open trade.)⁴⁷ Wilson suspected little would be gained from trying to woo Republicans, and he was predisposed just to mobilize his partisans.

Granted, keeping them in line was somewhat easier in 1913 than in 2010. Both political parties in the Senate as in the House caucused differently in the old days. If a party’s leaders could convince two-thirds of their rank-and-file to align with the president’s priorities, the entire party presumably would be bound to the position.⁴⁸ In practice, though, use of this formal “binding caucus” was hedged in the Senate’s management of the New Freedom legislation, and free agents still surfaced.

The Democrats held only a six-seat majority in the upper chamber, and among them were senators who insisted on maintaining high duties for local products (such as sugar in Louisiana, textiles in the Carolinas, and minerals and wool in certain Western states). But Wilson refused to cut deals with them. Indeed, when a congressional investigation of lobbying practices began exposing senators of both parties who were in the pockets of special interests, the president seized the opportunity to “go public,” openly denouncing a number of recalcitrant legislators’ conflicts of interest.⁴⁹ His administration was not above using the patronage powers of the president, which were extensive at the time, to foster party unity, even if he found the exercise personally distasteful. Wilson was as much a pragmatist as an idealist. And some of his pragmatism was not pretty. His political appointees were permitted to re-impose racial segregation in federal offices such as the Postal Service.⁵⁰ Race was not an issue over which the president would rock the boat with the Southern base of his party

and the congressional committee chairmen on whom he relied.

All else considered, the president earned high marks for his stewardship of the tariff revision. The acclaim in this newspaper editorial was typical and widely shared:

*This is Dr. Wilson's tariff [revision] in no conventional sense. He called the Special Session, himself framed the Bill, cooperated directly with the legislators of his party in the House and Senate, routed and exposed the audacity of the lobbyists who sought even this year to renew their customary attacks upon the virtue of Congress, and carried the measure to a triumphant issue without mutilation or considerable concession. It has raised him at a single stage from the man of progress to the man of achievement.*⁵¹

The quick and resounding success teed up his next challenge: the Federal Reserve Act. This one was harder. There was no consensus within the Democratic Party on how to reform the banking structure. Wilson, heeding Louis Brandeis's advice, favored government control over a central bank and the national currency, but the populist agrarian wing of the party, led by the powerful House Rules Committee chairman, Robert L. Henry of Texas, believed the president's plan did not go far enough in dismantling interlocking directorates, prohibiting restrictive lending practices, and asserting public power over private member banks in the proposed system. This faction of the party also demanded deep discounts on short-term agricultural credit. If not for the skilled mediation of William Jennings Bryan, whom the president had shrewdly appointed as secretary of State, the rebellion in the House

Democratic caucus might well have strangled the Federal Reserve bill in its crib.

Meanwhile, what was deemed too timid by the Democratic Party's rebels was denounced as "socialism" by the banking industry and other business lobbies.⁵² In the Senate, they rallied behind a Republican alternative, which called for a privately run central bank. The brainchild of that approach had been Senator Nelson W. Aldrich of Rhode Island. It came to be favored by all mainline Republicans. They did not flinch from detailing a minority proposal and insisting that it be put to a vote. Thus, the Senate Banking Committee eventually wound up reporting two competing bills.

But at no point did Wilson seem to take his hand off the tiller of the congressional expedition. As in the tariff fight, he had signaled from the outset that he would be in the forefront and frame the terms of the debate. Again, addressing a joint session on the 23rd of June 1913, he began courteously: "I have come to you, as the head of the Government and the responsible leader of the party in power," the president reaffirmed, "to urge action, now while there is time to serve the country deliberately and as we should, in a clear air of common counsel."⁵³ But he also served notice that he intended to strike hard at "the concentration anywhere in a few hands of the monetary resources of the country." His rhetoric, on this occasion and subsequently, served mostly to motivate his partisans, not to extend olive branches to his critics. And the latter were often incensed. To the conservative *New York Sun*, the president's June speech was "covered all over with the slime of Bryanism."⁵⁴

Wilson shrugged off the protestations, stood steadfast behind his bill in the Senate, and ultimately drove every wavering Senate Democrat,



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save one, to vote for it over the GOP's substitute.⁵⁵ The Federal Reserve Act became law at the end of the year with the support of only three Republican senators and the Senate's lone Progressive.⁵⁶

Then, it was on to act three: anti-trust. For the third time, the president put his case directly before Congress. Addressing a joint session on January 20, 1914, he urged legislators to supplement existing law. And they responded with a measure intended to curb a variety of allegedly predatory business practices not covered by the Sherman Act. When it became apparent that this legislation's attempt to enumerate workable prohibitions, let alone enforce them, would not be adequate, the president demanded a mid-course correction. Following the counsel of Brandeis and others, he and his aides lobbied Congress for an auxiliary bill that would empower an appropriate regulatory agency to determine what practices constituted "unfair competition," rather than relying on legislative definitions.⁵⁷

To delve deeply into the legislative history of these complicated projects—the Clayton anti-trust bill (named after its main sponsor, House Judiciary Committee chairman, Henry D. Clayton of Alabama) and the Federal Trade Commission Act—would take us far afield. Suffice it to say that, once again, business groups and conservative Republicans put up a fight, while from the opposite pole a vocal constituency of the Democratic Party also pressed for special privileges (labor clamored for anti-trust immunities). Wilson held

the line. The Democrats maintained unity in both chambers, even as the Clayton Act made just a couple of modest concessions to labor (a provision for jury trials in criminal contempt cases, and a slightly narrower scope for judicial injunctions in labor disputes). Further, by pivoting to back a robust Federal Trade Commission—along the lines originally advocated by Roosevelt—Wilson got an added bonus: not only more defections by the GOP's progressives in Congress this time, but possibly greater bona fides within the Progressive electorate going forward.⁵⁸

The president could be supple when necessary without alienating his base because, in no small part, the old-line Democratic congressional leaders were forbearing. They, like he, had been keenly aware that the fate of their party rested upon the ability to deliver. The Democratic lawmakers were eager to let the president lead, to prove that their party was not, as the Republicans had often charged, "the organized incapacity of the country."⁵⁹ And lead he did—insisting that the Senate Democrats lengthen their workdays from five hours a day (noon to 5 pm) to 11 hours a day (10 am to 11 pm, with a two-hour dinner break, and only Christmas day exempted). Wilson kept Congress in session for over a year and half, through the scalding dog days of summer in Washington.⁶⁰

There were members of his party who disapproved of the frenetic pace at which the president pressed Congress. "For heaven's sake," pleaded Senator John



But, particularly in comparison with Woodrow Wilson's hands-on leadership, Barack Obama's modus operandi sometimes seemed overly deferential.



Sharp Williams of Mississippi, "Rome was not built in a day."⁶¹ But Wilson was undeterred. It is hard to recall another time in American history when such relentless pressure was applied to the legislative branch. In the words of a *New York Times* editorial, "President Cleveland said he had a Congress in his hands, but this Congress has a President on its back, driving it pitilessly.... Never were Congressmen driven so, not even in the days of the 'big stick.'"⁶²

EXECUTIVE-LEGISLATIVE RELATIONS IN 2009–10

When Barack Obama assumed office, the American economy was imploding at an annualized rate of nearly 6 percent, shedding more than 740,000 jobs a month. He faced a critical decision: whether to concentrate all political capital on a series of uncertain experiments aimed at halting the economic tailspin and defer action on his campaign vows, or try to deal with the crisis while still advancing his other ambitions. He opted for the latter.

Historians will debate for years whether this fateful gamble was a grave miscalculation.⁶³ Did the political system have the bandwidth to absorb new programs alongside massive unanticipated anti-recessionary interventions (such as a \$814 billion stimulus bill, a multibillion-dollar lifeline to Chrysler and General Motors, and an even bigger bank bailout)? Certainly, an argument can be made

that the president had less latitude in the matter than his faultfinders suppose. The Democrats had twice prevailed at the ballot box. Obama's victory in 2008 had been especially impressive. Historically, it was rare for a Democrat to become president with so decisive a popular majority. The first year of a new presidency is the normal window in which to make progress on campaign commitments. Afterward, the next electoral season begins to interfere, and the needed legislative majority may be lost.

Most modern presidents-elect aspire to being figures of consequence, not mere caretakers. Obama's predecessor, who had attained office despite losing the popular vote, also had been disinclined to content himself with what he called "small ball."⁶⁴ Summarily ditching the main policy recommendations the president had stumped for would have been a surprising first move, especially after riding to power on his party's successive wave elections. It is not obvious that so sudden a turn would have been smart in January 2009. Indeed, a plausible case could be made that *because* of the structural nature of the unforeseen economic collapse, immediately upon taking office was as good a time as any to carry on with at least a few transformative policies.

And the president did his best to explain why in a speech delivered at Georgetown University on April 14, 2009.⁶⁵ He conceded that "some have accused us of taking on too much at once," and that "many Americans are simply wondering how all of

our different programs and policies fit together in a single, overarching strategy.” The “most urgent task,” he stressed, would be “to clear away the wreckage” of the Great Recession. But, he went on, “even as we continue to clear away the wreckage and address the immediate crisis,” there was good reason to persevere with several of his prior commitments, for they would put the economy on a sturdier foundation for the long run.

Therefore, according to Obama, renewed efforts to overhaul the health care system, for example, or to invest in renewable energy, impose a cap on carbon emissions, and increase tax credits to render college educations affordable for all Americans, would place the economy on firmer footing for the future. Without them, the president argued, we would only “rebuild this economy on the same pile of sand,” not better bedrock, and prosperity after the recession would not long endure.

One can question aspects of his thesis. Health care legislation would offer eventual economic gains *if* its dominant objective, and result, were plainly to lower out-of-control costs—an uncertain prospect. Further subsidizing access to higher education would be an expensive way to build a more skilled and competitive workforce if many colleges remained, in part, the functional equivalent of remedial high schools. But the critique became strained when, for instance, it implied that Obama’s wish-list would actually retard the economic recovery. This charge was, for the most part, hard to understand. The boldest proposals—revamping health care and climate policy—would barely take effect amid the current economic slump; their costs as well as their benefits would be backloaded.⁶⁶ True, the renewable energy investments in the president’s stimulus package likewise were unlikely to create thousands of “green jobs” any time soon, but that fact does not logically

justify an inference that such expenditures would make the recession *worse*.

The trouble with what Obama’s aides called his “big bang” legislative vision was not that it envisioned non-trivial changes to shore up the economy for the long term.⁶⁷ That notion was *not* altogether inconsistent with the stopgap measures needed to meet the near-term exigency. What the strategy called for, however, was an exceptionally close working relationship between the White House and Congress. Naturally, no president could oversee, much less orchestrate, every particular. But leaving the legislature free rein ran the risk of complicating, even impairing, what was performed a high-wire act.

Obama’s strategists were scrupulously mindful of the last big Democratic policy debacle: President Clinton’s failed healthcare reorganization. Chastened by that experience, they regarded it—an executive-centered master plan, drawn up with a tin-ear to congressional realities—as a blunder not to be repeated. So great pains were taken to let Congress take charge of crafting a health-reform redux.

This is not to say that the executive became a mere bystander. The White House eventually pushed hard for certain significant provisions of the healthcare measure (such as the individual insurance mandate, the beginnings of a tax on high-cost health plans, and an independent Medicare commission to explore possible decreases in the program’s rate of spending).⁶⁸ The president weighed in periodically during the legislative proceedings, but especially when the legislation seemed perilously close to going off the rails, and in late stages, as the House and Senate were trying to narrow their differences. Nor can it be said that hanging back from Capitol Hill

was without advantages. By giving lawmakers maximum skin in the game, presumably a majority would play to win.

But, particularly in comparison with Woodrow Wilson's hands-on leadership, Barack Obama's modus operandi sometimes seemed overly deferential. Thus, errors in legislative sequencing occurred. For example, eager entrepreneurs in the House of Representatives, encouraged by the speaker, moved forward with a complex carbon-trading bill *ahead* of the healthcare scheme, thereby causing congestion, and providing the Republicans with an early target. (The GOP line, in effect, went like this: "There they go again, trying to impose the equivalent of a tax increase, this time even in the midst of a recession!"). And since there was no assurance that the Senate would reciprocate, why start by asking a lot of representatives from marginal districts to cast a vote so politically hazardous? In fact, the legislation died in the upper body—unlike Wilson's tariff reduction in 1913, which had been an awe-inspiring win, chalked up quickly.

The American Recovery and Reinvestment Act also forged to the head of the queue, albeit for an altogether different reason. Policymakers were in a hurry to resuscitate the economy. The Obama administration, which had barely settled in when the stimulus package was being rushed into law in early 2009, was in no position to fine-tune all of it. Still, with perhaps too free a hand, the legislators cobbled a gargantuan bill that included (as became evident over time) some features of limited efficacy. Arguably, for instance, the recovery act wound up relying inordinately on extant aid formulas that were not designed to distribute greater relief to the most distressed states and localities, as well as on tax breaks of the kind that seemed unlikely to boost hiring, and funding for various public works

that were insufficiently "shovel ready."⁶⁹

The upshot was a fiscal program with perhaps less counter-cyclical force than it might otherwise have had, and, importantly, enough flawed components to facilitate an exaggerated political backlash. (A popular caricature seemed to take root: that, in essence, the entire stimulus consisted of little more than slow-going roads and bridges to nowhere.) Looking back, the president mused that "we probably spent much more time trying to get the policy right than trying to get the politics right."⁷⁰ But there was reason to question whether lawmakers, in their haste to pass the recovery act, got *either* of those things sufficiently "right."

As for the health care bill, it ultimately would be enacted, but in Pyrrhic fashion. Some missteps were unavoidable, others less so. Liberals in the House, for instance, had gone to the mat over a possible provision called a public option (a public insurance plan modeled after Medicare that would be offered as a choice alongside regulated private plans). The proposed public option was bound to loom large. Not only was it dearly held by the House Democratic caucus, the president had campaigned for it in 2008. He did not back away until months after it became clear that it would go nowhere in the Senate.⁷¹ And that was long after the debate about it had effectively handed Republicans a wrecking ball, bashing "Obamacare" as "government-run health care."⁷²

Like Woodrow Wilson, the president appeared before a joint session of Congress to push his agenda, especially the health care part. But unlike Wilson's debate-framing orations at the Capitol, Obama's critical one came late, on September 10, 2009, after the House Democrats had already put down their markers, a good portion of the congressional membership had received an earful from



To a notable extent, the tortuous course of the healthcare enterprise was attributable to a feature of contemporary American politics that had grown more pronounced: the resort to filibusters by the minority in the Senate.



constituents during the August recess, and the deadlines he had set had lapsed.

On the Senate side, the sausage-grinding scene became so protracted and at times unseemly as to taint the outcome more than it deserved to be.⁷³ The president had waited patiently for months to see whether the chairman of the Senate Finance Committee, Max Baucus of Montana, could arrange even a minimal veneer of bipartisan cover. That effort proved fruitless. Meanwhile, precious time was lost, the opposition hardened, and the administration's signature initiative remained in limbo. With every passing month, much of the public became increasingly restless over Washington's preoccupation with the health care stand-off, which came to be regarded as a distraction from the more urgent task of focusing on the depressed economy.⁷⁴

To secure key legislation, Woodrow Wilson had insisted on keeping Congress in session until the Senate delivered.⁷⁵ Even well short of resorting to so heavy a hand, a determined White House might have been able to step up the pace at which the Senate Finance Committee was mulling a bill.⁷⁶ With hindsight, as at least one senior aide later admitted, it had been a mistake to let the health care debate drag on.⁷⁷ For at the end of the long saga, even the thinnest of bipartisan veils fell off anyway.

The delay into 2010 had additional implications. When the Democrats lost a special election in Massachusetts to fill the seat of the late Senator

Edward M. Kennedy, they also ceased to be within striking distance of the mega-majority needed to break a GOP filibuster. This left open only one parliamentary avenue to ensure passage of a health care bill: so-called reconciliation, a procedure ordinarily reserved for budgetary measures, but that required just a simple majority. There was nothing inherently perverse or pernicious about taking this bypass. Neither democratic theory nor the Constitution stipulates as sacrosanct a minimum threshold of 60 in the Senate to legislate virtually anything of importance. Nevertheless, the reconciliation route was deemed something of a come-down, after expectations had been raised (and prolonged) that legislation of such scope would be carried into law on more than a scaled-back, party-based vote.

To a notable extent, the tortuous course of the healthcare enterprise was attributable to a feature of contemporary American politics that had grown more pronounced: the resort to filibusters by the minority in the Senate. Whereas the tactic was used sparingly in the first half of the 20th century, it had become nigh-incessant by the first decade of the 21st. This development, it can be argued, accounted for much of the Obama administration's solicitude on Capitol Hill. The need to muster a lopsided Senate majority to surmount the inevitable GOP filibuster of the health bill presumably counseled patience and deference, either to entice a dwindling and elusive handful of Republican centrists, or to lock down Democratic backbenchers maneuvering to position them-



Wilson did not inhabit a filibuster-free world—and the token support of a few Republicans offered no guarantee of prevailing against the practice. The rules then were different.



selves as pivots. “The fact that President Obama and Democratic leaders waited for months for Chairman Baucus as he made futile efforts to gain the support of key Republicans on his committee,” according to Jacob S. Hacker, “was a reflection less of Democratic faith that bipartisanship could be achieved than of a recognition that Baucus had the votes of the moderate Democrats who would decide whether a filibuster could succeed.”⁷⁸ By contrast, President Wilson had no such minefield in front of him.

But, on closer inspection, the weight of this distinction can be overstated. There is no doubt that ritually requiring a supermajority to move legislation in the Senate is an extraordinary impediment of relatively recent origin. And surely it increases the motivation to bring into the fold a minority member or two when the nominal majority’s headcount is too close for comfort. Errant Republican votes were more attainable in the 63rd Congress than in the 111th where the opposition had closed ranks in a maximalist mood.⁷⁹ Wilson may have had less need to engage in painstaking overtures across party lines. As we have already noted, however, he also simply seemed disinclined to go out of his way. He generally valued bipartisanship less, and with exceptions, may have considered it more trouble than it was worth.

More to the point, Wilson did *not* inhabit a filibuster-free world—and the token support of a few Republicans offered no guarantee of prevailing against the practice. The rules then were different.

Unlike now, supermajorities were not routinely required to legislate in the Senate a century ago. The costs of filibustering were higher for the practitioners. A filibuster required round-the-clock physical presence in the chamber. Also, it was not possible then, as it is today, to debate a bill to death without also holding up all other business before the Senate, including items vital to minority members. On the other hand, there was not yet any formal cloture rule.⁸⁰ So regardless of how many senators might prefer to shut off debate, a filibuster by even a miniscule minority could win.

And on salient matters, devastating filibusters occurred. In early 1917, for example, 11 senators filibustered a bill authorizing the president to arm U.S. merchant ships, even as the German navy had begun waging indiscriminate submarine warfare in the Atlantic. On that occasion, Wilson complained bitterly about how “The Senate of the United States is the only legislative body in the world which cannot act when its majority is ready for action. A little group of willful men, representing no opinion but their own, have rendered the great government of the United States helpless and contemptible.”⁸¹ The defense of the sea lanes during World War I was a matter of paramount importance—and needless to say, so had been the earlier questions of tariff revision or reform of the financial system.⁸²

A favorite tactic for rejectionists in Wilson’s day was to prolong deliberations as much as possible in the weeks before adjournment and then, by

blowing nonstop on the floor, simply run out the clock. Wilson knew that this ploy was always a possibility, and it was one of the reasons why he and his party's leadership kept Congress in session until the opposition capitulated, partly out of sheer fatigue. There was no other recourse. Not only was there no Rule 22, nothing like the modern budget reconciliation end-run was available. A president with a "programme" to enact would have to best his adversaries in a test of wills and endurance, all the while having to coax his majority to remain intact.

In some respects, therefore, the parliamentary hurdles Wilson faced were at least as intimidating as the ones Obama confronted. In the latter's case, after all, the Democrats appeared to hold a commanding majority through 2009 in the upper house, where it mattered. Whether, when the chips were down, that majority would ever have been stable and disciplined enough to beat a health-bill filibuster is a good question now subject to never-ending speculation.

MIDTERM VERDICTS

By the autumn of 2010, several of the Obama administration's leading aims—infrastructure investment fused to an economic stimulus, the comprehensive Affordable Care Act, and a bill to expand regulation of the financial sector—had become law. True, a climate-change measure (cap-and-trade) fell short, and so did immigration reform. Yet, most of the active electorate seemed unimpressed with the accomplishments. The majority party and their president were punished in the midterm balloting. The Republicans netted a gain of 63 seats in the House and six in the Senate.

Once again, there were certain parallels with Woodrow Wilson's experience. The drive to enact Wilson's big three priorities had succeeded but, to the voters in the midterm election of 1914, his successes didn't prevent the Republicans from scoring similar gains in the House.

In both instances, it appeared, unfavorable economic circumstances outweighed all other determinants of the electoral results. In Obama's second year, though modest GDP growth had resumed, unemployment remained stuck at above 9 percent.⁸³ Republican rhetoric had little difficulty attaching, however crudely, the jobless rate to Obama's policies. Following Wilson's debut, an economic downturn occurred in 1913, and soon handed the GOP similar grist. Voters directed their frustration at many incumbents. In the opposition's campaign of 1914, the "socialist" Federal Reserve Act, the lower tariff, and the proposed anti-trust measures were blamed, preposterously, for the recession.⁸⁴

It is tempting to infer from such similarities that, particularly in bad economic times, the fate of presidencies and their ruling majorities is ultimately outside their control. But economic determinism oversimplifies. Examples of counterintuitive outcomes are simply too rich and plentiful. Lyndon Johnson's Democrats, for example, suffered a significant setback in the 1966 midterm election (the GOP picked up 47 seats in the House) even as the nation prospered at full employment. Bill Clinton, briefly, met even greater humiliation: his party gave up 54 House seats and lost control of the Senate in 1994 despite an economic upturn and a jobless rate of only 5.6 percent. Anomalies have run in both directions. Ronald Reagan's Republicans dropped just 27 House seats in 1982 despite a fierce recession with unemployment above 10 percent and a presidential approval rating lower than Obama's. Both Clinton and Reagan went on to be reelected decisively.

The economy alone does not suffice to explain the changing fortunes of Wilson or Obama, either. For the former, economic conditions taking a turn for the worse certainly hurt the in-party in its House races, where the Republicans snatched 62 seats in the 1914 election. The shift, though, fell shy of recapturing a GOP majority. The Senate contests, moreover, went the opposite way; there, the Democrats actually added three seats to their majority that year, suggesting in part that the president had succeeded in limiting the expected midterm damage.⁸⁵ In the case of Obama, the electoral rebuke in 2010 was, by contemporary standards, wider and deeper, even as it tracked imperfectly such indicators as joblessness, poverty rates and declining house prices.⁸⁶ The rout swept well beyond the House of Representatives to flip a dozen statehouses, and notably narrowed the Democratic margin in the Senate. One cannot help wonder whether at least some of this broadly negative referendum might have been blunted by a different—maybe more Wilsonian—mode of leadership.

WHAT MIGHT HAVE BEEN

To begin with, it might have helped if less had been promised during the electioneering of 2008. Expectations might have been lowered, and people's limited attention could have focused on the tasks of maximal importance. The extent of transformative "change" implied in the run-up to the election had been oversold. Fewer Americans, it turned out, had clamored for quite so much, and, being profoundly distrustful of government, perhaps more of them needed reassurance from the front-runner that he recognized the limits.

The tack taken by Woodrow Wilson had done this. During the 1912 campaign, Wilson had been

more circumspect in his promissory proclamations, and he had always balanced his arguments for progressive reform with assurances that he was no advocate of an overweening government. "The history of liberty," he declared, "is a history of the limitation of governmental power, not the increase of it."⁸⁷ "We do not want a big brother government," he stressed on another occasion. "I do not want a government that will take care of me. I want a government that will make other men take their hands off so that I take care of myself."⁸⁸ Such words were essential in America shortly after the turn of the 19th century. Shortly after the turn of the 20th century, it remained useful to say them again—as the verdict of the voters appeared to demonstrate in 2010.

It was one thing to make good on a short list of first-order campaign pledges, as Wilson had done, but quite another to take the helm with a boatload of them, including some that were likely to be distracting, and others that, if delivered, could complicate the task of addressing the country's greatest problems.

The government needed to trim its sails, though not all of them. What, apart from dispensable minutia, should have been off-loaded, given the state of the economy, and what arguably kept on board? A sweeping program to raise the cost of carbon-emitting fossil fuels was good policy in principle, and the step would have been applauded in the international community. But it was also inopportune to propose such a plan in the throes of a crushing recession, not to mention amid a bloc of Democratic senators who were openly skittish. Politically, cap-and-trade was a nonstarter, at least in the 2009–2010 period. A postponement was in order.

A commitment to extend tax relief permanently for a vast swath of the population was problematical



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as well, albeit for other reasons. This *idée fixe* may or may not have been instrumental to Obama's electability, but it was unsound from a long-range fiscal standpoint. An imaginable alternative would have been to float a campaign vow only to explore comprehensive tax reform, without specifying any particular redistribution of tax burdens.

If greater specificity was called for in some places, there was at least one concrete suggestion that could have been contemplated: the intriguing concept of replacing the U.S. corporate income tax with the equivalent of a value-added tax.⁸⁹ Even if such a swap started out revenue-neutral, hence not as an immediate remedy for budget deficits, it would still be a step in the right direction—nudging the clumsy internal revenue code toward potentially lucrative taxation of consumption, instead of just income and investment.

What about health care reform? This prodigious project posed a larger dilemma. A basic correction of the nation's malfunctioning health care system was long overdue. And in theory, despite the sputtering economy, it was not necessarily an ill-advised idea to give the correction another try. But much depended on how fixing health care would be defined. Was it, first and foremost, about relieving the plight of the uninsured, and creating a new entitlement (as the Democratic campaign of 2008 generally implied)? Or was it chiefly about how to slow the troubled sector's soaring costs, and avert a future economic train-wreck (as President Obama's speech to the AMA emphasized)? Over

time, the two aims might not prove hopelessly irreconcilable, but as an immediate practical matter there was inevitable tension between the speculative savings projected for provisions that might "bend" down the cost curve, and on the other side of the ledger, the impending expense of achieving comprehensive access.⁹⁰

Suppose that earlier on candidate Obama had elevated the cost-containment challenge. This was more than a matter of messaging to the electorate, though it was that, too. Substantively, at least one basic point could have been conceded in the course of the campaign: namely, that the notion of trimming the tax-free status of employer-provided health benefits held merit. Embracing a second proposition—that medical malpractice law also warranted better boundaries—might have provided a relevant complement, though its advocates tended to overstate the payoff.⁹¹ Such modifications would not amount to titanic game-changers, but neither were they details to be scorned or marginalized. At a minimum, if the president had campaigned for them, his cause—modernizing the healthcare system to bolster the American economy—might have proven harder for antagonists to demagogue.

There is no way to be certain, of course, how far a move like this would have gone to satisfy the GOP.⁹² But, from Obama's standpoint, what did he stand to lose? At least the rationale of health reform, and more of its imperatives, would have come into clearer focus at a formative stage—2008, when the public was listening and perhaps ready



Which brings us back to the matter of whether transcending partisanship was practicable... For the most part, though, given the uncompromising bent of the contemporary Republican Party, extensive conciliation never seemed in the offing.



to learn. In any case, positioned in this fashion, later the president might either have converted a few naysayers or called their bluff.

Narrowing the employer tax break for health benefits was not a crowd pleaser. Polls suggested, albeit faintly, that running for office with such a proposal was unlikely to win a popularity contest.⁹³ But the same could probably be said about upping a tax on anything. At least in this particular instance, Obama would have had some cover. His opponent, Senator John McCain, had already come out four-square for closing the exclusion.⁹⁴

Naturally, too, a convergence with McCain, even one so limited, would displease the Democratic Party's base. Various unions, for instance, would complain. (So would tort lawyers, if the federal government pursued aggressive malpractice reform.) But would this have been fatal? An opportunity would have been seized to demonstrate unmistakably how a new regime would indeed "change the way Washington works"—that is, clearly getting the policy "right," even if special interests were incommoded. Recall how Wilson had taken that high road, and to good effect. His stature grew when, for example, he refused to exempt organized labor from anti-trust prosecution, and when he declined to pander to the Bryanite farm belt with promises of easy money.⁹⁵

Which brings us back to the matter of whether transcending partisanship was practicable. Adjustments like those just described were probably worth trying. For the most part, though, given the uncompromis-

ing bent of the contemporary Republican Party, extensive conciliation never seemed in the offing. Even when greater bipartisan collaboration might not have been ruled out on particular issues, it typically proved too arduous or brittle. Protracted indecision would result, as in the case of the health care proceedings, and deals fell apart. Not all of the fault could be laid at the feet of the GOP.⁹⁶ For there were moments when the Obama administration, like any administration composed of politicians not angels, found it politically irresistible to do some partisan stone-throwing of its own. And when that occurred, the president and his aides were in the position of people who live in glass houses.

In the months of negotiations over the financial regulatory bill, for example, some officials thought there was a chance of drawing scattered Republican endorsements—until the White House became outspoken about the depredations of Wall Street special interests.⁹⁷ Never mind that compared to Woodrow Wilson's rhetoric, Obama's was mild.⁹⁸ Subsequently, the prospects of cementing appreciable support across the aisle evaporated, and the president was left to rely almost entirely on Democratic votes.⁹⁹

Suppose that instead of defaulting to such one-party products as a last resort, the Obama presidency in its first couple of years had assimilated, from the outset and less ruefully, a little more of Wilson's alternative formula—namely, party government as a respectable, indeed responsible, model. Put another way, what could have been conveyed was

something like this: Contributions in good faith to the nation's great public policy debates would be welcome from both sides. A broad-minded administration would be genuinely prepared to take in constructive ones from the loyal opposition. But elections count, too; the president's party had successively built sizeable majorities; and he would not be deterred from propelling them to pass his highest priorities. It is not unimaginable that an orientation along these lines could have conferred advantages, not just liabilities.

All the more so because, as already noted, compared to the Republican Party a century ago, the Republicans confronting Obama in both bodies of Congress seemed less capable of yielding even a minimal bloc of members who, perhaps less intimidated by the prospect of hard-right primary challenges, were willing or able to be the president's quiet partners. With near unanimity, the congressional minority in 2009 and most of 2010 had played the part of a confrontational parliamentary minority-party, mainly inclined to protest and await a return to power. Though Wilson, too, had just a limited and inconstant band of sympathizers on the Republican side, they represented a gifted dissident faction, one that wasn't doctrinaire in the face of certain objective facts on the ground. A number were also less hidebound than the Democratic consensus on certain issues, and occasionally could be pivotal.

In 1913, there were some independent-minded Republican senators who, for example, actually saw merit in substituting income tax receipts for revenues from import duties—an unorthodox and enlightened point of view in its time.¹⁰⁰ And more than a few were not only proponents of anti-trust enforcement but also of banking reform of one kind or another. The United States, after all, had continued to suffer financial panics and

credit crunches long after these bouts had subsided in Europe. The main reason was that the major European countries had established central banks as lenders of last resort, while here, politicians in both political parties had distrusted that solution. The left feared centralized power in the hands of Wall Street; the right feared government control.¹⁰¹ Notable spokesmen on both sides, however, knew that the impasse could not continue indefinitely.

Conservative stalwarts vilified Wilson for his Federal Reserve Act. Sounding a lot like many a Republican today chastising Obama for his “job-killing” health care law, Senator Elihu Root of New York had claimed that Wilson's Fed was tantamount to “a paternal government,” acting “without a mandate from the people of the United States.”¹⁰² (The Federal Reserve Act, Senator Root believed, would lead to our “decadence,” “degradation,” and “downfall.”) But at least regarding the volatility of financial markets, it was generally understood that the status quo was not viable.¹⁰³ By comparison, the crisis of 2008–09 elicited from much of the GOP a reaction that was unsettling. The basic need for a hefty fiscal stimulus in 2009, for example, amid the worst economic collapse since the Depression, was met with apparent skepticism, even after the government had more or less exhausted its other anti-recessionary options, including monetary remedies such as rock-bottom interest rates.

There is no way to tell, of course, how many members of Congress in 2009 were in fact deeply skeptical of Keynesian fundamentals. Possibly, more Republicans would have collaborated with the Obama administration if the necessary legislation had been crafted differently. In this view, the doubts in Republican quarters were less about whether fiscal tools could be used for counter-cyclical purposes than about the ability of Congress to choose the right ones. They

had a point. Tucked into the stimulus bill were inducements to invest in everything from school construction, state-of-the-art electrical grids, and improved technology for medical record-keeping, to renewable energy technologies and high-speed railways. Whatever the virtues of such endeavors, many would take years, even decades, to bear fruit, and so would provide little or no boost to the frail economy in the near term.

Fair enough. Yet, the funds for these remote missions represented only a relatively modest share of the enormous sum appropriated under the economic recovery act. Never mind that far larger tranches of the legislation consisted of immediate tax relief plus an assortment of expenditures to shore up the safety-net, most of which were supposed to be much faster-acting. Almost uniformly, the GOP recoiled anyway. If anything, the party generally seemed to indulge a growing public perception that the stimulus was merely a collection of Democratic pet projects with no immediate prospect of alleviating unemployment—in other words, that the stimulus “didn’t work.”

In retrospect, a case can be made that fewer ponderous “reinvestments” should have been stuffed into the recovery act, and that more of them should have had to stand on their merits separately. The stimulus portfolio itself, then, could have focused almost exclusively on just doing what the government can do temporarily and quickly (and what a second stimulus measure, enacted at the end of 2010, did): put money directly into people’s pockets, and especially the people who will spend it. So, alongside a generous complement of jobless benefits and outlays for welfare, food stamps and Medicaid (all of which would go to recipients with the highest marginal propensity to consume), there could have been a stronger dose of other economic stabilizers with

perhaps decent odds of reviving consumption and hiring in a timelier fashion. Possible candidates could have included targeted tax breaks for firms to increase employment, a bold and extensive payroll tax holiday, and incentives for states simply to cut their sales taxes.¹⁰⁴ A streamlined emergency package, one less encumbered by red tape, and designed just to be liquid and quick-hitting, *might* have yielded an earlier bang for the bill’s billions of bucks.

That, in turn, could have paid off politically as well as economically, maybe making the stimulus easier to defend. Which is not the same as assuming, however, that the point of a measure of this sort, nor necessarily its result, would be to lure Republican votes. Precisely what, in lieu of the much-maligned American Recovery and Reinvestment Act, would have been certain to attract many more Republicans to the president’s side in early 2009 was never self-evident.

CONCLUSIONS

“A king is history’s slave,” Tolstoy wrote in *War and Peace*, since history presumably charts its own course.¹⁰⁵ But the poetic license that suits a great work of fiction doesn’t hold for the real world. Kings have at least some control of their destinies. And so do presidents. Even after all extenuating circumstances are taken into consideration, leadership qualities remain among the final determinants of a consequential presidency.

President Obama’s narrative remains a work in progress. Yet, it is not too soon to seek some admittedly tentative insights into the style of this interesting presidency—and to discern its difficulties as well as its virtues. To explore the subject,



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a comparison with the early period of Woodrow Wilson's tenure provides an especially useful lens.

Unlike Wilson's ascent to the White House, Obama's came dragging a long and sometimes desultory train of campaign-based obligations that he would soon be expected to honor. Not only was President Obama obliged, from the standpoint of his fervent followers, to double down on these articles of faith even as changed conditions warranted at least a partial shift in emphasis; several raised unrealistic expectations.

Not the least of them was the wish to not just pursue an elaborate domestic policy agenda but to do so somehow in a benignly bipartisan—indeed, even “post-partisan”—spirit. That aspiration was understandable. A substantial portion of the electorate (especially the large segment of independent voters in the midfield where presidential elections are won and lost) appeared to demand less contestation between the political parties and a greater willingness to make mutual adjustments, or so it seemed when the matter was posed at a high level of generality.¹⁰⁶ Also, Obama was undoubtedly disposed, by demeanor and instinct, to prefer a search for common ground with his opponents.¹⁰⁷

There was, however, a basic problem. The president's agenda was, if not “radical” and “revolutionary” (the preferred adjectives in careless commentary), obviously expansive and far-reaching. In key respects, it emerged more sweeping than most of the public had been prepared for. At

any rate, the lengthy to-do list would collide with a stark reality of contemporary American politics: the deeply polarized positions of Democrats and Republicans, and therefore—at least when one party held both the executive and legislative branches—the inescapable fact of precious little incentive to compromise.

So, retrospectively, one cannot help conjecture: Suppose Barack Obama had taken a page from Woodrow Wilson, who chose to run for president on a more focused set of issues, and who subsequently acted upon them methodically by working very closely, in fact more or less exclusively, with legislators from his own party. What was distinctive in Wilson's approach was his comfort with in-party governance, even though the out-party he had to contend with was not as monolithic as the GOP proved to be in the 111th Congress. Wilson respected the role of the opposition but also affirmed in unapologetic terms the prerogatives of his side, the one more voters had empowered.

Obama, too, could have explained, that bipartisan harmony has been more the exception than the norm in American history—and that bipartisanship, while desirable and feasible at times, is not always possible nor superior to action by a duly elected party in power at both ends of Pennsylvania Avenue. Who knows? His case at the end of the day might have been regarded as justified, given the Republican minority's lockstep boycott of practically every major policy he championed at least through the midterm election of 2010.¹⁰⁸



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The point bears deepening. Woodrow Wilson was onto something: Citizens need to know that partisan politics are not an abnormality but rather a fact of life in a vibrant democratic polity. Legislative decisions do not cease to be legitimate when they resemble those under a parliamentary regime, in which a partisan majority governs while the minority party, like it or not, has to bide its time. For if, in due course, people have second thoughts about the ruling party's decisions, there is ample opportunity to bring in new management, and to modify or overturn policies, in a political system that routinely (indeed, with dizzying frequency compared to every other venerable democracy) holds its public servants accountable to the voters.

Further, as Wilson understood, the rightful place for simple majority rule was recognized in the earliest days of the Republic. Contrary to a common misapprehension, the founders were not *just* troubled by a possible tyranny of the majority. James Madison, for one, worried equally about "sinister" mischief and stalemate at the hands of a determined minority.¹⁰⁹ Therefore, "the vital principle of republican government," he stressed in 1792, "is the *lex majoris partis*, the will of the majority."¹¹⁰

These reflections on the legitimacy of party government are important to keep in mind. But how can they be squared with what happened during the last months of 2010? And more basically, what are the limits in modern times?

The latter query is easiest to dispatch. Wilsonian majorities, by definition, cease to exist under conditions of split party control of the presidency and Congress. Under divided government, bargaining between the parties usually becomes a necessity, not a choice. While his fellow Democrats were numerically in power in both chambers of the Capitol, President Obama, like Woodrow Wilson, plausibly could have chosen not to stake quite so much on searching for bipartisan imprimaturs to his legislation, especially when so little of it was likely to get Republican blessings. Once the Republicans had regained the House of Representatives, however, that alternative approach would no longer fly. Even before the 2010 election, the Democrats' margin in the Senate had slipped below the requisite filibuster-proof level, narrowing Obama's options. The modern Senate's standard operating procedure (a minimum of 60 votes to do business) all but annuls the principle of *lex majoris partis*. It is also rather recent. Wilson had labored with his share of parliamentary rigors, but this particular roadblock was not one of them.

Now for the other question. After the midterm and before adjourning, the last Congress took up a number of additional measures, a few of which were quite notable. Some passed on a bipartisan basis. Weren't the president's hopes of gaining Republican votes finally vindicated?

The three most salient things to come before the lame-duck session were a new nuclear arms treaty with Russia, a temporary extension of the Bush-



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era tax rates, and a reasonable immigration bill. The Senate duly ratified the arms treaty, with a dozen Republicans joining the Democrats in favor. More than anything else, this vote spoke to the fact that the sphere in which the administration was most likely to enjoy more than negligible support from GOP senators was on select matters of *foreign* policy.

Domestic issues would remain more divisive—and the immigration bill proved to be a telling case in point. The so-called Development, Relief and Education for Alien Minors (DREAM) Act would have offered the possibility of permanent residency to immigrant youths who earned at least two years of a college education or enlisted in the military. In less petulant political times, this formula, inciting an especially desirable group, would have seemed unobjectionable. Unconvinced, the GOP successfully filibustered the DREAM act anyway. Even the fact that the administration had set a record for deportations in the preceding couple of years was not enough to win over a few more Republicans.

As for temporarily extending the Bush tax cuts, it is hard to see how that particular imperative could be interpreted as a great test and breakthrough for cross-party deal-making. In a still-fragile economy, allowing existing law to expire, thereby socking most households with a tax increase just weeks away, would have been sheer folly. Yes, liberals were apoplectic that “millionaires” (or, more accurately, households with incomes above \$250

thousand) would get a reprieve along with all other taxpayers.¹¹¹ And true, over the objections of a few dogmatic conservatives, the Obama administration managed to link, among other stimulants, another major infusion of unemployment benefits to the bill. But for most Republicans, most Democrats, and the president himself, the tax-rate extension simply represented a policy no-brainer, not a miraculous grand bargain.

In short, the final days of the last Congress exhibited less party-line voting in special cases, where there were quite simply overwhelming reasons for more members of both parties to come together. It strains credulity to suppose, however, that this interlude augured at long last an enduring pattern of post-partisan politics—or even that it offered a paradigm for how Obama could have conducted more of his congressional relations beforehand.

At least two final concluding thoughts are in order. Whatever one's view of Woodrow Wilson's majoritarian manner, his close engagement with lawmakers, even if overbearing at times, was an attribute worth studying. Several of President Obama's most important projects might have taken better shape if the executive had been able to exert more influence on the legislature's determinations. Maybe, as was noted earlier, some of the 2009 economic recovery act, for instance, could have been configured more effectively. Health care reform needed to tackle head-on the central defect of American medicine: its incomparably exorbitant costs. In this instance, suitable legislation making



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a credible start might have suffered fewer bruises if it had moved along a faster track. Obama's inclination sometimes seemed more that of a stakeholder mediating at arm's length than the chief engineer of the policies he sought. There were occasions when it might have been helpful to take a cue from Wilson—that is, from a leader who not only defined the debate but established a formidable presence in the legislative arena, from start to finish.

The Obama presidency will continue to take new and unforeseeable directions before the story line ends. Like other administrations, it will continue to evolve through a process of trial and error. And, of course, the tests originate abroad as well as at home. I have deliberately omitted in these pages the repercussions of international affairs, which would

warrant another book, but which frequently have a way of defining presidencies, for better or worse. Certainly, that was true of Woodrow Wilson's. His second term would be consumed by the Great War, its aftershocks, and his declining health. Features of Wilson's leadership that had seemed so promising during his first term faded during his second. He did not continue to grow in office, concluded his critics. "He was stubborn when he should have been open-minded, vacillating when he should have been decided," wrote one acerbic observer about the president's performance in his later years.¹¹² Gripes about President Obama's ways and means, from both poles of the spectrum, commonly had a similar tone. They often seemed overblown. And they could still prove to be passé in the end. ■



ENDNOTES

1. The tariff reduction was the first in over half-a-century (1846, to be exact). Arthur S. Link, *Wilson: The New Freedom* (Princeton University Press, 1956), p. 177.
2. The CBO estimate came in at \$143 billion. <http://www.cbo.gov/ftpdocs/118x/doc11820/CrapoLtr.pdf>
3. The original Federal Reserve Act evidently gave the Federal Reserve Board insufficient authority to assume the full functions of a central bank. The problem was corrected by the Banking Act of 1935.
4. Wilson's renowned biographer, John Milton Cooper, concluded in 1983: "No president since has wrought such legislative and administrative achievements within the first term of his presidency." John Milton Cooper, *The Warrior and the Priest: Woodrow Wilson and Theodore Roosevelt* (Belknap, 1983), p. xii.
5. Before the First World War, three-quarters of federal revenues derived from the tariff and excise taxes. Afterward, three-quarters would come from the income and estate taxes. H. W. Brands, *Woodrow Wilson* (Times Books, 2003), p. 83.
6. The most notable GOP insurgent to join the Progressive Party was Senator Miles Poindexter of West Virginia. Others, however, ended up retaining their Republican affiliation.
7. For the following summary of the configuration of public opinion, as revealed in key polls, see Pietro S. Nivola, "Center-Left America?" *Issues in Governance Studies*, Brookings (April 2009).
8. Jeffrey M. Jones, "Many Americans See Stimulus Costs, Not Benefits," <http://www.gallup.com/poll/122372/Americans-Stimulus-Costs-Not-Benefits.aspx>
9. In October 2009, a Pew poll asked respondents "How much, if anything, have you heard about a policy being considered by the president and Congress called 'Cap-and-Trade' that would set limits on carbon dioxide emissions?" Fourteen percent answered "a lot," 30 percent said "a little," and fully 55 percent replied "nothing at all." <http://pewresearch.org/pubs/1509/alternative-energy-offshore-oil-drilling-nuclear-cap-and-trade>
10. I owe this insight to Jonathan Alter, *The Promise: President Obama, Year One* (New York: Simon and Schuster, 2010), p. xvi.
11. On the political ramifications of the nearly uninterrupted economic decline during Wilson's first two years, see Scott C. James, *Presidents, Parties, and the State: A Party System Perspective on Democratic Regulatory Choice, 1884-1936* (Cambridge University Press, 2000), pp. 177-8.
12. Senate Historical Office, www.senate.gov. Office of the Clerk, U.S. House of Representatives, <http://clerk.house.gov>
13. In the Senate of the 63rd Congress, there were 51 Democrats, 44 Republicans, and one Progressive.
14. Perhaps the most notable example occurred during the tariff-revision process. A small group of progressive Republican senators actually demanded that the revenue from an income tax, intended to help offset the loss of revenues from import duties, be raised on an even more progressive rate structure than the Democrats had proposed.
15. Quoted in John Milton Cooper, Jr., *Woodrow Wilson* (New York: Alfred A. Knopf, 2009), p. 161. One might suppose that Republican progressives and Wilsonian Democrats would have formed a relatively stable alliance. But much of the time, these Republicans resented their counterparts, especially since the latter seemed to place party loyalty ahead of other values. Here, for example, were the words of John M. Nelson, a progressive Republican representative from Wisconsin, during the House debate on the Clayton Act: "you can do nothing with a party that... solemnly pledges itself to do the right thing and then deliberately and knowingly does the wrong, a party that will sacrifice the salvation of the American people, its deliverance from the yoke of monopoly, upon the altar of partisanship, for the sake of its one supreme god—party success." *Congressional Record*, 63rd Cong., 2nd sess, 1914, 51, pt. 16, pp. 16326-7.
16. Obama'08 website, *The Blueprint for Change: Barack Obama's Plan for America*. <http://www.barackobama.com/pdf/ObamaBlueprintForChange.pdf>
17. Substantial parts of the long list made its way into the highest-profile venue: Obama's acceptance speech at the Democratic National Convention in Denver, August 28, 2008.
18. Large majorities of likely voters in the months prior to the 2010 midterm did not see restraining the rate of spending on Medicare and Social Security as the key to reducing the government's fiscal imbalance, and the percentage of voters who blamed the magnitude of the present-day deficit on the wars in Iraq and Afghanistan was three times greater than those who cited, for instance, the economic

- recession. See Pietro S. Nivola, "What Do We *Really* Think About the Deficit?" *Brookings Website*, June 21, 2010.
19. "Renewing America's Promise," *The Draft 2008 Democratic National Platform*, August 7, 2008, pp. 5, 7.
 20. <http://www.usatoday.com/cleanprint/?1298478433630>
 21. Barack Obama, *The Audacity of Hope* (New York: Crown Publishers, 2006), pp. 178–79, 183–5, italics added.
 22. <http://barackobama.com/pdf/ObamaBlueprintForChange.pdf>
 23. <http://www.barackobama.com/>
 24. "One Word," Barack Obama campaign ad, October 3, 2008; <http://www.youtube.com/watch?v=dNJo0IcJ5oY>; "Prescription," Barack Obama campaign ad, October 1, 2008; <http://www.youtube.com/watch?v=H6vnHmAFJCY>
 25. "A Speech Accepting the Democratic Nomination in Sea Grit, New Jersey, August 7, 1912," in Arthur S. Link, ed., *The Papers of Woodrow Wilson*, vol. 25 (Princeton, 1978), pp. 5–6.
 26. Wilson was strongly influenced by the thinking of Louis D. Brandeis, who counseled promoting competition instead of accepting regulated monopolies, as Theodore Roosevelt was prepared to do. Roosevelt took issue with Wilson's classical liberalism, disparaging it as "Wilson's *laissez-faire* system." John Milton Cooper, *The Warrior and the Priest: Woodrow Wilson and Theodore Roosevelt* (Belknap, 1983), p. 197.
 27. "Speech" in Link, *Papers*, p. 4. In some of his writings, Wilson had sounded downright conservative. For example, at one point he declared himself "a disciple of Edmund Burke, who was opposed to all ambitious programmes on the principle that no man, no group of men can take a piece of paper and reconstruct society." "I believe," Wilson continued, "that politics, wise statesmanship, consists in dealing with one problem at a time and the circumstances of each particular case." Quoted in Cooper, *The Warrior and the Priest*, p. 185.
 28. Arthur S. Link, *Woodrow Wilson and the Progressive Era, 1910–1917* (New York: Harper & Bros, 1954), p. 21.
 29. *Ibid.*, pp. 8–9.
 30. It should be noted, however, that Wilson shifted his position on a number of social issues after the 1914 midterm election, in which the Democratic majority shrank in the House. He not only switched to support of woman suffrage but embraced other facets of the Progressive agenda, including key labor planks. Cooper, *Warrior and the Priest*, p. 209.
 31. Quoted in Brian J. Cook, *Democracy and Administration: Woodrow Wilson's Ideas and the Challenge of Public Management* (Johns Hopkins University Press, 2007), p. 23.
 32. Transcript, Barack Obama's Inaugural Address, *New York Times*, April 20, 2009.
 33. "Obama ran on the notion of transcending partisan distinctions," wrote Matt Bai in a trenchant account last year: "Democrat in Chief?" *New York Times*, June 13, 2010, p. 36.
 34. See on this point, James T. Kloppenberg, "A Nation Arguing with Its Conscience," *Harvard Magazine*, November-December, 2010, pp. 34–40.
 35. Although it is fair to say that, from a programmatic standpoint, the Republican minority hadn't organized itself around a robust body of new ideas to bring to the conversation, some were being developed within Republican circles. In the Senate, for instance, Utah's Robert Bennett had co-authored with Ron Wyden (Democrat of Oregon) a plan for a new private insurance system that aimed to achieve universal health coverage. The Bennett-Wyden "Healthy Americans Act" claimed a significant number of Senate co-sponsors from each party. In the House, Congressman Paul D. Ryan of Wisconsin had advanced a bill (H.R. 6110, introduced in May 2008) titled "A Roadmap for America's Future." The Ryan "Roadmap" not only sought significant changes in the tax system but, most boldly, a fundamental transformation of Medicare (in essence turning the program into a defined-contribution voucher plan). See: www.hsdl.org/?view&doc=105773&coll=limited. Although only eight fellow Republican representatives signed on as co-sponsors at the time, Ryan's work would later form the basis of the House Republican budget proposal for FY 2012.
 36. In April 2009, 53 percent of the public expressed disappointment with the fact that the parties, if anything, had been "bickering and opposing one another more than usual." A month before the 2010 midterm, that number reached 77 percent. Pew Research Center/National Journal "Congressional Connection Poll, September 30 – October 3, 2010. <http://people-press.org/reports/questionnaires/661.pdf>
 37. In Arthur S. Link, *Wilson: The New Freedom* (Princeton University Press, 1956), p. 147, italics added.
 38. This is not to say that Wilson indiscriminately gave Republicans the cold shoulder. Here is how one leading historian in a recent important book described the president-elect's initial inter-party contacts: "He welcomed progressive Republicans into his inner circle and was inclined initially to put a Republican in his cabinet, considering Representative George W. Norris (Republican of Nevada), a Roosevelt backer. In late January [during his transition period] Wilson met with Progressive Party congressmen, reaching out to expand his ideological majority." But in the end, "Wilson's impulse toward party government overruled his flirtation with bipartisanship." Peri E. Arnold, *Remaking the Presidency: Roosevelt, Taft, and Wilson, 1901–1916* (University Press of Kansas, 2010), p. 168. In stark distinction with Obama, not a single Republican was appointed to Wilson's cabinet.
 39. Cooper, *The Warrior and the Priest*, p. 191.
 40. Quoted in H. W. Brands, *Woodrow Wilson* (Times Books, 2003), p. 8, italics added. Wilson's view was not entirely far-fetched. The increasingly polarized debate among partisans, in fact, has been associated with increased voter participation in recent general elections. The presence of "a choice, not an echo," to borrow Barry Goldwater's famous phrase, has animated the electorate,

- not discouraged it. See Pietro S. Nivola, "In Defense of Partisan Politics," *Brookings Website*, April 8, 2009, or for a full analysis of these developments, Marc J. Hetherington, "Turned Off or Turned On? How Polarization Affects Political Engagement," in Pietro S. Nivola and David W. Brady, eds., *Red and Blue Nation, Volume Two: Consequences and Correction of America's Polarized Politics* (Brookings and Hoover Institution, 2008), chap. 1.
41. Wilson made a point of *not* putting any other items before Congress until the tariff bill was passed. Arnold, *Remaking the Presidency*, p. 173.
 42. Samuel Eliot Morison, Henry Steele Commager, and William E. Leuchtenburg, *A Concise History of the American Republic*, vol. 2 (Oxford University Press, 1977), p. 520.
 43. "Address on Tariff Reform to a Joint Session of Congress," in Arthur S. Link, ed., *The Papers of Woodrow Wilson*, vol. 27 (Princeton University Press, 1978), pp. 269–72.
 44. Woodrow Wilson, *The State: Elements of Historical and Practical Politics* (Boston: D.C. Heath, 1889), p. 566.
 45. Quoted in Link, *Wilson: The New Freedom*, p. 147.
 46. Morison, Commager and Leuchtenburg, *Concise History*, 532.
 47. See Sidney M. Milkis, *Theodore Roosevelt, the Progressive Party, and the Transformation of American Democracy* (University of Kansas Press, 2009), p. 12.
 48. See, Randall B. Ripley, *Majority Party Leadership in Congress* (Boston: Little, Brown and Company, 1969), pp. 65–66.
 49. Link, *Woodrow Wilson and the Progressive Era*, pp. 40–42.
 50. Cooper, *Woodrow Wilson*, p. 205.
 51. Quoted in Link, *Wilson: The New Freedom*, p. 197.
 52. Link, *Woodrow Wilson and the Progressive Era*, p. 50.
 53. "Address on Banking and Currency Reform to a Joint Session of Congress," Arthur S. Link, ed., *The Papers of Woodrow Wilson*, vol. 27 (Princeton University Press, 1978), pp. 570–73.
 54. Quoted in Cooper, *Woodrow Wilson*, pp. 221–22.
 55. The lone hold-out was Senator Gilbert Hitchcock of Nebraska.
 56. *Voteview*. [ftp://voteview.com/dtl/63s.dtl](http://voteview.com/dtl/63s.dtl), Entry V185.
 57. Peri E. Arnold, *Remaking the Presidency: Roosevelt, Taft, and Wilson, 1901–1916* (University Press of Kansas, 2010), p. 187, and Kenrick A. Clements, *The Presidency of Woodrow Wilson* (University Press of Kansas, 1992), pp. 49–50.
 58. Arnold, *Remaking the Presidency*, pp. 183–184, 189.
 59. Quoted in Link, *Woodrow Wilson and the Progressive Era*, p. 3–5
 60. See Kathleen Bawn and Gregory Koger, "Effort, Intensity and Position Taking: Reconsidering Obstruction in the Pre-Cloture Senate," *Journal of Theoretical Politics*, vol. 20 (2008), pp. 79–80.
 61. Quoted in James, *President, Parties, and the State*, p. 116.
 62. Editorial, *The New York Times*, August 15, 1913.
 63. "The greatest potential problem with his [Obama's] leadership," wrote the presidential scholar Fred I. Greenstein in 2009, "is that he will overreach in attempting to fight the economic crisis and institute an ambitious agenda of new policies simultaneously." Fred I. Greenstein, *The Presidential Difference: Leadership Style from FDR to Barack Obama*, 3rd ed. (Princeton University Press, 2009), pp. 224–225. This qualm was common among skeptics, both at the time and later. It calls for critical scrutiny.
 64. On Bush, see Jonathan Rauch, "Small Ball, After All?" *National Journal*, September 20, 2008.
 65. "The Obama Speech on the Economy," *Wall Street Journal*, April 16, 2009, full text.
 66. The costly extended coverage of the Affordable Care Act, for example, would not take effect until 2014. Potentially significant tax provisions were kicked far down the road. A tax on high-cost employer-provided health insurance plans, for instance, was not scheduled to take effect until 2018.
 67. Quoted in Alter, *Promise*, p. 136.
 68. Jacob S. Hacker, "The Road to Somewhere: Why Health Reform Happened," *Perspectives on Politics*, vol. 8, no. 3 (September 2010), pp. 869–870.
 69. On one hand, heavy reliance on traditional funding formulas made sense; they were already in place, and using them would presumably expedite the flow of funds. On the other, the formulas (which tended to track variables such as population size, not measures of economic distress) had not been designed to offset an economic downturn, and so could not necessarily serve as efficient Keynesian instruments that would hit the right targets. See Michael Grabell and Jennifer LaFleur, "Stimulus Spending Fails to Follow Unemployment, Poverty," *ProPublica*, August 13, 2009 p. 4, available at www.propublica.org/article/stimulus-spending-fails-to-follow-unemployment-poverty-805. On how congressional decisions were made to stick with such formulas for the State Fiscal Stabilization Fund, see Alter, *The Promise*, p. 92. According to Alter, the White House also failed to persuade congressional Democrats to target key tax benefits (by, say, tying credits for employers directly to hiring decisions). Alter, *The Promise*, p. 85.
 70. Quoted in Peter Baker, "The Education of a President," *New York Times Magazine*, October 17, 2010, p. 42.
 71. The head-count as early as May 2009 indicated that the public option lacked the votes to clear the Senate's 60-vote bar. Alter, *Promise*, p. 259. Nevertheless, the president was still in favor of the provision when he addressed Congress the following September.
 72. See Alter, *Promise*, p. 262.

73. At one point, to secure pivotal votes, the Democratic leadership felt it necessary to curry favor with senators from Nebraska and Louisiana, promising disproportionate Medicaid support to those states. The president managed to undo these embarrassing concessions—which the Republicans had dubbed the “corn-husker kickback” and the “Louisiana purchase”—at the end of the year-long ordeal, by which time the horse-trading, though impermanent, had left a bad odor.
74. For a different take on the pros and cons of Obama’s “hand-off” of the healthcare overhaul to Congress, see Lawrence R. Jacobs, “What Health Reform Teaches Us about American Politics,” *Political Science*, vol. 43, no. 4 (October 2010), p. 622.
75. Wilson took a hard line at his frequent White House conferences with legislators. The president expressed “unqualified disapproval,” for example, when wavering lawmakers voiced a desire to abandon antitrust legislation in the spring of 1914. He demanded that the Clayton Act be passed before adjournment and he threatened to keep Congress in Washington through that summer to get it done. James, *Presidents, Parties, and the State*, p. 18.1
76. Instead, three Democratic and three Republican Finance Committee members held no fewer than 31 meetings between mid-June and mid-September 2009. For all their toil, the senators only managed to convince a lone Republican, Olympia J. Snowe of Maine, to back the bill the committee eventually reported on October 13, 2009. But in the Senate’s final floor vote, which did not come until late the following March, even Snowe did not remain on board.
77. Alter, *Promise*, p. 257. See also Baker, “Education of a President,” p. 49.
78. Hacker, “Road to Somewhere,” p. 868.
79. In the words of Senate Republican leader Mitch McConnell: “The single most important thing we [the GOP] want to achieve is for President Obama to be a one-term president.” See Gerald F. Seib, “The Potential Pitfalls of Winning Big,” *Wall Street Journal*, October 29, 2010.
80. Cloture, or Rule 22, was adopted in 1917. Its early form required two-thirds of the Senate present to clear the bar. See Sarah A. Binder and Steven S. Smith, *Politics or Principle? Filibustering in the United States Senate* (Brookings, 1997), p. 7.
81. Statement to the nation, March 4, 1917 in Arthur S. Link, ed., *The Papers of Woodrow Wilson*, vol. 41 (Princeton University Press, 1983), p. 320.
82. In various ways, the Republicans did resort to parliamentary delaying tactics, if not outright filibusters, to contest much of the Wilson agenda. During the debate on the tariff, for example, the GOP’s method was to force consideration of the tariff bill’s changes schedule by schedule (of which there were hundreds) through the summer of 1913. Some historians have suggested that the banking industry was of two minds about supporting a flagrant filibuster of the Federal Reserve bill. On one hand, the lobby clearly preferred the GOP’s substitute. But on the other, the bankers worried that a frontal filibuster might have sparked a new currency crisis. See Bawn and Koger, “Effort, Intensity and Position Taking,” pp. 79, 81.
83. According to the National Bureau of Economic Research’s “US Business Cycle Expansions and Contractions,” the Great Recession technically ended in June of 2009. <http://www.nber.org/cycles/cyclesmain.html>
84. Link, *Woodrow Wilson and the Progressive Era*, p. 75. The downturn had begun in March of 1913, well before any of Wilson’s legislation had been enacted.
85. Senators were popularly elected in the 1914 midterm because the 17th Amendment had been ratified the previous year.
86. In a little-noticed but telling twist, of the 25 congressional districts hit hardest by the recession, as measured by those indicators, 16 had been represented by Democrats in the last Congress. Fourteen of them won re-election despite the national Republican tide. “Democrats Lost More Seats in Districts with Better Economies,” *Wall Street Journal*, November 3, 2010.
87. In Cooper, *Woodrow Wilson*, p. 164.
88. *Ibid.*, p. 172.
89. In Congress, the concept could be traced to Congressman Ryan’s “Roadmap,” first proposed in May 2008. The original version of Ryan’s tax proposal had been inserted in the so-called “Roadmap for America’s Future Act of 2008,” under the label “Competitive American Business Tax.” In a subsequent formulation, issued two years later, this tax instrument had morphed into a more straightforward 8.5 percent “business consumption tax”—basically, a value-added tax. Technically, it cannot be said that Ryan had plainly proposed a VAT during the presidential election year, hence that he had yet developed an exemplary tax plan that was ready to be lifted off the shelf. But any candidate could have read between the lines, and pre-empted the evolving idea, which was on the right track. From a policy standpoint, the notion of shifting more of the federal tax burden onto consumption was worth exploring, particularly in light of the fact that the nation’s over-leveraged spending binge had wrought catastrophic economic consequences. The United States is the only OECD country without a VAT. William G. Gale and Benjamin H. Harris, “A VAT for the Untied States: Part of the Solution,” *Tax Analysts* (2011), p. 65.
90. See Alter, *Promise*, p. 248.
91. The Congressional Budget Office in 2009 had done a thorough job of reviewing the available empirical evidence on likely net cost-savings from malpractice reform. Much depends on what is meant by “reform,” of course. The CBO’s bottom line: an estimated federal deficit-reduction of \$54 billion over ten years. See http://www.cbo.gov/ftpdocs/106xx/doc10641/10-09-Tort_Reform.pdf. The Obama campaign did touch on the medical malpractice issue, but not in any depth. This was its recommendation: “strengthen antitrust laws to prevent insurers from over-charging physicians for their malpractice insurance” and encourage “new models” that address “errors,” thereby improving “patient safety,” strengthening “the doctor-patient relationship,” and reducing “the need” for malpractice litigation. <http://www.barackobama.com/pdf/ObamaBlueprintForChange.pdf>

92. There was, after all, a considerable history of Republican flips over healthcare reform proposals. See Ezra Klein, "GOP Needs to Decide What Its Goal Is on Health-Care Reform," *Washington Post*, March 8, 2011, p. A11.
93. Thus, when likely voters were asked in June 2008 whether they were more, or less, likely to support Senator McCain in light of his proposal to "reform the tax code to eliminate the bias toward employer-sponsored [health] care," 24 percent reported becoming less likely, while 20 percent said they would be more likely. Greenberg Quinlan Rosner Research, "Public Interest Project Hometown America Survey," June 17-June 16, 2008. In September 2009, when the "Cadillac" tax was being debated in Congress, it had the support of 45 percent of respondents in an ABC News/*Washington Post* poll taken September 10–12, 2009. However, 48 percent opposed the idea.
94. McCain's plan and its implications emerged in the spring of 2008. See, Kevin Sack and Michael Cooper, "McCain Health Plan Could Mean Higher Tax," *New York Times*, May 1, 2008.
95. Link, *Woodrow Wilson and the Progressive Era*, p. 24.
96. "Obama could not evolve into a post-partisan leader, because McConnell wouldn't let him," writes Joshua Green in an interesting article "Strict Obstructionist," *The Atlantic*, vol. 307, no. 1 (January/February 2011), p. 69. The frustrations of trying to be "a post-partisan leader," however, went beyond just the Senate Minority Leader's machinations.
97. Baker, "Education of a President," p. 47.
98. Here, for instance, is what Wilson had said about J.P. Morgan, the embodiment of Wall Street's power: "I promise him, not for myself but for my countrymen, a gibbet as high as Haman—not a literal gibbet, because that is not painful after it has been used, but a figurative gibbet, upon which the soul quivers as long as there are persons belonging to the family who can feel ashamed." Quoted in Morrison, Commager and Leuchtenburg, *History*, p. 532.
99. Baker, "Education of a President," p. 47.
100. Kendrick A. Clements, *The Presidency of Woodrow Wilson* (University Press of Kansas, 1992), p. 39.
101. W. Elliot Brownlee, "Wilson's Reform of Economic Structure: Progressive Liberalism and the Corporation," in John Milton Cooper, ed., *Reconsidering Woodrow Wilson* (Woodrow Wilson Center and Johns Hopkins University Press, 2009), p. 66.
102. Link, *Wilson: The New Freedom*, p. 236.
103. "Across the political spectrum," writes the historian Peri Arnold, "it was agreed the banking system had to be restructured and the currency made more elastic to meet changing business conditions." Arnold, *Remaking the Presidency*, p. 165.
104. See, for example, Alan S. Blinder, "Our Fiscal Policy Paradox," *Wall Street Journal*, October 25, 2010, p. A19.
105. Leo Tolstoy, *War and Peace*, vol. 2, book 4, chap. 1.
106. According to a November, 2008 survey from the Pew Research Center for the People and the Press, 74 percent of all voters thought that Republicans should work with Obama "to accomplish things even if it means disappointing some groups of Republican supporters," and 77 percent said that Democrats should work with Republican leaders even if it meant disappointing their supporters. Independents showed an even greater desire for compromise, with 78 and 80 percent answering that Republicans should work with Democrats and vice versa. See "High Marks for the Campaign, a High Bar for Obama," November 13, 2008. <http://people-press.org/report/471/high-bar-for-obama>
107. There are many good descriptions of this preference, but for one see: Dan Balz, "For Obama, the Center May Be Too Far Right," *Washington Post*, December 18, 2010, p. A4.
108. Interestingly, near the end of his last State of the Union address (January 25, 2011), the president at one point seemed to express a sense of sober resignation about the role of partisanship in our politics. "We should have no illusion about the work ahead of us," he said, referring to the forthcoming legislative challenges. "All of it will take time. And it will be harder because we [the two parties] will argue about everything. The costs. The details. The letter of every law." A little later, he added this eminently wise thought: "And yet, as contentious and frustrating and messy as our democracy can sometimes be, I know there isn't a person here who would trade places with any other nation on Earth."
109. "The Federalist No. 10," in Pietro S. Nivola and David H. Rosenbloom, eds., *Classic Readings in American Politics* (New York: St. Martin's Press, 1986), p. 31. For a broad account of partisanship in Madison's day, see Pietro S. Nivola, "Partisanship in Perspective," *National Affairs*, No. 5 (Fall, 2010).
110. Quoted in Richard Hofstadter, *The Idea of a Party System: The Rise of Legitimate Opposition in the United States, 1780–1840* (University of California Press, 1969), p. 208.
111. Actually, it was not even clear how much of a reprieve many of these "rich" taxpayers would ultimately receive. One of the many opaque little secrets of the nation's byzantine tax system was that, for three-quarters of taxpayers with incomes between \$200,000 and \$500,000, the so-called Alternative Minimum Tax would continue to claw back almost two-thirds of their "Bush tax cuts." See, for example, Allan Sloan, "'Tax Cut' and 'Rich' May Not Mean Quite What You Think," *Washington Post*, January 5, 2011, p. A11.
112. Walter Weyl, "Prophet and Politician," in *Tired Radicals and Other Papers* (New York: B. W. Huebsch, 1921), p. 85.



The background of the page is a dark blue overlay on the Seal of the United States Department of Justice. The seal features an eagle with wings spread, holding a shield on its chest and a scroll in its beak. The scroll contains the Latin motto "QUI PRO DOMINA JUSTITIA SEQUITUR". The eagle is surrounded by a circular border with the words "DEPARTMENT OF JUSTICE" and "UNITED STATES OF AMERICA".

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