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Brookings Cafeteria Podcast:
Regulatory policy in the Trump administration
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DEWS: Welcome to the Brookings Cafeteria, a podcast about ideas and the experts who have them. I'm Fred Dews. Government regulations operate all around us, but it's a subject that few people like to think or talk about unless it's to propose deregulation. During a meeting with business leaders, President Trump recently said, "We think we can cut regulations by 75 percent," and the president signed an executive order directing agencies to identity two regulations to be repealed for every new regulation proposed or promulgated.

Here in the studio today to help us understand what regulations are, how are they made, what's happening with regulatory policy and attempts at reform under the Trump administration, and to describe a bigger idea of regulatory policy is Phillip Wallach. He's a senior fellow in Governance Studies and the editor of the Series on Regulatory Process and Perspective, an initiative of the new Center on Regulation and Markets at Brookings. He's the author of *To the Edge: Legality, Legitimacy, and the Responses to the 2008 Financial Crisis* from the Brookings Institution Press. Phil, welcome to the Brookings Cafeteria.

WALLACH: Thanks for having me.

DEWS: So let's start off with a little bit of regulatory policy 101 for our listeners. What are regulations and how do they relate to the laws that Congress passes?

WALLACH: Right, so most regulations that we think of most of the time are products of what's called the rulemaking process. So a law sets out certain objectives that agencies are meant to fulfill, but then the agencies actually go and write the very detailed rules that will turn those objectives into compliance requirements for regulated firms. And so that rulemaking process is fairly elaborate. It's governed by the Administrative Procedure Act, and it gives a chance for all interested parties to participate and comment on proposed rules before the agency finalizes them. And we see about 200 significant rules come out of the executive branch in a single year. And so where those rules end up is called the Code of Federal Regulations and that has grown and grown and grown. It is currently somewhere around 175,000 pages long, and that is the sort of main body of regulation from the federal government.

Now, there's also something people have gotten more and more interested in, is basically all of the regulatory content that doesn't exist in that body of formal rules. And so, that's what one scholar, Clyde Wayne Crews of the Competitive Enterprise Institute, has dubbed "regulatory dark matter," and those are things like guidance documents, memoranda, letters, sometimes even blog posts, sort of creating effective regulatory requirements for regulated firms that nevertheless are less formal than that rulemaking process. And so, a lot of conservatives especially are worried about the sort of body of regulation that has developed through those less formal means that have less procedural requirements on them.

DEWS: So these formal rules – you talked about the rulemaking process – these can take many months, up to a year or even more, for the agency to get to the final rule. And as you said, there's public comment, there's probably thousands of comments on some of these bigger rules. So it takes a long time to create a rule, right?

WALLACH: It does. For the really important ones, it goes through three stages. There's an advance notice of proposed rulemaking, then there's the proposed rule itself, and there’s a round of comments and changes to the proposal; and then the final rule. I’ve studied a lot of rules that took many, many years, not just one year. I think about – the average is about a year, but certainly it can take much longer than that.

DEWS: Let’s go back to the Code of Federal Regulations for just a second. You said that it’s 175,000 pages long – acknowledging that’s not the only body of federal rules, you mentioned the dark matter. But we hear a lot about the size of the Code of Federal Regulations and how it’s grown over the years. And that’s a benchmark used to describe the size of the regulatory state, but is that a useful way to think about the scope of regulatory policy? I mean, maybe it isn’t, because you mentioned the other factors.

WALLACH: Right, I think it’s a limited metric but it does tell us something. I mean, one important thing that you can see by looking at the trend in that – just total pages of the code – is that it’s never really gone down very much, even during the Reagan administration where deregulation was a priority. It really – it flattened out a little bit but it never really shrank. And I think there is reason to think that just this huge edifice of regulatory law and the growth of that matters in its own right. And I think that does motivate a lot of deregulatory movement and energy we’re seeing right now.

DEWS: I do want, in this discussion, to get into some ideas that you’ve proposed for regulatory reform and also some attempts at reform in Congress, but I want to ask you one more question kind of about regulations 101. What are some examples of what you would consider really effective regulations that are sort of just embedded in society now?

WALLACH: So there’s a couple different senses of “effective” that I might think about when you ask that. So one is effective in the sense of successfully realizing some government objective; and then there could be also successful in the sense of delivering benefits in excess of costs to the public welfare more generally. So those are two different things. I mean, if Congress makes a law that says “Environmental Protection Agency, you need to go do X,” then they have to make rules to do it, whether or not it ends up being a benefit to the public in general. So they might be doing something that’s effective in the first sense but not the second.

I think there are a lot of policies in environmental regulation and in occupational health, in communications – which are clearly effective in the first sense, probably also clearly effective in the second sense. So, you know, we used to have leaded gasoline. We discovered it was causing all sorts of health problems, and we created a path for getting it out of our economy.

And so today, that regulation, you could say that it’s effective, we don’t have any leaded gasoline in this country anymore, and it doesn’t take a lot of work for the EPA to maintain that situation. We sort of have driven it out of our economy. So regulations, once they’re implemented, they can sort of change the shape of the economy and then at that point some of them don’t take so much more work.

Others of them do sort of pose more binding constraints. If you took them away, something different would happen. So, you know, over time, regulation of the Obama administration is one that’s almost certainly is looking like it was going to be effective in the first sense, saying, sort of, a lot of middle class people who consider themselves professionals nevertheless should be covered by overtime rules – if they’re working more than 40 hours a week they should be getting paid time and a half. That was a late Obama administration move that is now in the crosshairs of the new administration and the new Congress to get rid of because they think it's ineffective in terms of larger social welfare questions.

There's little doubt that the federal government really is very powerful. It puts regulations into place and they have the effect of shaping the American economy. It has vast civil and criminal penalties at its disposal to bring people into compliance.

DEWS: So you mentioned the Obama administration, and now of course we're at the beginnings of the Trump administration. So how do you see regulatory policy in the federal government changing from the one administration to the new?

WALLACH: So I think it's a pretty reliable pattern of our politics over the last half century that you see Democratic administrations being more pro-regulatory, and Republican administrations being more skeptical of regulation. And yet, you know, I think, as I said, you don't actually see a situation where Republicans manage to just totally reverse – it's not like a cycle where we go up and then way back down, it's more of a line trending upward with a little bit of curving along it. So I think – I'm not sure that either Obama or Trump is really so very distinctive when it comes to regulation, compared to other members of their parties.

I think Trump comes in promising to take on the entrenched government and do a lot of deregulating. I think if you had had President Ted Cruz, he would've been even more enthusiastic about that same agenda. But there's no question – so, you know, Trump sees it as part of his mandate to reduce the size of the footprint of the federal government in the U.S. economy, and especially to do that where he believes regulations are impeding job growth. So that was one of the major themes of his campaign, I think continues to be one of the major themes of his remarks as president, and so I think we have a lot of reason to think that that will be something that the Trump administration really focuses on – trying to reduce regulation in a way that allows growth of American jobs.

DEWS: So, I don't really want us to get in too far into the politics of that approach, but we often hear Republican politicians will say that regulations impede job growth and so on. Is there any political science research that addresses the question of whether cutting regulations on businesses spurs job growth?

WALLACH: There's no question that some regulations kill some jobs, right? And I think that may be sort of the most salient political fact for a lot of Republicans. In coal country in particular, there is the sense that a lot of environmental regulations have driven this industry to the brink of destruction. Of course, there's also this parallel rise of the natural gas industry that's really just as responsible, but that is the feeling they have. And so, when they're thinking about "the regulations kill jobs," they're thinking about specific jobs, not really on net. And so, I think Trump shares that kind of mindset where he wants to think about protecting certain specific jobs that may well be targeted by regulations. And he's probably less well-prepared to make a well-supported case that by deregulating we will just be increasing welfare in general, on net, you know, including health benefits that the regulations might be offering.

But I don't think it's far-fetched to think that if we removed a whole lot of regulatory burdens, we could see some pro-job growth effects from that in this country. I think we might be giving up some other things to do that, but I think it's a reasonable case to make.

DEWS: Let’s move on to some very contemporary regulatory policy issues, some very specific cases. One of them is something you’ve written a lot about over the past couple of years, and that’s the Clean Power Plan rule. Can you explain what that is and what that says about regulatory policy?

WALLACH: Sure, so this takes us into the realm of climate change regulation. All of the climate change regulations that we have in this country right now are made using the Clean Air Act, which was a law that was written first in the 1970s and then amended in 1990, for the purpose of controlling different kinds of pollutants that have local effects. It was not written with carbon dioxide and global climate change in mind. And so it’s been a somewhat awkward tool for addressing climate change, but Congress has been stalemated on the issue and during the Obama administration they sort of said, well, given that Congress isn’t going to give us a dedicated statute for regulating the kinds of substances that contribute to climate change, we’re going to go ahead and use the Clean Air Act for all it’s worth. And probably the biggest single rule in that endeavor has been the Clean Power Plan.

So that is a rule that regulates existing fossil fuel power plants, which are about a third of the CO_2 emissions in this country, and it creates a very elaborate structure for incentivizing those plants to reduce their own emissions by implementing efficiency gains in their plants, but also essentially asking them to cross-subsidize the growth of renewable energy production. And the way that the final rule ended up – the Clean Power Plan – it is very strongly tilted toward trying to encourage states to participate in a cap-and-trade program that the EPA would help set up and administer. There would be a nationwide trading mechanism that would allow us to tamp down on our carbon emissions over the years.

The Clean Power Plan was a massive undertaking. It was always, from day one, totally opposed by Republicans, who said it was an illegitimate use of this Clean Air Act authority and who said it was a terrible, inefficient way to try to go about reducing emissions. And, so now the Republicans control both parts of Congress and the White House, and they have every intention it seems of consigning the Clean Power Plan to become sort of a historical footnote, you know, this thing that has had tens of thousands of hours of work put into it. It was kind of a predictable outcome in some ways, because Republicans, again, have always been so opposed to it.

So I think in that sense, it tells us something about the nature of our policymaking and our highly polarized times. There's quite a few policies where the same kind of pattern [pertains], where the Obama administration said, well, we can't legislate with Congress so we're going to regulate with whatever tools are available to us. And that creates some problems for what I call political sustainability. So it's going to take a lot of legwork one way or another for the Trump administration to reverse these policies that it doesn't like, because they've gone through this formal rulemaking process in a lot of cases. But they seem determined to reverse them, and so I think where there's a will there a way, and so it just remains to be seen exactly what that way will be.

DEWS: Well, so, we have the Clean Power Plan. What other kinds of high-profile regulatory regimes are in the administration's and in Congress's sights right now?

WALLACH: So there's a whole lot of stuff from the EPA, especially as relates to coal mining. There's also this very controversial Waters of the United States or WOTUS rule that I think Trump is targeting with an executive order that's supposed to come out shortly. There's some rules out of the Department of Labor, the fiduciary rule that was governing what kinds of requirements would attach to financial advisors, there was –

DEWS: Yup, that was the Dodd-Frank – under the Dodd-Frank law.

WALLACH: Exactly, yeah. There's this overtime rule that I mentioned before. There's – net neutrality is a big target. The Volcker Rule, also out of Dodd-Frank, which forces financial firms to reduce or eliminate their proprietary trading desks. And of course there's like lots of rulemaking that happens under Obamacare, so a lot of that would of course come into Congress's crosshairs now also. Even apart from trying to reengineer the whole system, they might take aim at some of the specific rules.

DEWS: As you said earlier, to undo a rule requires kind of a formal process as well, although – can Congress just pass a law that says the Volcker rule is no longer applicable?

WALLACH: Sure, all this is just within the realm of statutory creations, it's not constitutional law, so if we can pass a new law then that's that. But of course, it remains very difficult on a lot of issues for Republicans to get 60 votes in the Senate, and so they're looking for all sorts of ways that they can reverse regulations that don't require new legislation.

And so part of that is, you're hearing a lot about the Congressional Review Act these days, which is something that's been on the books since the middle of the 1990s but has hardly ever used. It allows Congress to pass an up or down resolution to disapprove a recently-enacted rule. It also requires the president's signature.

So most of the time, president likes the rules coming out of agencies, the Congressional Review Act doesn't really manage to do much. But in this case, it allows Congress to target a lot of rules that the Obama administration finished very late in its term, and Trump would be happy to sign these regulatory reversals that would not require 60 votes. And so it's an attractive way for the Congress to make some headway.

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PITA: Recently, Ma Ying-jeou, former President of the Republic of China on Taiwan, spoke at Brookings about Taiwan's relationship with Beijing and the United States under the Trump administration. Here's a clip where he discusses economic trends that affected Taiwan during his presidency. To hear his full discussion with Douglas Paal and Richard Bush, you can go to brookings.edu/events or download that episode of our Brookings Events podcast.

MA: Exactly 11 years ago, this month, at this Institution, I spoke as Mayor of Taipei and the Chairman of the KMT. I remember telling the audience that the two sides of Taiwan Strait haven't had a co-confrontation for six years to go back, simultaneously, to the 1992 consensus in order to have peace in Taiwan Strait. This was exactly what I pursued for in 2008 when I took office as president. But at the time I was here, I had not decided to run for president yet. Exactly nine years ago, also in this month, I was elected to twelfth President of the Republic of China. President George Bush Jr. sent me a congratulating message on the Election Day, March 22nd. He said, "Taiwan is a beacon of democracy to Asia and the world." It was indeed encouraging to everyone in Taiwan.

So in my inaugural address, delivered on May 20th, 2008, my blueprint for Taiwan is to build a free, just, and prosperous society, and to build a peaceful Taiwan Strait and friendly international environment. Barely four months into my presidency, in September 2008, we, like every country else, were badly struck by the financial tsunami, the worst in 15 years. We soon announced a crisis management package that gave all bank deposits full guarantee, launched 16 billion U.S. dollars of infrastructure construction plans to stimulate investment, and issued a 120 U.S. dollars shopping voucher to every citizen of the Republic of China to, of course, help increase mass consumption.

Well, the first two are good for sure, but the vouchers were so popular that 92% of the people got this shopping voucher on the first day of distribution, January 18th, 2009. Many people I met in the street grabbed my hand and said, “Mr. President, please do it again.”

[LAUGHTER]

Others said, “Once more is not enough. Better three times a year.” The police were thrilled to be able to identify and arrest more than 40 wanted fugitives waiting in line to get a voucher.

[LAUGHTER]

Well these people can keep the voucher for sure, but they might have to spend it in jail. The impact of this package was strong and immediate, although as far as the people are concerned, the social effect were actually clearly outweighed the economic effect. But the most important thing is that during that period there was no bankruptcy, no bank runs, no serious unemployment, and no panic. The economy bounced back less than a year later, reaching 10.6% growth, ranking highest in 24 years in Taiwan, and #4 in the world.

During the eight years of my presidency, we have tried very hard to improve the economy, but other than the tsunami in 2008, we had a European debt crisis three years later. We also had a global export slowdown. All together, the whole world reached economic growth of 2.2% by average. Actually, our growth rate, by average, was 2.8-2.9 in that eight years, and our per-capita GDP was $47,790 in PPP terms, the purchasing power parity. And so, that was in 1916 [2016?]. And we were ahead of the U.K., France, Italy, Denmark, Canada, Japan, Korea, but we are behind Hong Kong and Singapore. But it's very important that we try so hard. We weren't able to do better. But at least we have tried our best.

This is something relatively under our control, but our relationship with the mainland is something else. After all, we were already civil-war rivals for more than 60 years by then, and ruling a landmass of 265 times – and a huge population, 58 times – of the respective size of Taiwan, is not an easy thing.

[MUSIC]

DEWS: We heard recently from Steve Bannon, one of the counselors to the president, at the Conservative Political Action Conference, calling for the deconstruction of the administrative state. So how serious do you think the Trump administration really is about this idea?

WALLACH: So I think that phrase is music to conservatives' ears. I think there are a lot of conservative intellectuals who see the whole past century of American federal government development as deeply problematic, who'd like to think that we're on the brink of a revolution where we're going to set the federal government on some very different basis that would somehow be more democratic, less technocratic. It's not clear to me that the Trump administration really shares that passion. It seems to me that they're sort of offering an olive branch to conservatives who are really so deeply committed to that agenda.

You know, the Trump administration has a whole lot of goals for the administrative state that they would like to accomplish. I mean, put aside that they've said that they're pretty comfortable with a lot of the way America's entitlement state works, they don't want to be overturning that in the way that Republicans have sometimes talked about in recent years. You know, they also just have a lot of very ambitious agendas for protecting American industries and making America great again in all sorts of ways, right? And that takes administrative heft. So, you know, I think it remains to be seen if the Trump administration is really going to be all about changing the structure or just about changing the ends of the American administrative state.

DEWS: Let's move on to the congressional side. You and co-author Kevin Kosar published an article late last year in National Affairs calling for a Congressional Regulation Office. What is the problem that a CRO, to coin the acronym, would be intended to solve?

WALLACH: So Congress has become really a fairly marginal player in the regulatory space, so that's by its own actions over the years. It's delegated huge swaths of authority over to the executive branch, and it finds that if it does not legislative itself, we saw with the Obama administration – it was not new to the Obama administration, you know – presidents of both parties have found ways of taking this existing statutory authority and trying to pursue their objectives wholly within the executive branch, circumventing the need to go back to Congress. And to my mind, that's a very worrying trend for our form of constitutional government. I think it really matters that we hash out compromises in Congress that are acceptable to our representatives rather than having them just sort of sit on the sidelines and hurl insults at the executive branch.

So it's very important that Congress find some way to get itself back into the game, and in doing so it has to be both willing and able. I think there are reasons to think that legislators are often not willing to involve themselves in a lot of these esoteric regulatory matters. They just don't see the political payoffs of doing so, it's hard work to learn all the details, and it's easier to just score some points, sort of, decrying big-government bureaucrats.

So we have to find ways to sort of give them incentive. But we also need to realize that part of the problem is that they just don't have the capacity to engage very deeply on some of these issues. And so our idea with the Congressional Regulation Office is, let's create something that's sort of parallel to the Congressional Budget Office that really helps Congress stand on its own two feet in acting as an overseer of our vast edifice of regulation. And so that would include trying to stay on top of everything, that's all the new developments; trying to understand the cost-benefits side of new regulations; but also giving a way to sort of do deep-dive studies into big bodies of existing regulatory policy, to identify good targets for amendments and reforms.

DEWS: So where is that kind of research on cost-benefit analysis being done now? Is that inside the White House?

WALLACH: So the agencies themselves do it, and then OIRA, the Office of Information and Regulatory Affairs – which is nested within the Office of Management and Budget, which is part of the White House – is responsible for sort of coordinating across agencies, of providing a sort of top-down check from the president on regulation. So I don't doubt that OIRA is performing that function well in most cases, but it has the appearance of being sort of self-interested inasmuch as the executive branch is judging its own work, and I think there's reasons to think that if Congress had its own independent basis for judgment, that would be useful and help Congress sort of trust that the outputs are worthwhile.

DEWS: It sounds like there's a potential or real power imbalance here between the executive branch and legislative branch, where the latter lacks the capacity to really be deeply involved in regulatory affairs, whereas the executive branch is. Is there a – kind of a clash of the powers?

WALLACH: It seems like there should be, almost more than there is. In many ways, again, Congress seems to acquiesce in its own irrelevance a lot of the time. It has a kind of learned helplessness that suits some of its members' purposes. But I'm hoping, though this work and other work that I'm doing, to try to sort of build an institutional consciousness within Congress of saying hey, we've given up too much of our institutional prerogatives in dictating the big contours of our nation's regulatory policy, and it's unfortunate to let that all go to the executive branch but more important it needs to get hashed out in Congress. That's fundamental to our constitutional design, and so we need to figure out a way to take it back.

DEWS: And so in the paper with Kevin Kosar, you called the CRO a "Madisonian structural response to the profound power imbalance between the first and second branches of government.” Why did you call it Madisonian?

WALLACH: So the genius of Madison’s constitutional design is the decentralization of sovereignty and of the exercise of power. And to the extent that we’re developing a government that centralizing more and more of the real power in the executive branch, we lose out on the benefits of our constitutional design. In fact, in some ways we find ourselves sort of even worse off than we would be if just forthrightly acknowledged that we have a single branch where power is effectively concentrated. So we do have a Congress, we do have laws that only Congress can change, and that means we need Congress to be on the job, looking at what policies are actually working, which could benefit from targeted improvements.

And so the Congressional Regulation Office, again, is meant to get Congress back in the game by giving it the wherewithal to compete. It’s not going to have equal capacity to the executive branch. That would be a total pipe dream. The executive branch is several orders of magnitude bigger than the legislative branch. But even getting to the point where the legislative branch is confident enough that it can ask the right questions, know which critics of administration policy to turn to; that would be a major step forward.

DEWS: So it sounds like it would be in Congress’s best interest to pursue a plan like this, which I assume would take legislation that would have to be signed by the president.

WALLACH: Yeah, it’s a bit of a puzzle whether the current administration would be happy to help Congress rehabilitate itself, or whether it would actually sort of discover that it likes the trappings of executive power and centralized power within the executive, and end up opposing congressional action. I think that remains to be seen. You know, Trump positions himself so much as a critic of the existing bureaucracy and an ally of congressional Republicans, at least for now, so it's possible that he'd be happy to sign off on these kinds of things for now.

Of course ideally, you might see Congress restructure itself in ways that could garner bipartisan support and ultimately, therefore, not even need presidential agreement. I mean, you saw that in the case of some of the budgeting stuff during the Nixon administration, where Congress felt that Nixon was totally abusing some of his budgetary powers and decided to reconfigure its own approach to budgeting as a result, and ended up being in a position to override Nixon's veto.

DEWS: So maybe extending off of that, apart from a Congressional Regulation Office, what else is Congress doing or should Congress be doing in terms of more general efforts at regulatory reform?

WALLACH: Right, so as much as I'd like the Congressional Regulation Office to happen tomorrow, it's just an idea. We'd have to get traction over on the Hill. There are a lot of bills that are circulating, some of which have actually already passed the House of Representatives, and the Senate would be a deciding factor. Two of those worth talking through are what's called the REINS Act, Regulations from the Executive in Need of Scrutiny, so – as in reigning in the executive branch is the acronym. And that would actually restructure the way rulemaking happens in a really profound way.

Right now, Congress passes the statutes that then empower the bureaucratic agencies to go make the rules, they make the rules, and then the rules are on the books. It doesn't require Congress to come back into that process as the rules are made. What the REINS Act would do would mean that all major rulemakings would have to go back through Congress before they could take effect.

So they would essentially, instead of getting make rules, agencies would sort of get to propose fast-tracked legislation that Congress would give an up or down vote to. And that would be a very big change in how Congress's agenda works. That would be a huge workload for Congress to take up, and it would be a big change to how rules get made. So that's on sort of the front end of rulemaking, that would be a big change. On the back end, there's something called Regulatory Accountability Act,, which has also passed the House and looks to have more traction in the Senate right now.

That would make cost-benefit analyses much more binding such that if an agency found that costs were in excess of benefits, that it would no longer be able to go ahead and make a rule, and its determinations on that front would be much more easily challengeable in court. So that would mean agencies would need to show their work more in saying that they've found the least costly way of carrying out a policy objective.

And again, they could find themselves having to defend that in court under the Regulatory Accountability Act. So those are two of the big ones, but there's all sorts of other ones. I think this is an area where the Republican Congress is energized, feeling that there's a lot of potential. Of course it has a lot of other priorities also, but I think once we get through – past the Supreme Court nomination, I think this is going to be one of the first priorities because it also is an area where Congress and White House find themselves on the same page.

DEWS: I know a lot of these issues are things that you and other scholars in the new Center on Regulation and Markets are going to be looking at, so what are some of the specific big regulatory policy issues that you in particular are watching?

WALLACH: I think figuring out exactly which of these reforms is going to get through and what kind of effects it would actually have, I think these are very live issues that need some empirical scholarship to help inform them. It's very easy for people to just sort of go with their gut on "this must be just sort of serving business interests in ways that I like or ways that I don't like," but the devil's in the details and so a lot of our Center's work is going to be trying to shed light on exactly how the particular structure of some of these proposed bills would matter.

I think we at the Center also are thinking a lot about the bigger questions of regulatory process. And your question earlier about, you know, whether the Trump administration will end up restructuring the administrative state: so we have a great scholar, Anne Joseph O'Connell of Berkeley Law School, who's going to be looking a lot at digging deep into the appointments that the president makes to regulatory agencies and figuring out just how successful or unsuccessful Trump is going to be at getting his appointees into office to carry out his derogatory agenda compared to past administrations.

DEWS: Phil, that's all we have now on the regulatory questions, but before I let you go, I heard that you're doing research on the Whig party. Can you tell me about that?

WALLACH: Sure. So I'm interested in the ways that our politics could really get shaken up in unexpected ways; sort of following on the many surprises of 2016, where could we going from here? And I have the belief that the Republican Party is really a very unstable coalition as it exists right now. And so I thought it would be a useful exercise to go and look at the last time we had a political party actually go through a crack up, and that was the Whig Party's back in the 1850s. It is a really fascinating parallel because, in some ways, the beginning of the end for the Whigs was when they successfully elected their presidential candidate, Zachary Taylor, in 1848. And Taylor was someone who did not have a deep history with their party, who was popular because of his exploits as a successful general in the Mexican war, but was kind of a political wild card and he had his own political ambitions that didn't always line up with where the Whig party had been.

And so in many ways I see there as being a potential for Republicans to have some of the same problems that the Whigs saw in the end of the 1840s and through the 1850s until they finally broke up and gave way to some new parties, and eventually the Republican Party. I've written an essay on that, and will be releasing that shortly. We're waiting for the right moment when it looks like Republicans are having serious troubles keeping their coalition together, and we'll be putting that out of Governance Studies.

DEWS: Fascinating. It sounds like another opportunity for you to come on the podcast and talk about that.

WALLACH: That'd be great.

DEWS: Phil, I want to thank you for sharing your time and expertise today, especially on regulatory policy. It's been really interesting.

WALLACH: My pleasure. Thanks so much for having me.

DEWS: You can learn more about Phillip Wallach and get more research and analysis on regulation on our website, brookings.edu.

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DEWS: Hey listeners, want to ask an expert a question? You can by sending an email to me at bcp@brookings.edu. If you attach an audio file, I'll play it on the air, and I'll get an expert to answer and include it in an upcoming episode. Thanks to all of you who have sent in questions already.

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DEWS: And that does it for this edition of the Brookings Cafeteria, brought to you by the Brookings Podcast Network. Follow us on Twitter @policypodcasts. My thanks to audio engineer and producer Gaston Reboredo, with assistance from Mark Hoelscher. Vanessa Sauter is the producer, Bill Finan does the book interviews, and our intern is Kelly Russo. Design and web support comes from Jessica Pavone, Eric Abalahin, and Rebecca Viser; and thanks to David Nassar and Richard Fawal for their support. You can subscribe to the Brookings Cafeteria on iTunes and listen to it in all the usual places. Visit us online at brookings.edu. Until next time, I'm Fred Dews.