
States, Race, and the Decline of New Deal Liberalism

Margaret Weir, *University of California, Berkeley*

There is no escaping the New Deal's pivotal place in studies of twentieth-century American politics. Social scientists have vigorously debated the causes of the New Deal's distinctive features and continue to argue about its consequences for subsequent American political development. The predominant perspective advances a coherent linear history in which the central features of New Deal reform shape the understanding of political developments both before and after the 1930s. The era of Progressive reform is viewed as a precursor to the expanded public power and the practice of activist government that was consolidated in the 1930s. The Great Society is the effort to extend the benefits of liberal reform to African Americans, who had reaped only scant benefits from the central achievements of New Deal reform. When this effort went "too far," it resulted in a far-reaching backlash against activist government. The "rise and fall" of a New Deal order that had the creation of active government at its core has thus provided a central narrative for the study of twentieth-century politics.¹

The notion of a "New Deal order" implies a relatively coherent political configuration in which the

development of national political processes and politics form the main focus of inquiry.² Subnational political processes and policies enter this literature in two ways: through references to urban liberalism and, most importantly, to the role of the South. Southern defense of a regional racial caste system and low-wage economy made the South the major deviation from the emerging liberal political order. The South was also the main factor checking the development of New Deal liberalism, as southern members of Congress used their disproportionate power to limit the scope of legislation and eventually to block new initiatives altogether.

This article argues that the national focus of the New Deal narrative neglects crucial aspects of state politics and policy that limited liberalism and ultimately contributed to its political failure. Indeed, states occupy a peculiar place in the history of twentieth-century state-building and political reform. Although states were an important target for the early twentieth-century Progressive reformers, they largely drop out of accounts that track the development of activist government for the next half-century, apart from occasional references to them as political backwaters. How did states go from being at the forefront of reform to being a drag on the development of active government, and how did their development affect the trajectory of activist government in the United States?

We have very few tools for answering these questions. The dominant approach to understanding states as political actors is fiscal federalism, which posits that interstate competition is the driving factor in determining how states act.³ Competition leads

I received helpful comments on earlier versions of this article at the annual meetings of the American Political Science Association; the Midwest Political Science Association; the Department of Political Science, the University of Oregon; the Seminar on Race and American Political Development at the University of Michigan; and the American Politics Seminar Series, the University of Virginia. I would like to thank participants at all of these sessions as well as Anthony Chen, Desmond King, Robert Mickey, Steven Skowronek, and anonymous referees for critical comments.

1. For an influential version of this account see Thomas Byrne Edsall with Mary D. Edsall, *Chain Reaction: The Impact of Race, Rights, and Taxes on American Politics* (New York: W.W. Norton, 1991); for an alternative account that identifies the 1940s as the critical period, see Ira Katznelson, "Was the Great Society a Lost Opportunity?" in *The Rise and Fall of the New Deal Order, 1930–1980*, ed. Steve Fraser and Gary Gerstle (Princeton, NJ: Princeton University Press, 1989), 185–211.

2. See, for example, Fraser and Gerstle, eds., *Rise and Fall of the New Deal Order*.

3. Wallace E. Oates, *Fiscal Federalism* (New York: Harcourt Brace Jovanovitch, 1972); Paul E. Peterson, *The Price of Federalism* (Washington DC: Brookings Institution Press, 1995).

states to limit taxes and restrict benefits to needy populations. Even if the impact of interstate competition is acknowledged, fiscal federalism remains too blunt a tool for understanding the variation in the way states have acted across time and place or for understanding how state-level politics reinforce or undermine federal reforms.

Rather than viewing states as governed by an invariant structural logic, I argue that they are political arenas with their own distinctive capacities and political logics that must be understood in terms of earlier reform efforts. I show that the timing and pattern of reform in the states and the federal government diverged in the two major waves of early twentieth-century change. Reform efforts during the Progressive Era did not succeed in building the executive power of state governments in the same way that the New Deal did for the federal government. Moreover, in key respects, Progressive reforms actually decentralized power within the states. Nor did Progressive reforms alter the terms of state politics by mobilizing new actors, as the New Deal did with labor. On the contrary, Progressive reforms ultimately amplified elite voices and demobilized ordinary voters. These differences in the pattern of state and federal reform are of enduring significance because the reform impulse that transformed the federal government in the 1930s had no enduring counterpart in the states. In fact, the emphasis on federal action after the 1930s weakened the forces of reform in the states. This is true of states across the nation, not only those in the South.

Taking federalism seriously casts subsequent twentieth-century political developments in a new light. Instead of a “New Deal order,” the United States appears as a layered polity in which federal initiatives were overlaid on state political systems that operated with different administrative capacities and political logics. Here, I assess the consequences of uneven reform in states and the federal government for the larger trajectory of American liberalism. How does a historically-rooted perspective on federalism alter our understanding of the strength and resilience of the New Deal political regime? How does it challenge prevailing explanations for the limits of New Deal innovation and the circumstances that led to its decline?

In this article, I argue that states played a central but poorly understood role in the demise of New Deal liberalism. I challenge the picture of Progressive reform as a simple precursor to the New Deal, highlighting the distinctive political logic – decentralizing and demobilizing – that emerged from Progressive reform. I then show the limited impact of New Deal reform on the states. In the final section, I illustrate some of the consequences of this institutional diversity for the fate of the New Deal regime. This section shows in particular that states lacked both the executive capacity and political will to manage metropoli-

tan growth as new technologies made expansive territorial development possible. The successes and failures of the Progressive Era left most states with a set of rules that allowed metropolitan areas to be carved up into multiple political jurisdictions that fragmented different income and racial groups, with executive capacities that were too weak to alter those rules, and with elite-dominated politics that kept those rules in place. The failure of states to assert authority over metropolitan development patterns greatly exacerbated one of the central political challenges of the 1960s, the racially linked “urban crisis.” At the same time, the legacy of Progressive reform provided protected venues, congenial political mechanisms, and powerful ideological handles for the enemies of activist government.

FEDERALISM AND AMERICAN POLITICAL DEVELOPMENT

Studies that take federalism as their departure point make several different kinds of arguments. Arguments about fiscal federalism posit that states are inherently less able than the federal government to implement redistributive policies because interstate competition makes states especially attentive to the voice of business interests. The threat of capital flight leads states to eschew those measures that increase costs for business, as is the case with redistributive social policies.⁴ In his influential analysis of federalism, Grant McConnell reached a similar conclusion using a different, more political logic. McConnell argued that states inherently favored well-to-do elites, including business, because the smaller constituency size of the states made it easier for elites to dominate politics.⁵ A more optimistic approach to federalism portrays states as “laboratories of democracy,” borrowing from Justice Louis Brandeis’s Progressive Era depiction of the virtues of state control. In this image, states can experiment with diverse approaches to problems, adopting the solutions that best suit their needs. Through such experimentation, the federal system generates multiple models and promotes innovation.⁶

Analyses of social policy examining the 1930s through the 1970s have emphasized the first two explanations in accounting for the constraints that states placed on the development of social policy, especially policies targeted at women and minorities.⁷

4. Oates, *Fiscal Federalism*; Peterson, *The Price of Federalism*; David Brian Robertson, “The Bias of American Federalism: Political Structure and the Development of America’s Exceptional Welfare State in the Progressive Era,” *Journal of Policy History* 1 (1989): 261–91.

5. Grant McConnell, *Private Power and American Democracy* (New York: Vintage, 1966).

6. *New Ice House Co. v. Liebmann*, 285 U.S. 262, 311 (1932) Brandeis, J. dissenting; David Osborne’s *Laboratories of Democracy* (Boston, MA: Harvard Business School Press, 1988) helped to revive interest in this idea.

7. Robert C. Lieberman, *Shifting the Color Line: Race and the*

These accounts improve upon nationally-focused studies of the New Deal by highlighting how the distinctive dynamics in states across the country, not just the South, continually undercut the aspirations of federal reformers to provide broad social protection. However, accounts that point to fiscal federalism or to the restricted politics of the states do not offer much help in assessing the scope of change possible in state policy. Nor do they provide leverage in assessing how that scope might shift over time. Even if fiscal federalism inherently limits what states can do, its impact is not felt equally in all policy domains. And even in those domains where the constraints of fiscal federalism are most salient, there is always some room for politics to alter outcomes. McConnell's view of federalism is likewise invariant, pointing to the circumscribed set of interests operating at the state level because the size of the constituencies in states is smaller than the national arena. Yet, changes in socio-economic factors and in political institutions could well alter the dynamics of state politics. There is no reason to assume that the scope for political voice is invariably restricted.

Suzanne Mettler's account of state social welfare policies after the New Deal provides more leverage for understanding how states differ from the federal government by identifying specific powers that shaped state action. She highlights the role of the police power, which gave state laws a preliberal cast until the 1960s when federal judicial rulings restricted the application of the police power.⁸ For two decades after the triumph of liberalism in national politics, she shows, numerous states used the police power to limit social benefits for women and minorities, who were disproportionately served by state-administered programs.

In this article, I take a similarly historical approach to federalism, showing how historically-specific features of state politics and structure are essential for understanding the way states influenced the trajectory of liberalism. By comparing the differently timed and focused episodes of reform in the states and in the federal government, however, I clarify the scope for reform in each of these separate political arenas. This approach accounts for differences in the types of actors operating at different levels of government and outlines the political strategies made possible by the disconnections between levels of jurisdiction in American politics. These institutional disconnections help constitute what Karen Orren and Stephen Skowronek have termed multiple orders or "intercurrence." In emphasizing multiple orders, their article demonstrates how institutional disconnections

between federal and state levels actors not only limited but also undermined liberalism during its high tide in the 1960s.⁹

The concept of multiple orders posits that polities do not exhibit a single ordering principle but rather are made up of institutions that have distinct historical antecedents and that were created to achieve diverse, often contrary, objectives. In the United States, I show, states and the federal government operated throughout the twentieth century with quite distinct logics as a result of their disparate reform experiences. These divergent experiences produced distinct institutional legacies and possibilities for subsequent politics as key groups reached different accommodations with political authorities at different levels of jurisdiction. As a result, the important effects of policy legacies and feedback mechanisms operated quite differently in the states and the federal government.¹⁰

Progressive reform, which had an enduring, albeit uneven impact in the states, encompassed a notoriously diverse set of initiatives. Central among its goals were the elimination of the patronage and corruption on which political parties thrived, the incorporation of benefits of scientific expertise into political life, and the building of new administrative agencies staffed by experts. In pursuing these goals, Progressives sought to enhance the executive capacities of state governments and to decentralize authority away from state legislatures toward reformed local governments. These aims also lay behind Progressive laws designed to discourage organized party politics. Because efforts to enhance the power of state executive branches largely failed, the most enduring legacies of state-level Progressive reform were the decentralization of power to local governments and the restraints on organized politics, which demobilized politics and amplified the political voice of customary elites. The New Deal was, by contrast, animated by the need for public intervention to alleviate severe economic depression. It successfully augmented executive power and brought new constituencies into politics. However, this major transformation of American political

9. Karen Orren and Stephen Skowronek, "Beyond the Iconography of Order: Notes for a 'New Institutionalism'," in *The Dynamics of American Politics: Approaches and Interpretations*, ed. Lawrence C. Dodd and Calvin Jillson (Boulder, CO: Westview Press, 1994), 311–92; Karen Orren and Stephen Skowronek, *The Search for American Political Development* (New York: Cambridge University Press, 2004), esp. chap. 3; for a complementary approach that emphasizes institutional dissonance, see Elisabeth S. Clemens, "Continuity and Coherence: Periodization and the Problem of Institutional Change," in *Social Time and Social Change: Perspectives on Sociology and History*, ed. Fredrik Engelstad and Ragnvald Kalleberg (Oslo: Scandinavian University Press, 1999), 62–83.

10. On policy legacies and feedback mechanisms see Margaret Weir, *Politics and Jobs: The Boundaries of Employment Policy in the United States* (Princeton, NJ: Princeton University Press, 1992); and Paul Pierson, "When Effect Becomes Cause: Policy Feedback and Political Change," *World Politics* 45 (1993): 595–628.

American Welfare State (Cambridge, MA: Harvard University Press, 1998); Michael K. Brown, *Race, Money, and the Welfare State* (Ithaca, NY: Cornell University Press, 1999).

8. Suzanne Mettler, *Dividing Citizens: Gender and Federalism in New Deal Public Policy* (Ithaca, NY: Cornell University Press, 1998).

life, I show, did little to alter the politics of states during the three decades after the 1930s.

The distinct tempos of reform and divergent political logics of reform had significant implications for the politics and political capacities of states. First, states across the union, not just in the South, remained incomplete democracies well into the 1970s. The pattern of Progressive successes and failures left state politics biased toward the interests of traditional elites. The malapportionment of state legislatures, which Progressives and their successors were not able to alter until the 1960s, ensured that traditional elite interests – including small business, real estate, agriculture, and insurance groups – had a political voice in state legislatures that far exceeded their proportion of the population. The weak executive in most states meant that governors were poorly positioned to counter legislatures. Where Progressives were most successful, they heightened these elite-biases by restricting the organizational bases of parties, eliminating the central organizational vehicle of nonelites.¹¹ Moreover, the bias toward traditional elites in state politics was reinforced by the changes in interest group strategies in the wake of the New Deal. During the 1930s, liberal activists and experts shifted their efforts away from the states and toward the national arena. The policies that liberals cared most about were now in the federal domain and liberals had forged reliable pathways into the national executive and the Congress. The different activities of each level of government spurred a distinct pattern of interest organization.¹²

Second, Progressive reform in the states limited the policy tools available to reformers in state executive branches at the same time that it multiplied the channels of influence open to their opponents. Decentralized authority over land use deprived states of the power to influence the development of metropolitan America as large cities were spilling over their boundaries. Once delegated, this power proved impossible to reclaim.¹³ Powerful real estate and development interests, which benefitted from these arrangements, tenaciously defended them. Where Progressive reform was most successful, mechanisms – such as the initiative and referendum – reinforced elite power.

11. On patterns of success see Martin Shefter, “Regional Receptivity to Reform: Legacy of the Progressive Era,” *Political Science Quarterly* 98 (1983): 459–83. The best analysis of how progressives restricted participation at the local level is found in Amy Bridges, *Morning Glories: Municipal Reform in the Southwest* (Princeton, NJ: Princeton University Press, 1997).

12. For argument and evidence about the relationship of interest groups development and government activity at the federal level, see Frank R. Baumgartner and Beth L. Leech, “The Co-evolution of Groups and Government,” paper presented at the Annual Meeting of the American Political Science Association 28–31 August 2003.

13. This point is made by Claus Offe, “Institutions’ Role in the Distribution and Control of Social Power,” in *Crafting and Operating Institutions*, ed. Stephen Skowronek, Ian Shapiro, and Daniel Galvin (forthcoming).

The elite-biased politics and the limited policy tools in the states after the New Deal had important repercussions for the challengers of liberalism. As Keith Whittington has noted, “American federalism allows dissenting political voices to find strongholds in state and local governmental institutions from which to launch contrary policy initiatives.”¹⁴ States and local governments – particularly the new types of local governments created after World War II – provided congenial political homes for the opponents of liberalism in the decades after the New Deal. In this sense, the “losers” in the political conflicts over active government during the New Deal did not disappear. Both the fate of losers at one point in time and their ability to regroup to alter subsequent political settlements represent key points in current debates over mechanisms of institutional change.¹⁵ In loosely linked federal systems such as the United States, losers may be especially likely to survive. Indeed, they can continue to thrive in subordinate or less visible political arenas, affording them time to regroup and fashion alternative channels of power.

In this article, I show how these opponents of New Deal liberalism continued to operate in state political arenas long after the New Deal. In the context of the racially divided metropolis, these opponents of liberalism were able to recast their arguments in the context of two new institutional settings that states had played a critical, if unacknowledged, role in creating the postwar urban ghetto and the homogeneous white suburb.¹⁶

DECENTRALIZATION AND DEMOBILIZATION: THE LOGIC OF PROGRESSIVE REFORM

The Progressive Era is often described as a precursor of the New Deal, and, in many ways, it was.¹⁷ Key ideas about American politics and society that later came to

14. Keith E. Whittington, “Preserving the ‘Dignity and Influence of the Court: Political Supports for Judicial Review in the United States,” in *Crafting and Operating Institutions* (forthcoming).

15. For the original statement see William H. Riker, *The Strategy of Rhetoric: Campaigning for the American Constitution* (New Haven, CT: Yale University Press, 1996). For the recent debate see Paul Pierson, *Politics in Time* (Princeton, NJ: Princeton University Press, 2004), chap. 5; Eric Schickler, *Disjointed Pluralism: Institutional Innovation and the Development of the U.S. Congress* (Princeton, NJ: Princeton University Press, 2001); Kathleen Thelen, “Historical Institutionalism in Comparative Politics,” *Annual Review of Political Science* (1999): 385–86.

16. On the mutually constitutive relationship between ideas and institutions, see Robert C. Lieberman, “Ideas, Institutions, and Political Order: Explaining Political Change,” *American Political Science Review* 96 (2002): 697–712.

17. See the discussion in Eileen L. McDonough, “The ‘Welfare Rights State’ and the ‘Civil Rights State’: Policy Paradox and State Building in the Progressive Era,” *Studies in American Political Development* 7 (1993): 225–74. McDonough reviews the continuity argument and shows demonstrates the continuity in welfare policy initiatives launched at the state level during the Progressive era but also notes that the Progressive Era brought retrogression in the domain of civil rights.

define New Deal reform were first articulated by Progressives. Progressive reformers anticipated the centralizing impulses of the New Deal, popularizing the view that the United States constituted a single political community with broadly shared common interests.¹⁸ Prominent Progressive reformers, such as Herbert Croly, championed the idea of a powerful federal government; Progressive politicians, notably Theodore Roosevelt, initiated new uses of federal power; and state-level Progressive activists prefigured the New Deal's support of activist government, pressing for regulatory reforms that gave states the power to restrain business activities in the name of the public interest. Likewise, these activists supported social policies designed to protect workers and citizens from the worst abuses of industrial capitalism. As such social and regulatory reforms required a more capable state government, Progressives sought administrative reforms that would enhance state capacity to carry out these new responsibilities.¹⁹

When measured against subsequent developments, such Progressive rhetoric and aspirations support the linear narrative of twentieth-century political reform. This view, however, obscures two key features of Progressive reform that differ in substantial ways from New Deal reform. The first is the issue of centralized government, where both in aspiration and in outcome, Progressives differed from the subsequent New Deal model. The second are the related issues of democracy and political mobilization: Where the New Deal enacted substantive reforms that mobilized new constituencies into politics, Progressives sought structural reforms that constructed barriers to certain kinds of political participation while opening new channels for participation that bypassed established political institutions. Both ended up amplifying voices of traditional elites in state politics. Because Progressive reforms had an enduring impact at the state and local levels, these differences in reform objectives marked a sharp divergence between the logics of federal and state politics.

The Progressives, Centralization, and Decentralization

Progressives wanted governments at all levels of the federal system to be guided by professional expertise,

shielded from the corruption and patronage associated with party politics, and powerful enough to counter the overwhelming power of big business. At the dawn of the twentieth century, states were singularly unfit for the task. During the last half of the 1800s, states had become notoriously weak governments. Although they had once engaged in major public projects – New York state built and financed the Erie Canal in the 1820s – a wave of state bankruptcies beginning in the 1840s, put an end to such activity. To prevent the recurrence of such defaults, states rewrote their constitutions to sharply limit the debt they could incur. Deprived of financial flexibility, state governments lost the initiative that had characterized their early decades. In their place, private corporations emerged to take charge of internal improvements. Dominated by their legislatures, states became adjuncts to private development as powerful economic interests plied state legislators with cash and other inducements.²⁰

The antidote was greater centralized authority. Expanding state administrative capacities through such measures as civil service reform and strengthening the power of governors were thus centralizing projects at the heart of Progressive governmental reform efforts in the states. These initiatives met with uneven success. In half the states, governors did win greater power through such measures as longer terms, enhanced budgetary authority, and greater executive branch authority. And, prior to the New Deal, seventeen states reorganized their executive branches to create more capable and efficient governments.²¹

On the whole, however, these efforts fell far short of building reliable state executive authority and administrative capacity. Even in states where governors won new powers, their ability to manage the executive branch was sharply limited. A 1950 survey of state governments conducted by the Council of the States found that governors continued to be hampered by insufficient authority over the rest of the executive branch.²² Independent boards and commissions – Progressive efforts to inject expertise into decision-making – often operated outside the governor's control. Even when they did report to the governor, the sheer number of such agencies made gubernatorial

18. See the discussion in Martha Derthick and John J. Dinan, "Progressivism and Federalism," in *Progressivism and the New Democracy*, ed. Sidney M. Milkis and Jerome M. Mileur (Amherst, MA: University of Massachusetts Press, 1999), 81–102.

19. Richard L. McCormick, "The Discovery that Business Corrupts Politics: A Reappraisal of the Origins of Progressivism," *American Historical Review* 86 (1981): 247–74; McDonough, "The 'Welfare Rights State'." On Progressive social policies, see Theda Skocpol, *Protecting Soldiers and Mothers: The Political Origins of Social Policy in the United States* (Cambridge, MA: Harvard University Press, 1992). For an analysis with a special emphasis on New York, see Rogan Kersh, Suzanne B. Mettler, Grant D. Reeher, and Jeffrey M. Stonecash, "More a Distinction of Words than Things": The Evolution of Separated Powers in the American States," *Roger Williams University Law Review* 4 (1998): 5–49.

20. Alberta M. Sbragia, *Debt Wish: Entrepreneurial Cities, U.S. Federalism, and Economic Development* (Pittsburgh, PA: University of Pittsburgh Press, 1996); Michael J. Lacey, "Federalism and National Planning: The Nineteenth-Century Legacy," in *The American Planning Tradition: Culture and Policy*, ed. Robert Fishman (Washington DC: Woodrow Wilson Center Press, 1999), chap. 4. For the original source see Henry Carter Adams, *Public Debts: An Essay in the Science of Finance* (New York: D. Appleton and Company, 1887).

21. Arthur E. Buck, *The Reorganization of Governments in the United States* (New York: National Municipal League, Columbia University Press, 1938); Jon C. Teaford, *The Rise of the States: Evolution of American State Government* (Baltimore: The Johns Hopkins University Press, 2002), 69–95.

22. Council of the States, *Reorganizing State Government* (Chicago: Council of the States, 1950), 20–30.

control a fiction. For example, in 1961, California had more than 350 agencies reporting to the governor.²³ Moreover, as many critics of Progressive reform have noted, the nonpartisan regulatory boards favored by Progressives quickly became dominated by the interests they were designed to regulate.²⁴ Without sufficient expertise to regulate effectively, state administrators relied on advice from the industries under their purview, limiting the further development of independent state administrative capacities.

Even where reforms succeeded in reorganizing state administration along more accountable lines, factionalism and patronage politics undercut executive authority. For example, in Illinois, which, in 1917, was the first state to adopt comprehensive administrative reform, “reorganized government became the foundation for the most highly developed spoils machine in state history.”²⁵ Decentralized political parties and the need for patronage ensured that local perspectives drove state politics even where Progressives achieved a measure of administrative centralization.²⁶

Progressive efforts to enhance state revenue raising capacities were likewise a disappointment. Thirteen states enacted personal and corporate income taxes between 1913 and 1922, but these taxes were rarely designed as progressive levies. Moreover, even in the handful of states that had income taxes, such taxes delivered only a small proportion of total state revenues – real estate and personal property taxes played a far more significant role.²⁷ Progressive Era spending was heavily financed through bonds, leaving many states in a precarious fiscal position when the Depression hit.²⁸

Disappointed aspirations for building greater state capacities were not the only reason that Progressives failed to create more centralized power in states. In the domain of state and local government relations, Progressives actively sought greater *decentralization*. Although, in 1872, Dillon’s Rule had famously pronounced local governments to be “creatures of the state,” in fact, cities were much more vital polities, and, in many cases, had significantly larger budgets

than their states. For some Progressive reformers, breaking the links between states and their cities was a key way to limit corruption. Accordingly, many early reform efforts of the late nineteenth and early twentieth centuries sought to enhance the power of cities vis à vis states by ensuring local governments more formal autonomy. Progressive claims of state interference in local affairs became a rallying point for advocates of home rule.²⁹ Although such laws were only enacted in a minority of states during this period and often fell short of reformers’ expectations, home rule statutes signaled the determination of reformers to overturn Dillon’s Rule in practice if not in law. In the early nineteenth century, states had been active in municipal incorporation and expansion because they saw strong cities as central to the goal of economic development. By the end of the century, state legislatures had adopted a hands-off approach, relying on general enabling laws that lodged power to decide local boundaries in the hands of local actors.³⁰

State deference to local control was evident in state laws governing processes of local incorporation and annexation. In most states, permissive state statutes presented very low bars for areas that wished to incorporate as new political jurisdictions. Petitions to the state by a small number of local residents or landowners were the main requirement.³¹ Moreover, a majority of states made it difficult for cities to annex their surrounding territories – with the exceptions of Texas and Virginia, annexation required the consent of the place to be annexed. For much of the nineteenth century, outlying suburban areas saw annexation as beneficial, because it allowed them access to urban amenities and services, such as sewers and roads. However, in the early twentieth century, as major cities filled with immigrants and as suburbs became more able to provide city services, annexation lost its appeal for many suburban areas. At the same time, incorporation as a separate jurisdiction became an attractive way for suburban residents to shield themselves from the costs, corruption, and objectionable customs now associated with cities. Although some Progressive advocates of home rule wished to change state law to enhance the central city power to annex, the legacy of Progressive reform was to en-

23. McConnell, *Private Power and American Democracy*, 186.

24. See, for example, Stanley P. Caine, *The Myth of a Progressive Reform: Railroad Regulation in Wisconsin, 1903–1910* (Madison: State Historical Society of Wisconsin, 1970).

25. Thomas R. Pegram, *Partisans and Progressives: Private Interest and Public Policy in Illinois, 1870–1922* (Urbana and Chicago: University of Illinois Press, 1992), 204.

26. For perspectives on the importance of local politics in the states see Nancy Burns and Gerald Gamm, “Creatures of the State: State Politics and Local Government, 1871–1921” *Urban Affairs Review* 33 (1997), 59–96 and Kimberly S. Johnson, “Modernity, Public Administration, and the Disappearance of the American States, A Necessary Development?” *Administration and Society* 35 (2003), 144–59.

27. James T. Patterson, *The New Deal and the States: Federalism in Transition* (Princeton, NJ: Princeton University Press, 1969), 14.

28. Patterson, *The New Deal and the States*, 13–16.

29. See David J. Barron, “Reclaiming Home Rule,” *Harvard Law Review* 116 (2003): 2255–386. Barron notes that these reformers still envisioned state oversight but in characteristic Progressive fashion they wanted oversight from a state administrative body, not from the state legislature. In fact, states did not create such administrative capacities during the Progressive Era. In most states, such capacities were not created until the 1960s and 1970s, if at all.

30. Richard Briffault, “Our Localism: Part II – Localism and Legal Theory,” *Columbia Law Review* 90 (1990): 357–58.

31. Jon C. Teaford, *City and Suburb: The Political Fragmentation of Metropolitan America, 1850–1970* (Baltimore, MD: Johns Hopkins University Press, 1979); Richard Briffault, “Our Localism: Part I – the Structure of Local Government Law,” *Columbia Law Review* 90 (1990): 73–77.

hance decentralized power in the domain of municipal incorporation and annexation.³²

States unquestionably deferred to localities on one critical matter: During the Progressive Era, states ceded to localities their formal powers to regulate land use by granting them zoning authority. From the first decade of the century, cities, including Los Angeles and New York, had experimented with zoning regulations.³³ Based on the police power of the state, zoning used public power to restrict the uses to which owners of private property could put their land. In the name of the health, safety, and general welfare of the population, municipalities sought to stipulate the kinds of activities permitted in particular parts of the city and to regulate the types of buildings that could be constructed. The desire to segregate incompatible uses was central for the advocates of zoning. In New York City, which enacted the nation's first comprehensive zoning law, support for zoning coalesced when multistory garment factories began to locate amidst Fifth Avenue's upscale shopping district. Without restrictions on building heights, towering sweatshops not only altered the physical character of the neighborhood and caused congestion, they also threatened the social character of the neighborhood as Jewish garment workers mingled with New York's elite.³⁴

The development of zoning is characteristic of the disappointments of much of Progressive reform. Championed by city planning professionals as a tool for guiding urban growth in conformance with expert ideas, it quickly turned into a tool for advancing business interests. City planners, members of a quintessential Progressive Era profession, sought to use their expertise to create a more beautiful and rationally developed city. They exemplified the Progressive faith in the value of expertise and saw zoning as a mechanism to put professional planners in charge of urban design. Their ideas about using planning to physically improve cities swept across the country in the first decades of the twentieth century. National meetings sponsored by the American City Planning Institute and the National Conference on City Planning touted the benefits of zoning for creating cities that were beautiful, healthy, and efficient.

Realtors and development firms interested in land subdivision quickly saw the utility of zoning for the preservation of property values.³⁵ The rapid growth

of cities had created chaotic patterns of urban development that disrupted existing uses. The exploding urban population needed new housing but, in the absence of rules, development was a speculative and risky venture. Owners of already existing properties and those interested in predictability for future development became key advocates of zoning as a remedy for urban disorder. From the passage of New York's comprehensive zoning ordinance in 1916 to the 1926 Supreme Court decision confirming the constitutionality of zoning, this alliance of planners and property owners worked to craft the political coalitions and legal arguments that would justify the use of this novel public power.³⁶

For developers, zoning was an attractive way to regulate development without conceding too much regulatory power to the state. During the 1920s, land development and homebuilding firms entered the process of suburban development and were making fortunes in the wave of development that accompanied the innovations in transportation during the early twentieth century. In the 1910s, the urban population grew by 22.3 percent but suburban population grew at twice this rate.³⁷ Whenever possible, land developers sought to realize their goals for more stable residential settings through private means. They relied extensively on private deed restrictions as a tool for regulating the use of land in the areas they developed. They also supported zoning because it meant devolving the state police power to localities. Although many Progressive reformers saw this as a way to promote planning, large real estate interests were comfortable with this new public power because they rightly believed they would be able to dominate local zoning decisions.

Once zoning was declared constitutional, states moved rapidly to enact legislation that would grant localities the power to zone. The groundwork for this diffusion was well prepared. In 1921, even as the constitutionality of zoning remained in doubt, Secretary of Commerce Herbert Hoover appointed an Advisory Committee on Zoning, which issued a Standard State Zoning Enabling Act in 1924. Four years later, a successor committee drew up a Standard City Planning Enabling Act.³⁸ City planners and real estate interests sat on both committees and hailed the model statutes as milestones in the quest for orderly metropolitan development. The overwhelming success of zoning statutes in states across the country reflected the strong support of real estate interests, including land developers, homebuilders, and property owners, more generally.

32. See Kenneth T. Jackson, *Crabgrass Frontier: The Suburbanization of America* (New York: Oxford University Press, 1985); Barron, "Reclaiming Home Rule," 2319.

33. Raphael Fischler, "'Health, Safety, and the General Welfare: Markets, Politics and Social Science in Early Land-use Regulation and Community Design,'" *Journal of Urban History* 24 (1998): 675–720; Keith D. Revell, "The Road to *Euclid v. Ambler*: City Planning, State-Building, and the Changing Scope of the Police Power," *Studies in American Political Development* 13 (1999): 50–145.

34. The social aspect is stressed in Fischler, "Health, Safety, and the General Welfare."

35. Marc C. Weiss, *The Rise of the Community Builders: The Amer-*

ican Real Estate Industry and Urban Land Planning (New York: Columbia University Press, 1987), 8.

36. Revell, "Road to *Euclid v. Ambler*."

37. National Resources Council, *Our Cities*, 5.

38. Weiss, *Rise of the Community Builders*, 7, 72–76. On uniform state laws as a Progressive strategy, see William Graebner, "Federalism in the Progressive Era: A Structural Interpretation of Reform," *Journal of American History* 64 (1977): 331–57.

However, even at this early stage of metropolitan development, just as suburbs were becoming established features of the metropolitan landscape, city planners began to press for new arrangements to minimize the negative impact of metropolitan development on cities. City governments – often in collaboration with local foundations, and business groups – initiated metropolitan surveys that documented the emerging metropolitan problem and offered recommendations to solve them.³⁹ Because the political process through which they had to maneuver was highly decentralized, the vast majority of these efforts failed. Less commonly attempted but no more successful were state efforts to control suburban development. Although the tumultuous real estate market of the late 1920s sparked public demands for states to regulate the industry, real estate interests successfully limited the state response. In California, for example, where the real estate industry was among the most professional and forward-looking in the country, large-scale subdividers balked at state legislation that might restrict their freedom. The California Real Estate Association, a powerful state lobbying organization, repeatedly resisted proposals to strengthen planning powers.⁴⁰ California thus entered the 1930s with an array of county planning commissions and state regulations over subdivision practices, yet, at each level of government, the controls over private actors were weak.

The triumph of zoning and the failure to enact state laws to regulate suburban land development would make it possible to create a very new kind of American political community. The expansion of the police power and its delegation to municipalities gave localities power over previously sacrosanct private property rights.⁴¹ As the large literature on zoning shows, this new power eventually allowed local governments to mold their communities, attracting some kinds of people and economic activities and excluding others.⁴² When combined with permissive state statutes governing local incorporation, limitations on annexation, and large-scale suburban development, local zoning powers would inject a powerful force for decentralization in American politics.

Progressives and Demobilized Democracy in the States

The second major way in which Progressive reform differed from the New Deal was in its impact on political participation. The signature impact of New Deal social and economic reforms was to mobilize new constituencies into politics. The NRA's 7a clause set off a massive wave of union organizing, which

transformed the Democratic Party as new labor organizations intertwined with the party apparatus.⁴³ Progressive Era reforms had much more contradictory effects on political participation.⁴⁴ Women's suffrage greatly expanded the electorate, but new institutional barriers to voting depressed participation. In the states where Progressives were strongest, new reforms succeeded in weakening party organizations through institution of the direct primary and other reforms, and they created alternative channels of direct democracy – the initiative, referendum, and recall. They did not strengthen legislatures as institutions or make them more representative by enforcing decennial redistricting.

The main impact of Progressive reform on state legislatures was to limit their scope of operation. By investing more power in the executive branch, especially by creating myriad state commissions, Progressives sought to replace politics with expertise. At the same time, they hoped to amplify the people's voice by creating the various tools of direct democracy. They did not seek to build state legislatures capable of deliberating and enacting complex public policy. For example, there was no movement to induce state legislatures to meet annually rather than in the biennial sessions that were the practice in all but a handful of states. By 1943, only three states (New York, Rhode Island, and New Jersey) met in annual sessions.⁴⁵ Progressive statebuilding did not extend to state legislatures. In this regard, the most important Progressive legacy was the effort to bypass legislatures by strengthening alternative sources of public authority.

A continuing source of frustration for Progressive urban reformers was the domination of state legislatures by rural interests. Despite numerous struggles over reapportionment, Progressives did not succeed in altering the rural bias of state legislatures.⁴⁶ Although cities had grown to represent close to a majority of the population in some rapidly urbanizing states, legislatures did not reflect this new distribution of population. Through a combination of state constitutional provisions and legislative refusal to reapportion after decennial censuses, rural interests maintained a voice far stronger than warranted by population alone. In California, for example, bitter conflicts over the rural versus urban representation dominated the legislature through 1930. By 1920,

43. See J. David Greenstone, *Labor in American Politics* (Chicago: University of Chicago Press, 1969).

44. For a related analysis about the negative impact of the Progressive Era on the civil rights of African Americans, immigrants and women, see McDonagh, "Welfare Rights State."

45. Commonwealth Club of California, *The Legislature of California: Its Membership, Procedure, and Work* (San Francisco: Commonwealth Club, 1943), 140–43.

46. Commonwealth Club of California, *Legislature of California*; George W. Bemis, *Sectionalism and Representation in the California State Legislature, 1911–1931* (Ph.D. diss., University of California, Berkeley, 1934).

39. For an overview of these studies by 1958, see Government Affairs Foundation, *Metropolitan Surveys: A Digest* (Chicago: Public Administration Service, 1958).

40. Weiss, *Rise of the Community Builders*, chap. 5.

41. Revell, "Road to *Euclid v. Ambler*."

42. Racial zoning was outlawed in 1917.

three urban counties (San Francisco, Alameda, and Los Angeles) contained a majority of the state's population. Rather than redistrict according to population, the state adopted a "federal plan" that allocated seats in the state Senate by county, as a means to protect rural interests. By 1930, the population of the largest senatorial district was 2.2 million, whereas the smallest district had 7,915. In Illinois, the state simply refused to redistrict after 1901 to prevent Chicago from gaining a majority in the legislature.⁴⁷

In the states where Progressives were most successful, they created new channels of influence with the instruments of direct democracy. Progressives won their greatest political victories in the states when they were able to mobilize new voters into politics.⁴⁸ But over the long term, Progressive electoral reforms dampened participation in states across the country. The role of Progressive reforms in decreasing voting participation is well established. Between 1892 and 1928, voter turnout in presidential elections fell from 71.6 percent to 55.1 percent.⁴⁹ Progressives introduced a series of reforms such as personal registration requirements, the Australian ballot, and direct primaries, which aimed at reducing party power in order to restrict corruption. Ultimately, however these mechanisms effectively lowered turnout. Walter Dean Burnham estimates that the first two innovations alone accounted for half of the drop in voter turnout.⁵⁰ Because they depressed participation, these reforms did little to decrease the voice of elites in state politics. Where the reforms were less successful, party factionalism and party rule dominated state politics.

The notion of the Progressive Era as a precursor to the New Deal rests largely on its policy aspirations. Because its achievements fell far short of its aspirations, Progressive reform left states with a weak institutional base, ill-suited to the kind of expert-driven active government the Progressives envisioned. Despite the efforts to build executive capacity, power in states remained highly decentralized and state governments had little capacity to promote state-wide social or economic perspectives. Where Progressives were most successful, political parties lost their ability to organize state politics, but the result did not amplify "the people's" voice. Instead, local elites in business and agriculture dominated these demobilized polities.

47. This was not a strict one-county/one-vote allocation. Smaller counties were grouped into districts of no more than three counties (Commonwealth Club of California, *Legislature of California*, 70–77).

48. On the new mobilization in California see Martin Shefter, *Political Parties and the State: The American Historical Experience* (Princeton, NJ: Princeton University Press, 1994), 178–84.

49. Burnham, *Critical Elections and the Mainsprings of American Politics*, 21.

50. Walter Dean Burnham, "Theory and Voting Research: Some Reflections on Converse's 'Change in the American Electorate,'" *American Political Science Review* 68 (1974): 1002–23.

THE LIMITED IMPACT OF THE NEW DEAL ON THE STATES

The political impact of the New Deal was so sweeping that it is presumed to have rocked all of American politics. Yet, the effect of the New Deal on the states was surprisingly small. Not only did states themselves initiate few significant institutional or policy changes in response to the Great Depression, they resisted federal efforts to build state capacities. In contrast to the picture of dramatic change at the federal level during the 1930s, the story in the states was much more one of continuity.⁵¹

Political Divergence: States and the Federal Government during the New Deal

James T. Patterson's analysis of the New Deal highlights the striking contrast between the ongoing conservatism in the states and the liberalism developing in the federal government.⁵² On the spending side, states did not imitate the rapid federal growth in spending. State spending increased far less in the 1930s than it had in the preceding decades, and states were especially reluctant to spend on relief. Moreover, a combination of ineptness and outright corruption tarnished relief efforts across the states. State tax systems actually became more regressive in the 1930s as state after state enacted sales taxes to shore up their faltering budgets. Nor did labor fare well in the states as most states were reluctant to enact progressive labor laws. In contrast Congress, where urban liberals sought to give labor new voice, state legislatures remained dominated by business and rural interests that had little sympathy for organized labor.

In a handful of states, "little New Deals" explicitly sought to mimic the liberal impulses of the federal government. In some of the most successful, such as New York and Massachusetts (which was receptive to much of the New Deal even though it was controlled by Republicans), enduring changes in the administration of relief and in labor laws were enacted. But in most states where New Deal liberalism made an appearance, it arrived late and left early. For example Democrats controlled both houses of the Pennsylvania legislature and the governorship only between 1936 and 1938. When Republicans reassumed power in 1938, they began to roll back Democratic measures, targeting labor laws in particular.⁵³ In other

51. Patterson, *New Deal and the States*.

52. Ibid. Edwin Amenta, focusing on the implementation of social policy, presents a somewhat more positive picture of the impact of the New Deal on the states. His account is focused, however, on state implementation of nationally-developed programs, and he notes the many factors that kept many nonsouthern as well as southern states from building on the activist government of the New Deal (Amenta, *Bold Relief: Institutional Politics and the Origins of Modern American Social Policy* [Princeton, NJ: Princeton University Press, 1998], chap. 5).

53. Richard C. Keller, "Pennsylvania's Little New Deal," in *The*

states, such as Michigan and Georgia, little New Deals left even more meager legacies as they were quickly swept out of office.⁵⁴

The transience of Democratic power in the states is striking. At the federal level, Democrats won control of both Houses of Congress in 1932 and held onto them – with only a brief interlude of Republican rule in the 1950s and early 1980s – for fifty years. Although these Democratic majorities would never be as liberal as those at the height of the New Deal, they were able to strike compromises that allowed many of the key social policy achievements of the New Deal to endure. And even when legislative progress stalled in the 1940s and 1950s, liberal Democrats could use congressional committees and administrative agencies to develop their policy agenda.

In the states, the rhythm of reform differed. In even the most liberal states, the New Deal did not influence state politics until 1936, leaving the wave of reform momentum at the national level little time to build in the states. Even in the states with the strongest support for the New Deal nationally, Democrats only briefly rode Roosevelt's coattails to power in the mid-1930s. By 1938, most of their majorities had evaporated. An examination of the thirty-five nonsouthern state legislatures shows that during the 1930s, only 40 percent were controlled by Democrats; 40 percent had divided legislatures, and 20 percent had Republican legislatures. In the 1940s, the picture for Democrats darkened considerably: Democrats controlled only 23 percent of nonsouthern state legislatures during that decade, Republicans 63 percent; 14 percent of the legislatures experienced divided control.⁵⁵ With limited control over state legislatures, which in any case lacked the capabilities to press forward on policy, liberal Democrats made little headway in the states during the 1940s and 1950s. It was not until 1959 that Democratic strength in state legislatures outside the South exceeded that of Republicans.

Three major obstacles kept New Deal Democrats from replicating their national success in the politics of nonsouthern states, where they might have been expected to thrive. First, legislative malapportionment limited the legislative power of Democrats in many states. Malapportionment certainly muted the impact of labor's growing political strength in the states. The overrepresentation of rural areas and the chronic underrepresentation of metropolitan areas in state legislatures worsened between 1910 and 1960.⁵⁶ In Michigan, for example, where 21.2 percent

of the nonfarm workforce was unionized in 1939 and 44.6 percent was unionized in 1953, Democrats only fully controlled the state legislature from 1932 to 1934.⁵⁷ Democrats split control with Republicans from 1934 to 1938; however, after 1940, both houses of the legislature were controlled by Republicans until 1958. The combination of state constitutional provisions and the failure of the state to reapportion according to population led to substantial underrepresentation of the Democratic vote. For example, heavily Democratic Detroit comprised 43.5 percent of the population in 1930 but only 25 percent of the state Senate and 24 percent of the House in 1937.⁵⁸ Not until 1964, did Democrats win both houses of the Michigan legislature. In Pennsylvania, where organized labor made a major effort to build political strength in the 1930s, Democrats only controlled the state legislature from 1936 to 1938, splitting control with Republicans in 1934 to 1936 and 1942 to 1944.⁵⁹ Liberal Democratic governors were elected in both states between 1936 and 1960, but with little ability to control the legislature, their accomplishments were sharply limited.

In other states, the disjuncture between state and national party control was reinforced by weak state parties, a legacy of Progressive reform. In their study of California voting patterns, Michael Rogin and John Shrover, for example, demonstrate a persistently weak correlation between the vote for president and the vote for governor in the 1930s and 1940s. The practice of cross-filing, the off-cycle scheduling of gubernatorial elections combined with the weakness of parties and the importance of the press to hinder the growth of the Democratic party at the state level.⁶⁰ Democrats did not win control of the state legislature in California until 1958.⁶¹

Finally, issue-oriented liberal Democrats were outnumbered in most states by traditional organization Democrats, who were themselves often arrayed into warring factions. As a result, even when Democrats were victorious in state politics, their victories did not mean the same thing as at the federal level. Most northern industrial states, where much of the

New Deal: The State and Local Levels ed. John Braeman, Robert H. Bremner, and David Brody (Columbus: Ohio State University Press, 1975), 72.

54. See Patterson, *New Deal and The States*, 144–53; Amenta, *Bold Relief*.

55. Data compiled from the *Book of the States* (Lexington, KY: Council of State Governments, various years).

56. Paul T. David and Ralph Eisenberg, *Devaluation of the Ur-*

ban and Suburban Vote: A Statistical Investigation of Long-Term Trends in State Legislative Representation, (Charlottesville, VA: Bureau of Public Administration University of Virginia, 1961), 10.

57. For unionization rates, see Leo Troy, *Distribution of Union Membership among the States, 1939 and 1953* (New York: National Bureau of Economic Research, 1957).

58. David O. Walter, "Representation of Metropolitan Districts," *National Municipal Review* 27 (1938): 129–37.

59. On labor's political activities in Pennsylvania, see Thomas T. Spencer, "'Labor is with Roosevelt': The Pennsylvania Labor Non-Partisan League and the Election of 1936," *Pennsylvania History* 39 (1979): 3–16.

60. Michael P. Rogin and John L. Shrover, *Political Change in California: Critical Elections and Social Movements, 1890–1966* (Westport, CT: Greenwood Publishing Corporation, 1969), 139–47.

61. Rogin and Shrover's *Political Change in California* shows that malapportionment was not the only force at work in California.

strength of organized labor was concentrated, were dominated by what Mayhew called typical party organizations or they suffered from persistent factionalism.⁶² Accounts of state politics in the 1930s emphasize the factionalism among Democrats as patronage-oriented politicians vied with a new breed of liberal and labor-oriented Democrats.⁶³ In Michigan, for example, the state Democratic Party was controlled by patronage politicians who had little interest in New Deal-style liberal government. Ironically, as labor's political power was growing in national politics, the United Auto Workers (UAW) did little to engage Michigan politics until 1948. In Michigan's case, a very limited supply of patronage (due to civil service reform) and an unusually strong labor presence allowed labor to take over the Democratic Party.⁶⁴ In other states, such as Illinois, however, patronage politics fueled factionalism and a fierce defense of party organization by traditional politicians. In this context, labor organizations tended to fit into the predominant style of issueless patronage politics, rather than to challenge it. Even in states where labor was strong, Democratic politics often had little to do with activist liberal government. The myriad divisions and struggles for power among Democrats undermined their appeal to voters and provided political opportunities that Republican challengers quickly seized.

The Impact of New Deal Politics on the States

Although federal action affected politics in the states during the New Deal, it did little to help strengthen activist liberal Democrats in the states. New Deal spending, for example, often had quite unintended consequences for Democratic power in the states. In Michigan, for example, Democratic victories at the national level "had the peculiar effect of motivating party members to do even less than before to elect Democrat to statewide positions" since the election of a Democratic governor would have taken control over party patronage away from the national committeeman who was the highest ranking Democrat.⁶⁵ And, as has been well-documented, in many states, New Deal spending reinforced old political machines or built new ones, often at the expense of liberal Demo-

crats.⁶⁶ At the national level, patronage politics received a blow from the 1939 Hatch Act, which prohibited federal employees from engaging in political activity. Reform liberals within the administration had urged that Roosevelt veto the bill unless it also included state and local office holders.⁶⁷ The failure to include state and local officials in the Hatch Act undoubtedly added decades of life onto state and local traditional political organizations.

Roosevelt's one concerted effort to influence state politics – his attempted 1938 "purge" southern Democratic New Deal opponents – failed spectacularly at the hands of state party leaders.⁶⁸ Yet even this effort was limited: The purge was not oriented toward re-making state politics so much as it aimed to remove obstacles that confronted the national New Deal. As such, the effort to unseat New Deal opponents was mainly focused on southern conservative politicians, not northern patronage politicians. Conservative southern Democrats threatened the progress of key New Deal measures, such as the Fair Labor Standards Act. As they didn't pose an ideological challenge, northern organization politicians posed little threat in national politics. They were willing to grant considerable policy leeway to national politicians so long as the patronage that made their organizations run remained intact.⁶⁹ However, the organization politicians' support for the national New Deal did not signal any interest in pursuing activist government and liberal policy goals at the state level.

A less well-examined but enduring impact of the New Deal was its effect on the mobilization of interests in states. Although the New Deal mobilized new interests into politics, it did little to alter group politics in the states and may have, in fact, attenuated the liberal voice in the states. During the Progressive Era, proponents of activist government focused heavily at the state level. National organizations such as the American Association for Labor Legislation coordinated action in support of social and labor legislation in states across the country. After the New Deal, however, most liberals turned their sights and adapted their organizations to influence national policy arenas.⁷⁰ The programs that liberals most wanted to affect were controlled by the federal government, not the states. New national social welfare policies provided a more promising base and more congenial political setting for extending social protections than

62. David R. Mayhew, *Placing Parties in American Politics* (Princeton, NJ: Princeton University Press, 1986), 17–103, 196–200.

63. See John Braeman, Robert H. Bremner, and David Brody, eds., *The New Deal: The State and Local Levels* (Columbus: Ohio State University Press, 1975); Mayhew, *Placing Parties*; Pegram, *Partisans and Progressives*.

64. John H. Fenton, *Midwest Politics* (New York: Holt, Rinehart and Winston, 1966), 28–34; Dudley Buffa, *Union Power and American Democracy: The UAW and the Democratic Party* (Ann Arbor: University of Michigan Press, 1984). However, even with control of the Democratic Party and a popular liberal governor, the liberal/labor coalition could not control state politics because legislative malapportionment meant that Democrats did not win majorities in either House from 1938 to 1958.

65. Buffa, *Union Power and American Democracy*, 10.

66. Lyle W. Dorsett, *Franklin D. Roosevelt and the City Bosses* (Port Washington, NY: Kennikat Press, 1977).

67. Sidney M. Milkis, *The President and the Parties: The Transformation of the American Party System Since the New Deal* (New York: Oxford University Press, 1993), 137–39.

68. See Milkis, *President and the Parties*, 83–97.

69. Mayhew's *Placing Parties* makes this point (chap. 10).

70. The AALL disbanded in 1943, for example. Richard M. Valelly discusses this outcome in *Radicalism in the States: The Minnesota farmers Labor Party and the American Political Economy* (Chicago: University of Chicago Press, 1989).

did the patchwork of state level programs. By contrast, groups that were subject to state regulations and that had traditionally dominated state politics – small business, agriculture, insurance, real estate, medical associations – continued to hold significant power in the states. In many instances, New Deal legislation, such as the Agricultural Adjustment Act, actually served to strengthen conservative organizations in the states. This pattern corresponds well with Frank Baumgartner and Beth Leech's coevolutionary perspective on policy and interest groups: Where government is most active, groups are most likely to grow and develop, in turn spurring new government activity.⁷¹

Organized labor was something of an exception to this pattern because states continued to control policies of central concern to labor, including workman's compensation and unemployment insurance. Although the AFL's state federations, affiliated to the national AFL-CIO after 1956, continued to lobby in state legislatures, labor's political engagement took on a much more narrow cast in states than it did nationally, which reflected its AFL organizational base. State federations lobbied vigorously on issues related to labor's organizational survival but were much less reliable when it came to the broader social policy issues that the national AFL-CIO identified as priorities. And, in this notoriously decentralized federation, the much more liberal national organization had relatively little power to induce state and local organizations to alter their priorities.⁷²

Federal Efforts to Build State Administrative Capacity

In Washington, New Dealers recognized that the limited administrative capabilities of the states made them poor partners for implementing and extending New Deal policies. Throughout the 1930s and 1940s, liberal policymakers prodded the states to enact legislation that would develop new capacities, but had limited leverage to induce significant changes there in the short run.

Many New Deal agencies prodded the states to enact legislation that would make it easier for the two levels of government to work together.⁷³ They were most successful when states stood to benefit financially from federal action. The Social Security Act of 1935 prompted the most important changes, as states created unemployment insurance programs, old age assistance, and public assistance programs to take advantage of new federal dollars. Likewise, the stipulation in the 1939 social security amendments that states establish the merit system to administer these

71. Baumgartner and Leech, 'Co-evolution of Groups and Government.'

72. Alan Draper, *A Rope of Sand: The AFL-CIO Committee on Political Education, 1955–1967* (New York: Praeger Publishers, 1989); Brown, *Race, Money and the American Welfare State*, 163.

73. W. Brooke Graves, 'The Future of the American States,' *The American Political Science Review* 30 (1936): 24–50.

programs sparked reforms across the states. Often, however, such reforms only covered the departments administering the new programs, not the entire state workforce.⁷⁴ Moreover, states continued to enjoy considerable discretion over these new social programs. Only a handful of states used this discretion to promote goals of social protection envisioned by the architects of the original act.⁷⁵

Federal efforts to build up state planning capacities had an even more marginal impact. The efforts of the National Resources Committee (NRC) to establish state planning agencies were short-lived and superficial.⁷⁶ The NRC and its more famous successor agency, the National Resources Planning Board (NRPB), hoped to spur states to improve their ability to plan for development. Initially, the focus was on physical planning, and in particular, planning around New Deal-funded public works projects. Later, the NRPB sought to promote more comprehensive planning capabilities in the states. States did in fact establish planning agencies in the 1930s in response to the requirement of federal Public Works Administration that all projects be approved by such a state board. Anxious to receive their share of federal funding all states except one had established such agencies by 1936. Yet these agencies were largely federal creatures, funded by Washington and concerned with funds from Washington. The boards were not integrated with the normal workings of state governments and were set up in a way that "tended to isolate them from the Governor and the legislature."⁷⁷ When federal public works funds dried up, most states abandoned their planning boards.

In his account of New Deal and post New Deal politics, Sidney Milkis tells a story of growing administrative and executive power triumphing over political parties. Frustrated at his failure to bend state parties to his will, Roosevelt created new executive administrative capacity. As such he sought to "transcend" party politics rather than reconstruct them. The story in the states during the years of the New Deal was nearly the reverse. States failed to build enduring administrative or executive capacities and the issueless politics of partisan and factional struggle continued to dominate.

74. The Council of State Governments, *Reorganizing State Government* (Chicago: The Council of State Governments, 1950), 61–63.

75. See Lieberman, *Shifting the Colorline*; Mettler, *Divided Citizenship*; Gilbert Y. Steiner, *Social Insecurity: The Politics of Welfare* (Chicago: Rand McNally and Co., 1966), chap. 4.

76. The Council of State Governments, *Planning Services for State Government* (Chicago: The Council of State Governments, 1956), 20–25.

77. *Ibid.*, 24. The NRC was particularly interested in problems of physical planning and, composed as it was of city planners, was particularly attuned to the problems of metropolitan areas. See their report, United States, National Resources Committee, Committee on Urbanism, *Our Cities: Their Role in the National Economy* (1937; New York: Arno Press, 1974).

Despite the greatly enhanced power of the federal government during the 1930s, the New Deal did not transform the bottom-up character of American political parties nor did it alter the internal workings of state politics that made states such inhospitable terrain for advancing the liberal goals or activist government. As Patterson notes, "Problems presented by state courts, unfair apportionment, and state constitutions were soluble by state action alone."⁷⁸ In fact, in the decades after the New Deal, the federal government through requirements about social policy implementation and landmark decisions such as U.S. Supreme Court's 1962 "one man one vote" decision in *Baker v. Carr*, did begin to alter state politics. Even with federal prodding, however, state action proceeded at a slow pace, trailing the federal government by some four decades.

For the twenty-five years following the New Deal, the distinct reform trajectories in states and in the federal government were evident in the continued appetite for policy innovation in Washington compared with the listless activity in most states. Even though the political mobilization and reform energies of the New Deal had ebbed, supporters of a more active federal role worked from within the federal bureaucracy to expand public powers and to develop ideas for new initiatives that would be ready when the national political tides turned.⁷⁹ And, despite the political setbacks that Democrats experienced during these decades, they continued to control Congress for most of this time. Although liberal congressional Democrats were not strong enough to enact major policy innovations, they used their power to convene hearings and commission studies that would prepare the way for future initiatives.

In the states, the situation was quite different. For the most part, states lacked the executive capacity to generate and promote new policy ideas. State bureaucracies did not draw the kind of educated policy experts that staffed the federal government; instead poorly-funded state agencies typically attracted patronage and other types of political appointees with little interest in promoting policy changes. State legislatures were more likely to be controlled by politicians with little interest in policy innovation, and, because most met biennially and, for only part of the year at that, they were poor settings in which to lay the groundwork for future initiatives. Together, these features meant that state-level politics continued to provide an open political arena for antireform forces long after they had been forced to vie for power at the federal level.

78. Patterson, "New Deal and the States," 81.

79. See James L. Sundquist, *Politics and Policy: The Eisenhower, Kennedy, and Johnson Years* (Washington, DC: Brookings Institution, 1968).

STATES AND THE POLITICAL GEOGRAPHY OF EXIT

If New Deal reforms had completely displaced the states as significant policymakers, the slow pace of change in the states would have mattered little for the later development of liberal policy and politics. In fact, because states retained important powers, the divergence in the trajectories of state and federal political change had far reaching consequences. Scholars have just begun to explore the repercussions of these different time lines for the development of liberalism in the United States.⁸⁰

In this section, I illustrate one of the most significant consequences of federal/state divergence – the persistence of the racially divided metropolis. The federal role in creating the divided metropolis – especially through housing and transportation policies – has been well documented, but the critical significance of the states has been largely unexplored.⁸¹ The key domains of land development, local jurisdictional status, and land use were all governed by state rules that bore the decentralized stamp of their Progressive Era origins. By permitting businesses to spearhead the creation of new low-tax jurisdictions, these rules allowed racial prejudices to take on a specific new institutional form in postwar America, symbolized in the political geography of the black urban ghetto and the white homogeneous suburb.⁸² "American Apartheid," as sociologists Douglas Massey and Nancy Denton called it, became the dominant feature of postwar social, political, and economic life.⁸³ Since separate political jurisdictions provided a key instrument by which wealthier residents and businesses shielded themselves from the costs of the less well off, they played a critical role in driving the growing spatial inequality that would be a hallmark of metropolitan areas from the 1950s forward.⁸⁴

By inscribing racial inequalities into political boundaries, the new metropolitan political geography

80. See for example, Anthony Chen, "From Fair Employment to Equal Employment Opportunity and Beyond: Affirmative Action and the Politics of Civil Rights in the New Deal Order, 1941–1972," (Ph.D. diss., University of California, Berkeley, 2003); Isaac Martin, "The Roots of Retrenchment: Tax Revolts and Policy Change in the United States and Denmark, 1945–1990" (Ph.D. diss., University of California, Berkeley, 2004).

81. On the federal government and race, see Desmond S. King, *Separate and Unequal: Black Americans and the U.S. Federal Government* (New York: Oxford University Press, 1995); Jackson, *Crabgrass Frontier*; Lieberman, *Shifting the Color Line*; Jill Quadagno, *The Color of Welfare: How Racism Undermined the War on Poverty* (New York: Oxford University Press, 1994).

82. On the roles of business and race in forming new local governments, see Nancy Burns, *The Formation of American Local Governments: Private Values in Public Institutions* (New York: Oxford University Press, 1994), 83–95.

83. Douglas S. Massey and Nancy A. Denton, *American Apartheid: Segregation and the Making of the Underclass* (Cambridge, MA: Harvard University Press, 1993).

84. See Briffault, "Our Localism: Parts I and Part II"; Gregory R. Weiher, "Public Policy and Patterns of Residential Segregation," 42 (1989) *Western Political Quarterly*: 651–77.

made inequalities more enduring and more difficult to remedy. Moreover, geographically-reinforced inequalities blocked economic opportunity for African-Americans and limited their incorporation into the growing middle class just as the federal government was dismantling the edifice of southern segregation. Starting in the mid-1960s, federal efforts to promote opportunity for African-Americans in housing, education, and employment each floundered when confronted with the legal force of local autonomy.⁸⁵

As the 1960s drew to a close, several high profile federal commissions surveyed the condition of urban America, seeking to explain the civil disorders and to propose remedies. One of the central problems they identified was the sharp racial division between city and suburb. The National Commission on Urban Problems noted that the federal government had begun to reverse the policies that had promoted racial segregation, and it urged the states to reassert their control over land use as one of the most important ways to loosen “the white suburban noose around the inner city.”⁸⁶ As Desmond King and Rogers Smith note, just as the federal government was at last embracing a transformative racial order, local political boundaries were giving new life to a segregationist order that most politicians and citizens were now overtly repudiating.⁸⁷

The divided metropolis not only exacerbated the enormous barriers to promoting racial equality, it also helped to undermine labor’s organizational strength in politics. The great victory of organized labor in national politics in the 1930s was not matched by broad success in the states. Scholars have examined the failures to organize the South and the resultant regional imbalance in labor strength.⁸⁸ The impact of the new metropolitan political geography on labor’s organizational power in the places where it was strongest is less well documented. It is clear, however, that the flight of the white working class from cities undermined labor’s ability to reach its members politically.

After the New Deal, organized labor relied heavily on city-based Central Labor Councils to carry out its nationally-devised political goals.⁸⁹ As white workers escaped the cities, these organizations grew less and

less able to educate and mobilize union workers. This fact was brought home painfully to AFL-CIO leaders in the aftermath of the 1966 elections, when the Congress most sympathetic to labor goals in twenty years was voted out of office. Astounded by the outcome, labor leaders in Washington sought to understand why union members had displayed such apathy during the election. A poll of union members conducted in 1967 revealed that the growing ranks of labor – younger white suburban homeowners – did not share the same political concerns as the Washington-based leadership. Instead these workers listed “fair tax assessment, crime, zoning laws, and street and sewer repair” as the most important political issues they faced. A brief effort to enhance labor’s political presence in the suburbs faltered in a context when state and local union groups competed for resources.⁹⁰ Over time, the growing weakness of labor’s subnational political organization robbed Democrats of an essential resource, their edge in electoral mobilization.

Finally, the divided metropolis provided fertile ground for new ideas about the role of government. Homogeneous suburbs gave the foes of activist government a venue in which to adapt their antigovernment ideology to the new conditions of postwar life. The disjunctures between federal, state, and local politics allowed institutional space for political losers in the New Deal regime – that is, the opponents of liberal activist government – to regroup.

An essential element of the task that political losers confront is, as William Riker pointed out, rhetorical.⁹¹ Losers must reframe debates and, through persuasion, split the majority that keeps them from power. Most potent in the reframing that occurred around the divided metropolis was the transformation of the meaning of localism.⁹² Localism had long been a touchstone of American ideology, but as postwar homebuilders freely used local zoning powers to create racially exclusive enclaves, they changed the meaning of “local.” When Tocqueville extolled the virtues of local government in the United States, his reference point was the small town of the 1830s, which housed an economically (although rarely racially) diverse assortment of residents. After the 1940s, the character of suburban expansion and the creation of separate jurisdictions based on income – and, by extension, on race – equated localism with racial and class homogeneity.⁹³

85. On the impact of local boundaries on remedies for racial discrimination and disadvantage, see Briffault, *Our Localism Part I, Part II*.

86. *Building the New American City: Report of the National Commission on Urban Problems to the Congress and to the President of the United States* (Washington DC: U.S. Government Printing Office, 1968).

87. Desmond S. King and Rogers M. Smith, “Racial Orders in American Political Development,” *American Political Science Review* 99 (2005): 75–92.

88. Michael Honey, “Operation Dixie: Labor and Civil-rights in the Postwar South,” *Mississippi Quarterly* 45 (1992): 439–52; Barbara S. Griffith, *The Crisis of American Labor: Operation Dixie and the Defeat of the CIO* (Philadelphia: Temple University Press, 1988).

89. Draper, *A Rope of Sand*, 50–51; Greenstone, *Labor in American Politics*.

90. Draper, *A Rope of Sand*, 120–28.

91. Riker, *Strategy of Rhetoric*; see also the discussion in Kenneth A. Shelpfle, “Losers in Politics (and How They Sometimes Become Winners): William Riker’s Heresthetic,” *Perspectives on Politics* 1 (2003): 307–15.

92. On the ideas and reframing in policy, see the discussion in John L. Campbell, *Institutional Change and Globalization* (Princeton, NJ: Princeton University Press, 2004).

93. On the new meaning of local boundaries, see Burns, *Formation of American Local Governments*, 112–16. This picture of new ideas about localism being developed within a fundamentally racist framework is akin to Rogers Smith’s discussion of the recasting of

In linking localism with racial separation, property rights, and antistatism, the new conservative ideology offered a positive alternative to New Deal liberalism that resonated across the country. Homeownership was a common denominator that linked residents; defense of property rights was a value that resonated deeply. Tom Sugrue has shown how the idea of “homeowners rights” animated the white working-class opponents of racial integration in Detroit during the 1950s.⁹⁴ The language they deployed was highly racialized and defensive. By contrast, in California’s Orange County, white suburbanites also opposed fair housing and other government measures designed to promote racial equality, but they went beyond race and the defensive posture of Detroit’s homeowners to fashion a global alternative to liberal ideas. Shielded by political boundaries, they did not have to resort to violence to keep black people out, as did Detroit’s white homeowners. Overtly racist arguments played a less prominent role in their vision.⁹⁵ In the wake of the civil rights movement, racist rhetoric was losing legitimacy. However, when linked to local autonomy and freedom from government control, similar objectives could be achieved with arguments that were much more broadly compelling. Much as Ronald Reagan has been credited with putting a smiling face on conservatism, suburban conservatives linked racial exclusion and class advantage with traditional American values of local autonomy and small government.

By the 1980s, a distinctive suburban pattern of political behavior and preferences had emerged.⁹⁶ As Juliet Gainsborough has shown, beginning in the 1980s, suburbanites were more likely to vote for Republican presidential and congressional candidates

white supremacy to Jim Crow. See Rogers Smith, “Which Comes First, the Ideas or the Institutions? Toward a Synthesis of Multiple Traditions and Multiple Orders,” in *Crafting and Operating Institutions*, ed. Stephen Skowronek, Ian Shapiro, and Daniel Galvin (forthcoming). In suburbanizing postwar America, the number of local municipal governments grew from 16,807 in 1952 to 18,517 in 1972. See U.S. Census Bureau, *Statistical Abstract of the United States, 2003* (Washington DC: U.S. Government Printing Office, 2004), 276. With the growth of new suburban political jurisdictions came increasingly homogenous localities. For example, Gary J. Miller’s detailed analysis shows that in 1950, approximately 60 percent of the cities in the Los Angeles metropolitan area had what he termed a very heterogenous mix of income classes; by 1970, the percent of very heterogenous cities had declined to 20 percent. Moreover, of the thirty new jurisdictions created after 1950, only one exhibited a heterogenous mix of incomes. At the same time, African Americans living in the Los Angeles region became more residentially concentrated in fewer municipalities. See Gary J. Miller, *Cities by Contract: The Politics of Municipal Incorporation* (Cambridge, MA: MIT Press, 1981), 132–35.

94. Thomas J. Sugrue, *The Origins of the Urban Crisis: Race and Inequality in Postwar Detroit* (Princeton, NJ: Princeton University Press, 1996), 218–29.

95. Lisa McGirr, *Suburban Warriors: The Origins of the New American Right* (Princeton, NJ: Princeton University Press, 2001).

96. Juliet F. Gainsborough, *Fenced Off: The Suburbanization of American Politics*, (Washington DC: Georgetown University Press, 2001), chap. 5.

and less likely to support increases in federal government spending (with the exception of Social Security) than their urban counterparts. Moreover, these differences were sharpest in metropolitan areas where the economic fortunes of the main city and surrounding suburbs diverged the most.⁹⁷ The desire for protection from urban decline, rising crime rates, and the national economic downturn gave the ideas of localism and antigovernmentalism broad appeal.

The political geography of postwar metropolitan America helps explain why conservative alternatives to activist government resonated so widely across the country. The expanding scope of liberal national government after the 1930s coincided in time with the unfolding of a very different set of ideas about the role of government in metropolitan areas across the country. When the New Deal’s style of activist government confronted sharp economic challenges in the 1970s, the antitax, small government ideology that had flourished in the hothouse environment of white suburbia was already waiting in the wings.

The state-generated exit options that had helped to create the divided metropolis sapped liberalism’s political strength by shaping new interests and ideologies from the bottom up. Local political boundaries provided culturally-resonant mechanisms for limiting the reach of redistributive government. In an era when formal racial barriers were falling and open defense of racial segregation was becoming increasingly unacceptable, the new political geography shaped the terms on which race would become politicized over the following decades.

CONCLUSION

Any macro-analysis of American politics must address and attempt to resolve the divergent impulses that simultaneously thrived in such a decentralized polity. The conventional narrative sees twentieth century reform in a straight line: Progressive reform was a dress rehearsal for New Deal reform; the New Deal centralized politics and built new central state capacities; and the Great Society overreached, provoking backlash. In this article, I have presented an alternative perspective highlighting the inescapable fact that states, fundamentally, were not part of the New Deal regime.

Taking federalism seriously, I suggest, alters the traditional narrative in three ways. First, it draws attention to the differences in the timing and outcomes of reform across the levels of government, suggesting that, as a consequence, states and the federal government exhibited distinctive political logics and capabilities. Twentieth-century American political development was not a straight drive toward more centralized politics and more inclusive democracy. Rather, Progressive reforms decentralized state pow-

97. *Ibid.*, 95.

er in important ways and demobilized voters without changing the socioeconomic biases in representation that legislative malapportionment created. In this sense, Progressive reform left the states more elite-dominated and reinforced, rather than remedied, the states' status as incomplete democracies. This was true not only of southern states – the usual focus of arguments about federalism – but of states across the country.

This perspective also highlights the importance of studying the mechanisms of connection and disconnection across levels of the federal system. Although significant changes at the federal level might send shock waves throughout the political system, shifts in state policy and politics can lag considerably, as was the case after the 1930s. In some arenas, changes at lower levels of government might not only lag, they can actually move in the *opposite* direction. Moreover, federal changes could also induce unexpected political outcomes in the states. The mobilization of liberal activists in the states actually *declined* in the wake of the New Deal as these groups turned their sights toward the federal government.

Finally, the approach to federalism I have devel-

oped here directs attention to the way institutional diversity at different levels of government shapes public capacities and the political will to address major social challenges, emphasizing in particular how such institutional differences influence the subsequent development of the winners and losers of earlier political battles. In twentieth-century American political development, local opponents of activist government used state-delegated powers to craft new political jurisdictions that served as exit options limiting their responsibilities for redistribution. The divided metropolis that they created left African American urban migrants with fewer resources and higher barriers to opportunity. It also directly undermined federal efforts to remedy racial discrimination and open opportunity across a range of policies. The new political geography fueled a racially charged debate about the role of government that dominated American politics for the next three decades. In the process, it provided multiple arenas in which the foes of liberalism could consolidate their power, refine their appeals, and develop their evolving justifications for restricting the scope of federal activism.