

## *Introduction*

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### The First New Federalism and the Making of the Modern American State

The characteristic feature and special interest of the American Union is that it shows us two governments covering the same ground, yet distinct and separate in their action. It is like a great factory wherein two sets of machinery are at work, their revolving wheels apparently intermixed, their bands crossing each other, yet each set doing its own work without touching or hampering the other.

James Bryce, *American Commonwealth*

FOR MANY Americans who worry about the size, complexity, or responsiveness of the American government, the nineteenth century is a lost Eden of Jeffersonian agrarian democracy. In this idealized perspective, nineteenth-century American government was limited and orderly, a great machine overseen by a night watchman state and held in check by an active yeoman citizenry. There were no overlapping lines of authority—the federal structure ensured that the national government and the states each had their respective and limited orbits. Indeed this structure ensured that in the dual machinery of government, the national government, even more so than the states, would remain small and limited. This system of limited governments precluded the emergence of a sprawling regulatory state with a cacophony of competing interest groups, unresponsive bureaucrats, ambitious politicians, and citizen-clients. In short, the idealized image of nineteenth-century federalism reflected a political system that was (thankfully) nothing like contemporary American politics.

As Americans enter a new century, we seem stymied by the intractable problems besetting our political system. Political institutions and public policy appear to be out of our control, dominated by an unholy alliance of career politicians, special interest groups, and government bureaucrats. Each group pursues its own agenda rather than the broader public interest. As a result, the public perceives the gov-

ernment as impervious to citizens' attempts to ensure more accountability, effectiveness, and efficiency in the cost and delivery of government services.

The competing voices of today are urging a reordering of governmental power to restore accountability and efficacy to our political institutions and public policy. For some conservatives and some liberals, the solutions to these problems lie in decreasing the size of government or devolving its powers—whether to the states, the private sector, or the people. Yet efforts to achieve these solutions are contested, either through the outright opposition of actors with a vested interest in the current political and institutional arrangements, or through political and institutional inertia and rigidity. Both of these factors make less likely the achievement of smaller, decentralized government that is more responsive to the people, than to the interests.

Yet what some Americans admire about nineteenth-century governance—smallness, decentralization—was the bane of many nineteenth century reformers and critics. To these individuals, the American political system was an assemblage of weak legislative institutions dominated by a multitude of powerful interests, and characterized by limited administrative capacity. America's small, bounded, and fragmented governmental sphere—the coglike machine described by James Bryce, a nineteenth-century analyst of American government—was an impediment to the creation of a "strong" state that could adequately address the demands of an industrializing and urbanizing country. For reformers and critics of the American political system from the end of the nineteenth century onward, the solutions of today—smaller government and more decentralization—were the obstacles of the moment.

At the beginning of the twentieth century, for these reformers—whom I will refer to as national state builders—better government for American citizens lay in expanding, centralizing, and strengthening existing institutions and policies, and in some cases, creating new ones as well. The goal of many of these state builders was Hamiltonian in its scope—a truly national government with significant powers and resources to address what reformers saw as the moral and political ills of the day.

Contesting and checking these statist visions, however, was the American federal system, designed to produce disjointed and weak political and institutional structures. The nineteenth-century federal system enabled a variety of interests and actors who benefited from existing fragmented and limited political and institutional powers to stand in the way of the state builders. To build and then to govern a modern American state, new ways of thinking about the role of the

state would have to be developed. New ways of governing would have to be found. Walter Weyl, a Progressive intellectual and journalist, captures the uncertainty of this statebuilding process.

[T]his movement, because of the heterogeneous character of those who further it, is tentative, conciliatory, compromising, evolutionary, and legal, proceeding with a minimum of friction through a series of partial victories; [it] is influenced and colored by American conditions and traditions, proceeding with but few violent breaks, out of our previous industrial, political, and intellectual development and out of our material and moral accumulations, and utilizing, even while reforming and reconstituting, our economic and legal machinery."<sup>1</sup>

Today a very different institutional, political, and ideological environment faces reformers of all stripes. Near the beginning of the twenty-first century, much like the beginning of the twentieth century, it is perhaps difficult for us to envision a world that strays very far from the boundaries of what is currently known or, because of a veil of nostalgia and wishful thinking for a supposedly better era, to perceive what happened in the past.

Yet as this book will show, change does occur in the American system. It is rarely as logical, coherent, or aesthetically pleasing as reformers would like, but it does happen. Understanding the roles played by ideas, interests, institutions, and history will perhaps provide guidance as well as comfort. We can better understand the political, policy, and administrative contours of the twenty-first-century American state by looking back to the previous century and observing the ways in which competing forces interacted with preexisting institutions. Perhaps we too can find our way to a new American state by understanding the source of one of the most important puzzles of state development in the United States: the disjuncture between institutional strength and coherence, and the disjointed and fragmented nature of public policy. At the beginning of the twentieth century, much like today, efficient and effective government, both by and for the people, seemed to be a wistful dream. This book returns to the beginnings of that dream.

### Key Questions

Like many beliefs, the notion that American government was once limited and orderly is more of an ideal type than reality. Even at the time that this picture of ordered government was painted, that order was swiftly becoming unraveled. The great and simple machine of early American government was transformed, by 1929, into a much more

complex apparatus, what we now see as the modern American state. Despite the weight and influence of preexisting political and institutional arrangements, during the Gilded Age and Progressive Era something happened to alter the nineteenth-century machine of government, ultimately transforming the American state into something very different from the one that James Bryce surveyed in the late nineteenth century. Understanding, shaping, and ultimately governing this strange new governmental apparatus—the modern state—would be the focus of critics, reformers, politicians, and citizens from its initial appearance until today.

This book seeks to answer three questions about the emergence of the modern American state: How did preexisting political and institutional arrangements shape the preferences and choices available to those interested in centralizing and expanding government? How did forces in favor of a greater centralization and expansion of government establish their vision as a competitive, and eminently viable, option for structuring American politics and policy? Finally, how can understanding the timing and sequence of these changes in the American state help us to understand broader patterns in American politics and policy?

The book examines a period in American history when the answers to these questions can be unearthed. The nearly 60 years that spanned the Gilded Age and Progressive Era are a curious period in American political history. From the perspective of this study, it was an uneasy period when the United States was precariously balanced between a continued dual federal system and a centralized modern state.<sup>2</sup> I call this era the first New Federalism.

Before this story can be told, we must first define “federalism” in order to understand how this national statebuilding process unfolded. Over time, the term *federal* has meant many things to many people. To help clarify this book’s argument, I provide the following definitions. *National government* refers to what is commonly called the federal government. The term *intergovernmental policy* refers to laws, policies, or administrative arrangements that alter the relationship between the national government and the states. Finally, *federalism* will be reserved to mean the constitutional relationship between the national government and the states.

While the Civil War decisively ended the notion that the United States was a state subject to the will of its constituent members, the war and its aftermath did not fully take up the implicit nationalization project that a war based on union would predict. By 1877, the leviathan Union government created by Lincoln to win the war had been dismantled; the courts fairly quickly ended any notion of clarifying the

promise of national citizenship contained in the text of the Fourteenth Amendment; and the Republican Party with the end of Reconstruction pulled the national government back not only from its governing role in the South, but also as an active force in American life.<sup>3</sup> Nationalization, and even more concretely, centralization of power seemed to be out of the realm of possibility.

By 1929, however, a form of national expansion, though uneasily accepted, had been agreed upon: congressionally enacted policy, with limited national oversight or implementation, matched by some degree of state and local control. The first New Federalism, with its widely accepted, yet at times bitterly contested, constraints on the national government, fell before the onslaught of the Great Depression and the upending of the settled order of American politics and society. The thirty-six-year reign of McKinley-Hoover Republicanism vanished in the 1932 elections. In its place came a new model of federalism, a more centralized national government led by a strong president, aided by an assertive and active national bureaucracy and a compliant legislature and judiciary.

Yet a closer look at this New Deal federalism would reveal a strong resemblance to its first New Federalism forebears. Even before President Franklin Roosevelt put the first phases of the New Deal into place, a state recognizable to modern eyes—in terms of bureaucratic organization, interest group activity, and even legislative oversight—was already established.<sup>4</sup>

The book begins with a curious puzzle: the crisis of Civil War and Reconstruction was not enough to create a centralized state, yet the key elements necessary for a modern state to form were already in place before the crisis of the Great Depression and the response of the New Deal. These key elements would constitute the source of the two problems of the modern American state: the jarring mix of institutional incoherence and strength, and the fragmented and disjointed nature of public policy.

The nearly sixty-year period that spanned the Gilded Age and Progressive Era, but ended prior to the New Deal, I call the first New Federalism. It was in this era, I argue, that the roots of the modern American state grew. The seeds of the modern American state were planted in the struggles of an earlier time, when the dual clockwork of (small) states and (smaller) national government was not simply an image but a hard reality. Yet the state developed during this period was not merely a New Deal state-in-waiting. The first New Federalism reflected and was fundamentally shaped by the partisan, institutional, and ideological struggles of the Gilded Age and Progressive Era.

From 1877 to 1929, Congress joined with bureaucrats, reformers, and interest groups in this paradoxical reshaping of the American state. Legislative and administrative choices made in pursuit of modernization were conditioned by the logic of America's federal structure. Federalism was accommodated, if not overcome, through the enactment and spread of intergovernmental policy.

Enacted by Congress, intergovernmental policy was a series of new policy and administrative innovations—including now familiar instruments such as intergovernmental regulations and grants-in-aid. These instruments would comprise a New Federalism that bridged the dualism of the nineteenth century with the centralization of the twentieth. The intergovernmental policies of the first New Federalism included significant legislation such as the Hatch Act of 1887, which established agricultural experiment stations, and, the Federal Highway Act of 1916, which established the foundation of the Interstate Highway System. The first New Federalism also included the obscure, such as the Standard Barrel acts establishing uniform measures for interstate shipping and commerce, and a grant for the American Printing House for the Blind (1879).

Intergovernmental policy fostered the development of interlocking bureaucracies at the national and state levels. At the same time, it facilitated the growth in networks of interest groups, and the rise of new professions and associations that bridged the divide between bureaucrats and interest groups. Most importantly, the first New Federalism reflected the uneasy balance between Congress's localist representational structure and modernist impulses for greater centralization and nationalization. By focusing on this era in national state development, we can better understand how the hallmarks of modern American politics evolved during this unique period of American federalism.

In this story of American political development I examine the role of ideas (of limited government versus modernization), interests (such as bureaucrats and interest groups), and institutions (such as Congress and federalism), in the creation of a new American state. Using a blend of historical narrative, case study investigation, and quantitative analysis, I trace the emergence and development of the first New Federalism across time and across policy areas as a way to develop a more accurate picture of the contours of national-state relations during the Gilded Age and Progressive Era. This multifaceted approach demonstrates how Congress became the key player in creating a new federalist policy system that would eventually substantively alter the relationship between the national government and the states.

## Federalism and American Political Development

The modern American state did not fully emerge out of the crisis of the Great Depression, or for that matter out of the Civil War and Reconstruction. The modern American state—more highly centralized than ever before with unprecedented fiscal and regulatory scope—did not emerge as a logical and fully formed outcome from the minds of the New Deal architects, and through the extension of executive power. Instead, dual processes of path dependency and evolutionary adaptation during the Gilded Age and Progressive Era also powerfully shaped the modern American state.<sup>5</sup> American political institutions responded in a variety of ways to long-term secular changes in American society unleashed by urbanization and industrialization. These institutional responses, themselves conditioned by historical legacy, powerfully shaped the way in which the modern federal state would emerge.

Thus, American state development cannot be seen solely a series of punctuated equilibria, wherein periods of rapid change (stimulated by exogenous shocks) were succeeded (or preceded) by long instances of institutional stasis.<sup>6</sup> While exogenous shocks such as war or economic crisis may create critical junctures in American politics and society, each of these junctures was powerfully shaped by the preceding period of so-called stasis. In the case of the first New Federalism, the expansion of national power was not a sudden or dramatic process; rather it was the slow accretion of administrative ties and the building up of organizational structures, buttressed by a growing network of interest groups and bureaucrats, all overseen by an emergent legislature that eventually brought about a new American state.

Understanding the rise of the new American state entails a reclaiming and recognition of a lost historical and constitutional legacy: federalism. To answer the questions posed in this book, we have to turn our attention to this obvious, yet analytically ignored, aspect of the American political system. Federalism not only shaped the context of political decision making during the first New Federalism; it also shaped the policy responses to the political and institutional challenges and transformations that made up the Gilded Age and Progressive Era polities.

In order to create a modernized, centralized state, the American federal structure of fragmented, decentralized power would have to be weakened if not undone. However, to undertake the development of a strong national government, the political and organizational features of federalism would have to be harnessed and deployed in order to surmount the limitations on national power. The centralization of the

national state came at a price: the disjointed and fragmented nature of the federal system was mapped onto the face of the modern American state.

During the era of the first New Federalism, federalism not only acted *on* political institutions and actors, but was also acted *upon* by political institutions and actors. That is, we can think of federalism structuring the incentives and constraints of actors and institutions. These very same actors and institutions could also alter federalism—constitutionally, politically, ideologically, and administratively.<sup>7</sup>

Thus, the first New Federalism was a distinctive period in the development of the American *federal* state. It was an era characterized by a set of institutional arrangements, political structures, and opportunities that were distinctively shaped by a particular constitutional and popular interpretation of federalism. I elaborate on this distinctive period in American federalism in chapter 1.

The first New Federalism was also a specific set of policy innovations and administrative arrangements that evolved in response to the late-nineteenth-century institutional and political arrangements of Congress and American federalism. At the heart of this modernization project, and discussed in greater detail in chapter 2, was intergovernmental policy. Consisting of 131 policies enacted from 1877 to 1929, and ranging from regulations covering food and drugs, to funds for building highways or providing health services to mothers and children, the intergovernmental policies of the first New Federalism created the basis for a new national state based on shared standards, an interlocking array of interest groups and bureaucrats, and a new thinking about the relationship between the national government and the states.

Accompanying the enactment of intergovernmental policy was the development of state or administrative capacity at both the national and the state levels. In the words of early Progressive Era public administration theorist (as well as practitioner) Frank J. Goodnow, state or administrative capacity was the link between “the expression of the will of the state and the execution of that will.”<sup>8</sup> Administrative capacity is what government does; it bridges the gap between enactment and enforcement. It thus includes, as Stephen Skowronek would argue, the “governmental forms and procedures necessary for securing order.”<sup>9</sup> Order, however, does not spontaneously occur. The creation of order rests upon the ability of policy elites (as well as the people) not only to think up “workable” policies, but also to determine “how to actually implement them.”<sup>10</sup> At least in the American case, the creation of administrative capacity at the national and state levels was a process of trial and error: a rapid spreading and adoption of some ideas, and the slower adoption or even rejection of other ideas. With these instruments, the nationalist aspirations of American national

state builders could be adapted to the constitutional, political, and ideological realities of late-nineteenth- and early-twentieth-century American government.

The new intergovernmental policy instruments, and the administrative capacity they created, ultimately became the device that accommodated the expression of national interest desired by national-level actors while acknowledging the demands of judicial or state-oriented interests for some degree of state control. For reformers, interest groups, and bureaucrats at the state level, the ability to tap into the fiscal and regulatory authority of the national government via intergovernmental policy helped to strengthen and legitimize emerging government activities. At the level of the national government, I show that intergovernmental policy allowed the national government to amplify and extend its limited administrative capacity into control over policy outcomes at the state and local level. Although this control was restricted to certain policy arenas, it laid the groundwork for shaping future policy decisions. From 1877 until 1929, these policy instruments knit together legislators, bureaucrats, interest groups, reformers, and citizens into ever tighter bonds, and raised the bar of what it was possible for American government, whether at the national or state level, to do. Exactly how these instruments knit a new state is probed through the use of case studies in three policy areas: food and drug regulation, highway building, and maternal and child health services.

Conceptualizing federalism as an institution that structures outcomes as well as one that is responsive to change is a complex, yet necessary, step toward solving the institutional and historical puzzle that the first New Federalism presents. First, we can reconsider the role of federalism in shaping American political development. Federalism is not a dusty constitutional issue largely disconnected from normal politics and policy. Federalism during the first New Federalism was, at the very least, an active force shaping the preferences and institutions that surrounded political actors. At the same time, the federal structure was (and is) not writ in stone. While the judiciary and reigning political beliefs during the Gilded Age and Progressive Era often endorsed a narrow dual federal system, actors and interests looked for ways to subvert these judicial limitations. Thus federalism, in the form of intergovernmental policy, became the means for these subversions.

### **Congress and the First New Federalism**

Connecting broad processes of change to specific policy developments is difficult without specifying a mechanism. Unlike other analyses of American political development, this study emphasizes the role of

Congress as that mechanism. One reason for this emphasis is that in late-nineteenth-century America, neither the executive, here meaning the president, executive branch officials, and the nascent professional bureaucracy, nor elites—reformers or capitalists—had the strength in and of themselves to enact and implement sweeping policy changes, or to create fully developed and effective bureaucratic structures.<sup>11</sup>

Congress was the terrain on which ideas and interests were translated into policy. This translation was not automatic; rather, Congress had to grapple with its own partisan and institutional issues. The conjunction of Congress's own institutional evolution with statebuilding attempts produced a unique administrative and policy response, the first New Federalism. Intergovernmental policy instruments, or IPIs, offered a way for Congress to balance the competing demands and conflicts that it faced, as well as the tensions produced by its own internal development.

Within Congress, intergovernmental policy provided resources that the modernizing Congress needed: the ability to generate electoral support through policies that delivered distributive goods and allowed Congress to claim credit. Because of their deliberately chosen geographically based distributions, IPIs perfectly mapped onto the representational structure of Congress. In addition, intergovernmental policy, with its fragmented authority and multiple lines of accountability, was a comfortable match for the still weak and limited capacity of the national state. Finally, intergovernmental policy offered one way to bridge partisan and sectional divisions within Congress, within the national government, and across the federal system.

Outside of Congress, intergovernmental policy allowed reformers and interest groups to advance their policy aspirations, while allowing experts and bureaucrats to claim, and in some cases reinforce, professional and administrative dominance over particular policy areas. In cases where the assertion of national power was problematic—for constitutional, political, or economic reasons—IPIs allowed state and local interests to be strategically accommodated in order to gain some degree of national power. These claims are discussed and analyzed more fully in chapter 3.

The impact of congressional politics and structure on the enacting and shaping of intergovernmental policy calls into question some current assumptions about American federalism. First, intergovernmental policy was first and foremost a creature of Congress, not the executive. While presidents such as Theodore Roosevelt and Woodrow Wilson were associated with periods of increased enactment of intergovernmental policy, on the whole it was Congress, and not the executive,

that was responsible for the ebb and flow of intergovernmental policy. It was Congress, not the executive, that was responsible for the shaping of the administrative structures and procedures that would govern the implementation of intergovernmental policy, and would determine a policy's winners and losers. Finally, while interest groups and their bureaucratic partners are important parts of this national statebuilding story, Congress with its own internal partisan and institutional dynamics played a powerful independent role in shaping the first New Federalism and the modern federal state that would follow.

This emphasis on Congress is not meant to downplay the role of interest groups, entrepreneurial bureaucrats, the president, or even the courts. All of these actors played an important role, as the case studies will demonstrate. While one or several of these actors may have had greater influence over Congress at particular moments, Congress has an important autonomous role in American politics. In the context of Gilded Age and Progressive Era politics, not taking Congress and federalism into account creates a misleading picture of American state development. Congress and federalism played key roles in shaping the policy and administrative basis of the modern American state.

This book differs from executive- and polity-centered studies because it argues that the development of national state capacity, including the development of a national bureaucracy, was heavily influenced by the structural constraints imposed by federalism.<sup>12</sup> Because of federalism, the development of state capacity reflected the organizational and partisan imperatives of Congress rather than the executive. Because of federalism, the ability to develop a strong, highly centralized administrative state in the more familiar European model was essentially checked. The ability of the national state to implement its policies was dependent upon its ability to develop bureaucratic partners in the American states. Although the New Deal with its expansion of executive power and administrative capacity would seemingly overcome these limitations, the institutional legacy of this pre-New Deal era would live on in the United States' disjointed and fragmented system of policy formation and delivery that modern presidents, from Eisenhower to Nixon and to Reagan, each with his "new federalism," have continually attempted to reform.

### **Beyond the Shadow of the New Deal**

The idea of a first New Federalism fundamentally contradicts models of American federalism premised on the New Deal experience of an

active and relatively powerful executive presiding over an acquiescent Congress while a submissive judiciary declines to intervene. As a result of this lack of fit with dominant models, the first New Federalism has been underplayed, if not ignored in favor of a simpler developmental model.<sup>13</sup>

This lack of historical knowledge rests in part on the nature of the New Deal, and its impact on research on American federalism. The political and societal impact of the policy “big bang” of the New Deal was so great that the first New Federalism was lost in its corona.<sup>14</sup> By the end of the 1940s, because of the ideological and fiscal changes brought about by New Deal federalism, political scientists and others would openly speculate on the irrelevance of the American states.<sup>15</sup> To the extent that researchers gazed beyond the New Deal to the era that preceded it, their focus was on demonstrating that the centralization of the American state that had occurred in the New Deal was the result of a natural, logical progression of forces. Some scholars, such as Daniel Elazar, cast their eyes back into American history to find instances of New Deal-type federalist policy.<sup>16</sup> Critics, however, dismissed these historical examples as simplistic and wrongheaded interpretations of past political and policy developments. For these critics, the federal system that had come into being in the New Deal was *sui generis*; the history of modern federalism began with the New Deal.

It is not surprising, then, that a bifurcated view of American federalism exists, given this analytical legacy. The premodern, dual federalism of limited government is almost always contrasted to modern, cooperative, welfare state federalism. For supporters of the latter, the era of dual federalism is a period of unrelieved weakness of national and state governments, punctuated by instances of corruption and incompetence. Critics of modern welfare state federalism characterize it as an intricate and incoherent administrative structure, supported—or perhaps enabled—by a network of national, state, and local interests solely concerned with a particular policy, rather than a broader public or national interest.

For many observers of American federalism, the source of this incoherence and particularism lies in the emergence of New Deal federalism, and the solutions to these problems point to a return to a simpler dual federal system. The first New Federalism shows that this simple dichotomy with its simple policy answers is wrong. The first New Federalism is the missing, and necessary, link between these two stories of American state development, institutions, and the shaping of public policy.

### Plan of the Book

Reexamining and understanding the first New Federalism helps to lay bare one of the most important and yet least appreciated peculiarities of American political development. The rest of this book expands on the relationship between federalism and the development of the modern American state. Interwoven within these chapters will be a discussion of three policies that are emblematic not only of American policy writ large, but specifically of intergovernmental policy. While these three policies—food and drug regulation, highway construction, and maternal and child health programs—were enacted during the first New Federalism, their legislative and administrative influence persisted decades past their first enactment.

In chapter 1, I present a brief overview of the key ideas, interests, and institutions that shaped the unique environment from which the first New Federalism would emerge. States and the judiciary played key roles in determining the constraints and possibilities that state builders would encounter. While states would offer political arenas to advance new policy innovations, economic competition as well as administrative incapacity would limit the spread and effectiveness of these innovations. The courts sent mixed signals to national state builders about the scope of both state and national governments. New and often contradictory voices spoke out both for and against a stronger national state (as well as a continued dualism). Alongside this struggle over ideas emerged a new organizational society and the reformers, experts, and intergovernmental bureaucrats who helped to shape it.

Chapter 2 explores the intergovernmental policies that form the basis of the first New Federalism. I focus on how dozens of policies and programs, governed by an array of new administrative structures and procedures, combined to create the core of administrative structure and capacity upon which rested the new modern state. I first discuss the scope and structure of these intergovernmental policy instruments (IPIs), across time and across policy areas. I then trace the administrative structures and procedures, such as reporting requirements or funding mechanisms, that developed alongside these intergovernmental policy innovations. I show that these structures allowed for the development of more centralized and strengthened government (at the national and state levels). I then introduce two measures of discretionary power in order to trace the national assertions of power (or state maintenance of power) across time and policy areas, again to determine the contours of the first New Federalism.

Chapter 3 provides the first test of the book's argument, that Congress—with its changing partisan and institutional arrangements—played a key role in the enactment and shaping of intergovernmental policy, and consequently the first New Federalism. Statistical analyses model the impact of representational imperatives and the partisan environment of congressional policymaking, as well as the effects of long-term trends in institutionalization, such as member turnover and legislative staff growth, on the enactment and structure of the first New Federalism. I find that the strength of the Republican Party, mediated by factors such as party cohesion, sectionalism, and divided government, determined if the national government enacted intergovernmental legislation or not, and the degree of power asserted by the national government when intergovernmental policy was enacted. On the whole, Republicans' willingness to enact IPAs varied across policy areas. They were more likely to enact IPAs in the distributive and redistributive policy areas than in other areas. The Republicans were more likely to place power in the hands of the national government. By contrast, Democrats—a largely minority party during the first New Federalism—were more willing to enact intergovernmental policy and to share power with the states.

The second part of the book, chapters 4, 5, and 6, consists of three case studies: food and drug regulation, highway development, and maternal and child health care. These in-depth case studies are designed to provide more textured evidence supporting the analytical distinctiveness of the first New Federalism. By examining three distinctive kinds of policies—regulatory, distributive, and redistributive—broad similarities as well as important differences can be analyzed. The goal of these case studies is to situate the usual Progressive Era story of interest groups, reformers, and bureaucrats not only within a policy-specific, but also an institutionally specific, context—the American federal system and, in particular, Congress.

The final chapter, chapter 7, discusses how the continuities and the disjunctures between the first two new federalism(s) of the twentieth century have affected the modern American federal state, and our understanding of American state development.