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978-1-107-03871-4 - The Particularistic President: Executive Branch Politics and Political Inequality

Douglas L. Kriner and Andrew Reeves

Excerpt

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I

Introduction

More than a century ago, Woodrow Wilson, the only president of the American Political Science Association to become president of the United States, articulated a vision of the chief executive as the only actor in our system capable of representing and serving the interests of the nation as a whole. Contrasting members of Congress who are “representatives of localities” and “voted for only by sections of voters” with presidents who are elected by the nation, Wilson concluded that the presidency “is the representative of no constituency, but of the whole people.” As a result, Wilson argued, when the president “speaks in his true character, he speaks for no special interest. If he rightly interprets the national thought and boldly insists upon it, he is irresistible.”¹

Wilson’s view continues to hold great currency today as scholars, pundits, and presidents themselves tout the office of the presidency as a universalistic counterbalance to Congress, whose members all too often put the interests of their constituents above those of the nation as a whole. While members of Congress are driven to pursue policies that benefit their narrow geographic constituencies, presidents alone take a broader view and pursue policies that maximize the general welfare. The contrasts are often held to be particularly acute in the realm of divide-the-dollar politics. As law professor and Federalist Society cofounder Steven Calabresi describes, the president is “our only constitutional backstop against the redistributive collective action problem.”² Members of Congress seek to “bring home the bacon” to their own constituencies. Presidents take a

¹ Wilson (1908, 67–68).

² Calabresi (1995, 35).

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holistic view and instead seek policies that maximize outcomes for the country at large.

Undoubtedly, presidents do approach policy from a different perspective than do members of Congress, and they are often uniquely positioned to view political challenges through a national lens. But is the presidency really a “constitutional backstop” defending us from parochial policies rife with inefficiencies? We argue no, and throughout the book we show that electoral and partisan incentives combine to encourage presidents to pursue policies across a range of issues that systematically target benefits to politically valuable constituencies.

Presidents do have a national constituency, and voters hold them accountable for national outcomes. But we argue that this logic underlying the universalistic framework is fundamentally flawed. Voters hold presidents accountable for the state of the nation, but as we show in this book, voters also hold presidents responsible for how their local communities fare under presidential policies. Moreover, in an ironic twist reminiscent of Orwell’s *Animal Farm*, the Electoral College ensures that some voters are more equal than others.³ This combination of forces encourages presidents to prioritize the needs of some voters over others. Every four years, presidential candidates devote seemingly endless time, energy, and resources to courting voters, but not all voters. Rather, campaigns focus their efforts like a laser beam on a handful of swing states that will ultimately decide who will be the next president of the United States. The vast majority of the electorate is all but ignored.

But what happens after the last piece of confetti from the inaugural parade has fallen and the job of governing begins? Does the single-minded pursuit of swing state voters affect how presidents behave when they turn to govern the whole nation? Most existing scholarship argues no. We disagree: the compulsion for presidents to court swing state voters does not end when the election is over. Rather, we argue that presidents have a primal desire to secure reelection or to assure their party’s continued hold on the presidency to both defend and reinforce their legacy. This political impulse is so strong that it systematically causes the president to engage in particularistic behavior very much like the reelection-seeking parochialism of which members of Congress are accused.

³ After overthrowing Mr. Jones, the animals issued seven commandments, the last of which read: “All animals are equal.” By book’s end, the seven commandments had been replaced by a single commandment: “All animals are equal, but some animals are more equal than others.”

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Equally important for presidential behavior is the drive to please the partisan base. Reelection is not the only force that causes presidents to deviate from defending the interests of the whole nation. Modern presidents do not stand above the party. Rather, increasingly they are leaders of their political parties with strong ties to core partisan constituencies. Presidents frequently trumpet the need for bipartisanship in Washington and hold themselves up as national figures who can transcend partisan divisions. Barack Obama was not the first, nor will he be the last president to promise that he, or someday she, will bridge the partisan political divides in American politics. Yet despite the rhetoric, in practice presidents are partisan leaders motivated to seek what is best for their partisan base and for their partisan allies across the country. This, in turn, compels presidents to pursue policies that are more responsive to the base of their party than to the needs of the nation as a whole.

As a result, we offer a different conception of the presidency – one that is particularistic. When we say that presidents engage in particularism, we mean that they pursue policies that target public benefits disproportionately toward some political constituencies at the expense of others. As we shall see, presidential particularism can take many forms and serve a variety of objectives related to both electoral and partisan goals. The particularistic president routinely pursues policies that disproportionately benefit a small fraction of his tens of millions of constituents.

What concern is it if presidents favor some constituents over others? We argue that the scope of presidential particularism is vast; consequently, it produces skewed outcomes across a gamut of policy venues. It also has stark implications for the American constitutional framework. The contemporary American political system is more polarized than it has been in more than a century. Budgetary brinkmanship, government shutdowns, debt ceiling defaults, and the repeated failures of political leaders to grapple with the pressing issues of the day have given rise to a widespread belief that the federal government is broken. Trust in government has fallen to new lows, and public confidence in the country's direction has eroded significantly.⁴ To confront this institutional malaise, a growing chorus calls for the delegation of more power to the president as a means of breaking through the dysfunction that has rendered Congress all but incapable of enacting policies that serve the national

⁴ Justin Sink, "Poll: Government trust nears record low," *The Hill*, October 19, 2013. <http://thehill.com/blogs/blog-briefing-room/news/329423-poll-trust-in-government-nears-record-low>.

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interest.⁵ To these critics we urge caution. While the presidency may have institutional advantages over Congress in taking swift action in times of crisis – as Alexander Hamilton argued in *Federalist 70* – there is no guarantee that presidents will use more power to pursue outcomes that will make the nation as a whole better off. Rather, our analysis strongly suggests another outcome: that greater delegation to the executive will replace congressional parochialism with presidential particularism.

1.1 A Tale of Two Obamas

During every administration, presidents pursue different goals. Sometimes they pursue policies as the utilitarian-in-chief with an eye toward maximizing the welfare of as many citizens as possible. In these cases, presidents are not driven by special interests (economic, issue based, geographic, or otherwise) and instead pursue policies that are in the best interests of the nation as a whole. We call this perspective the *universalistic presidency*.⁶ At other times, the president will engage in decidedly particularistic behaviors that disproportionately benefit some voters more than others. Consider, for example, the following two cases from President Barack Obama's first term. In the first, President Obama appears very much the universalistic counterpart to congressional parochialism and inefficiencies, as envisioned by the conventional wisdom. In the second, however, President Obama appears to embrace particularism in ways that patently serve his electoral interests rather than the national interest.

1.1.1 *Mr. Obama Goes to Washington*

Less than two months into his first term as president, Barack Obama found himself at loggerheads with congressional leaders of his own party. The culprit was earmarks, or the line items in an appropriations bill that allocate money for specific projects in a state or district. The 110th Congress and President George W. Bush had never been able to reach agreement on nine appropriations bills to keep the federal government

⁵ Howell and Moe (2013, forthcoming); Kagan (2001); Mann and Ornstein (2013).

⁶ In applying the term *universalistic* to the presidency, we use it in a different way than most of the congressional politics literature. The universalistic president eschews parochialism and instead pursues policies that serve the national interest, rather than the more narrow interests of politically important constituencies. Within the congressional literature, universalism refers to the logrolling process through which all members see benefits in order to build a large legislative coalition (Weingast, 1979).

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funded through fiscal year 2009. As a result, President Obama entered office with a government funded solely by continuing resolutions, or temporary measures that funded the government only in the short term. Without additional action, the federal government would shut down, leaving 2.7 million government employees out of work and suspending many services relied on by millions of citizens.

The administration's first priority upon taking power, however, was to pass an economic stimulus bill to buoy the failing economy, which was in a free fall. While paeans to bipartisanship filled the air in the days immediately following the new president's inauguration, as January turned into February, the prospects for bipartisan accord were fading quickly. Eventually, Obama and Democratic congressional leaders crafted an almost \$800 billion stimulus bill that, despite containing a generous helping of tax cuts along with targeted spending programs, passed both chambers with only three Republican votes.

Having achieved its first major legislative success, the administration could not rest on its laurels. The continuing resolution funding the government expired on March 11, and trouble was brewing in Congress, but this time from the Democratic side of the aisle. During the 2008 campaign, then-Senator Obama had trumpeted his anti-earmark credentials during his two years in the Senate and promised to continue fighting legislative waste as president. In the first presidential debate on September 26, 2008, candidate Obama promised: "We need earmark reform, and when I'm president, I will go line by line to make sure that we are not spending money unwisely."⁷ Although congressional Democrats had modestly reformed the earmark process during the 110th Congress, the version of the omnibus appropriations bill working its way through the Democratically controlled House and Senate was loaded with congressional pork. According to Taxpayers for Common Sense, the final version contained more than 8,500 earmark provisions that totaled \$7.7 billion in proposed spending.

Despite Obama having campaigned in 2008 as a transformational leader who would bridge partisan divides, the administration's failure to secure even a single Republican vote for the stimulus was a harbinger of things to come. The president would need unified support among Democrats for health care reform, the signature initiative of his first term. Indeed in the Senate, where sixty votes were essential to break

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⁷ <http://online.wsj.com/public/resources/documents/TEXTANALYZER>

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a Republican-led filibuster, the administration would likely need every single Democrat to carry the day against a unified Republican opposition. Nevertheless, having railed against earmarks as serving parochial interests at the expense of the national interest, the president confronted members of his own party over the appropriations bill. However, Majority Leader Harry Reid refused to budge even in the face of pressure from a co-partisan president, and admonished his erstwhile junior Senate colleague to respect congressional prerogatives. Reid warned that crusading against earmarks, which were essential to the electoral needs of many members, would grind the legislative process to a halt.

On the other side of the aisle, many Republicans demanded the president veto the omnibus bill. These public cries against pork belied the explosive increase of earmarks under previous Republican Congresses during the Bush era. Moreover, many Republicans, including some calling for Obama to veto the omnibus because of the earmarks, had inserted their own earmarks into the legislation. Indeed, a full 40 percent of earmarked funding was requested by Republican members of Congress.⁸ Rather, Republican demands for a veto were designed to embarrass the president and drive a wedge between Obama and his party.

Ultimately, President Obama backed down and signed the legislation, earmarks intact, into law. Despite losing this round, even as he signed the omnibus bill, Obama announced new guidelines for future earmarks, including greater transparency and a requirement for competitive bids for federal projects. Yet even these commonsense restrictions were met with little enthusiasm on Capitol Hill. For example, while Senate Appropriations Committee Chairman Daniel Inouye voiced basic agreement in principle with the requirement for competitive bids by private corporations for earmarked funds, he insisted that his committee would retain ultimate authority over such appropriations. Similarly, Democratic House Majority Leader Steny Hoyer showed remarkably little deference to his party's president seeking to rein in congressional pork, noting that, when it came to pork, the White house could not "tell us what to do."⁹

1.1.2 As Goes Ohio, So Goes the Nation

The 2009 budget battle aptly illustrates presidential universalism. President Obama battled parochial legislators who were more concerned with

⁸ David Clarke, "Earmarks: Here to stay or facing extinction?" *CQ Weekly*, March 16, 2009, p. 613. Paul Krawzak and Kathleen Hunter, "Work completed on '09 omnibus," *CQ Weekly*, March 16, 2009, p. 612.

⁹ Woodward (2012, 26–27).

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procuring goodies for their own districts than protecting the public purse from waste and abuse. However, in other policy venues, President Obama appeared to engage in his own form of particularistic politics. Consider, for example, President Obama's varied efforts to shower residents of the Buckeye State with federal largesse.

Eight years had passed since the 2004 election, but in 2012 the political situation remained uncannily similar in at least one regard. The election appeared to hinge on Ohio. The incumbent, President Obama, faced a stiff challenge from the Republican nominee, former Massachusetts Governor Mitt Romney. The race was based largely on the president's stewardship of the economy. The country was divided, with most states either clearly blue or plainly red. Ohio again stood poised to play a deciding role in the upcoming election. In 2004, President George W. Bush narrowly won reelection by a 286–251 vote in the Electoral College. Ohio's twenty hotly contested electoral votes provided the slender margin of victory. Although Bush won the national popular vote by more than three million, if 60,000 Ohioans had switched their votes from Bush to John Kerry, the Democratic challenger would have secured the presidency.

In the spring of 2012, President Obama's advisors studied the electoral map and saw a similar scenario unfolding. Most were confident that the president, despite the sluggish economy, would continue to hold New England, the Mid-Atlantic, and the West Coast. A number of Mid-western states, including Michigan, Illinois, Wisconsin, and Minnesota, also seemed likely to end up in the president's column. Holding these states and adding New Mexico, where demographic changes continued to swing the state toward the Democrats, would put Obama at 251 electoral votes. Winning Ohio and its eighteen electoral votes would require Romney to run the table – to hold the Deep South and also carry the battlegrounds of Nevada, Colorado, and Iowa – just to force an Electoral College tie. Whereas President Obama held several paths to 270 without Ohio, a loss in Ohio would all but doom Romney's electoral fortunes.

In contrast to other swing states such as Michigan, Pennsylvania, or Illinois, Ohio had leaned Republican in recent presidential contests. Yet, the Obama campaign liked the odds. This was in large part because of the administration's politically risky bailout of General Motors and Chrysler. As the election year began, the auto bailout was hardly popular nationwide. A February 2012 Gallup poll showed only 44 percent of Americans approving "of the financial bailout for US automakers that were in danger of failing," contrasted with 51 percent disapproving of

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the president's action.¹⁰ But things were different in Ohio. In rescuing the auto industry, the administration had saved more than a million jobs, many of which were located in the counties hugging Ohio's Lake Erie coast. The November election exit polls showed nearly 60 percent of Ohio voters supporting the bailouts, and of those supporters, roughly three-quarters voted to reelect the president.¹¹

Yet, bailing out the automotive industry was not the only gambit made by the Obama administration to benefit Ohio voters. Throughout his first term, the president visited Ohio again and again to take credit for federal grant programs and awards that had created jobs in the Buckeye State. For example, the administration had long championed the development of alternative energy. On one tour of the state, the president highlighted the decision to award federal dollars to Ohio's own Ashlawn Energy, which would expand production of vanadium redox fuel cells thanks to an award from the Department of Energy's Smart Grid Program. In announcing the grant at a small business forum in Cleveland, President Obama also emphasized Ashlawn's commitment to retraining workers from the local community in Painesville, Ohio, for the new jobs that would be created.¹² In all, Ohio companies received more than \$125 million of clean energy grants, nearly four times the national state average. Indeed, President Obama reminded voters of this fact on a 2010 trip through the state, telling the crowd that Ohio had "received more funds than just about anybody in order to build on that clean energy economy... almost \$25 million of our investment went to a plant right here in Elyria that's helping produce the car batteries of the future. That's what we're going to keep on doing for the rest of 2010 and 2011 and 2012, until we've got this country working again."¹³

Other sectors of the Ohio economy would also benefit. When, in March 2012, the president announced plans for the creation of a new network

¹⁰ Gallup/USA Today Poll, February 20–21, 2012, USAIPOUSA2012-TR0220.

¹¹ Keith Lang, "Road to President Obama's win in Ohio paved by support for auto bailout," *The Hill*, November 7, 2012. <http://thehill.com/blogs/transportation-report/automobiles/266691-auto-bailout-paved-the-road-for-obamas-ohio-win->

¹² Barack Obama, "Remarks at the Closing Session of the Winning the Future Forum on Small Business in Cleveland, Ohio," February 22, 2011. Online by Gerhard Peters and John T. Woolley, The American Presidency Project. www.presidency.ucsb.edu/ws/?pid=89477.

¹³ Barack Obama, "Remarks at a Town Hall Meeting and a Question-and-Answer Session in Elyria, Ohio," January 22, 2010. Online by Gerhard Peters and John T. Woolley, The American Presidency Project. <http://www.presidency.ucsb.edu/ws/?pid=87444>.

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of manufacturing centers across the country, the first grant awarded was to a group from Youngstown, Ohio. Similarly, although passenger rail service between Cincinnati and Cleveland had ended more than forty years prior, in 2010 the Obama administration sought to revive this route and others in Ohio through \$400 million of transportation grant funding. Even in terms of Race to the Top education grants, the allocation of which is overseen by independent educators, Ohio emerged a clear winner, securing the fourth-highest grant total of any state.¹⁴

Moreover, in a campaign that would evolve into an argument over which candidate could do more for small businesses, the president was quick to emphasize to Ohio voters how new grants from the Small Business Administration (SBA) would bolster the local economy. After attending a conference on small business creation in Cleveland – the seat of Cuyahoga County, which the president would need to win heavily to carry the state in November – President Obama touted the many ways in which his administration was channeling federal dollars into projects that would benefit the local economy. One grant would bolster the Flex-Matters cluster, which aimed to make Cleveland a global leader in the development and production of flexible electronics. High tech in Ohio was not the only winner, however. Micelli Dairy Products received what was the largest SBA grant awarded to date in an effort to increase its production of ricotta cheese and to expand its product line to include mozzarella and provolone. Obama jovially proclaimed this “one of the tastiest investments the government has ever made” and noted that the grant directly led to the creation of sixty jobs at the Buckeye Road facility in Cleveland.¹⁵ In all, in 2012 the administration approved 2,726 loans for small businesses in Ohio, a figure that well surpassed the totals secured by many states with significantly larger populations.¹⁶

We could present many more illustrations of presidents – Democrats and Republicans alike – pursuing policies that target benefits to key

¹⁴ Jerry Markon and Alice Crites, “Obama showering Ohio with attention and money,” *Washington Post*, September 25, 2012. www.washingtonpost.com/politics/decision-2012/obama-showering-ohio-with-attention-and-money/2012/09/25/8ab15a68-019e-11e2-b260-32f4a8db9b7e_story.html.

¹⁵ Barack Obama, “Remarks at the Closing Session of the Winning the Future Forum on Small Business in Cleveland, Ohio,” February 22, 2011. Online by Gerhard Peters and John T. Woolley, The American Presidency Project. www.presidency.ucsb.edu/ws/?pid=89477.

¹⁶ Jerry Markon and Alice Crites, “Obama showering Ohio with attention and money,” *Washington Post*, September 25, 2012. http://www.washingtonpost.com/politics/decision2012/obama-showering-ohio-with-attention-and-money/2012/09/25/8ab15a68-019e-11e2-b260-32f4a8db9b7e_story.html.

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constituencies for political gain. President Reagan famously backtracked on his free-trade rhetoric to protect the steel industry in key swing states during the lead-up to the 1984 elections. Four years later and despite solid steel profits, George H. W. Bush vowed to renew protectionist measures in pursuit of votes in steel-producing states.¹⁷ In 1996, the *Wall Street Journal* accused Bill Clinton of “playing Santa Claus” to win reelection, for example by awarding \$35 million in seed money for economic development projects with a heavy geographic bias toward swing states and California.¹⁸ And as Pennsylvania voters prepared to head to the polls in 2004, the Bush administration dispatched the Secretary of Energy to the key swing state to announce more than \$100 million worth of energy and clean coal funding; critics charged that Bush was “setting a new standard for preelection pork.”¹⁹

However, such an approach would offer only a limited understanding of the forces driving presidential behavior. Because of the difficulties inherent in generalizing and extrapolating from a handful of cases, which are rarely picked at random, in the chapters that follow we analyze a comprehensive array of data to test whether the universalistic or particularistic paradigm best fits presidential politics. Through this data, we endeavor to show that the preceding case of President Obama consciously targeting federal resources to the pivotal battleground state of Ohio is not the exception that proves the rule, but rather the norm in contemporary politics. Presidents routinely pursue policies that disproportionately benefit their core partisan base and electorally pivotal swing constituencies. Moreover, patterns in the extent to which presidents engage in core and swing constituency targeting vary systematically with the electoral cycle. Presidents consistently pursue policies that benefit core partisan constituencies over parts of the country that back the opposition throughout their term in office. However, as the next election draws near, presidents increasingly target policy benefits toward swing constituencies as well.

The image of the president as a universalistic counterbalance to the rampant particularism of Congress is so deeply embedded in our national consciousness that we often accept it on blind faith. Yet this vision is not

¹⁷ “The high cost of steel quotas,” *Chicago Tribune*, February 19, 1989, <http://articles.chicagotribune.com/1989-02-19/news/890306095111-steel-quotas-steel-industry-subsidized-foreign-steel>.

¹⁸ Michael Frisby, “Despite funding cuts, Clinton manages to use power of the purse to get votes,” *Wall Street Journal*, October 10, 1996, A20.

¹⁹ Michael Dobbs, “Run-up to vote is season for U.S. largesse,” *Washington Post*, October 28, 2004, A23.