

**Advanced Institute, Winter 2013**  
**THE TRANSFORMATION OF AMERICAN GOVERNMENT**  
**Instructor: Christopher DeMuth**  
**Washington, D.C.**

Today's front-burner domestic policy debates reflect three fundamental changes in American government that have been in train for several decades and have accelerated dramatically in recent years:

- The decline of Congress as a representative legislature, and the assumption of broad lawmaking powers by the Executive Branch (both the President and the numerous administrative and regulatory agencies) and Federal Reserve.
- Routine deficit spending and growing government debt, accompanied by government promotion of private borrowing for such things as home mortgages and college tuition.
- The shift of federal spending from traditional public goods (e.g., national defense, courts, and transportation infrastructure) to transfer payments to individuals (e.g., Social Security, Medicare, and other "entitlements," and narrower programs from welfare to farm subsidies).

This course will examine the causes of these developments; their consequences for political debate, policymaking, and public welfare; and the prospects for institutional reform.

---

**Wednesday, February 6, 2013, 7:00 pm to 10:00 pm**

---

***Political Change and Legislative Decline***

Reading:

- James Q. Wilson, "American Politics: Then & Now," *Commentary* (February 1979), reprinted in James Q. Wilson, *American Politics, Then & Now and Other Essays* (2010)
- James Q. Wilson, John J. Dilulio, Jr., and Meena Bose, *American Government: Institutions and Politics* (13<sup>th</sup> ed., 2013), Ch. 22, "Who Governs? To What Ends?"
- Thomas E. Mann and Norman J. Ornstein, *The Broken Branch: How Congress is Failing America and How to Get It Back on Track* (2008), Ch. 5, "Institutional Decline"

Discussion Questions:

1. How, according to our authors, has American politics changed during the past several decades? Do the authors give satisfactory accounts of the causes of those changes? Has politics become more or less "democratic"?
2. What have been the consequences of political change for the structure and output of government? Is "institutional decline" a congressional problem or a broader phenomenon?
3. Is the representative legislature obsolete? Might it be restored—and, if so, would that be desirable?

---

**Wednesday, February 13, 2013, 7:00 pm to 10:00 pm**

---

## **Executive Supremacy**

### Reading:

- Eric A. Posner and Adrian Vermeule, *The Executive Unbound: After the Madisonian Republic*, Introduction and Ch. 1, "The Constitutional Framework"
- Christopher DeMuth, "Our Regulatory State," (a version of this essay appeared under the title "The Regulatory State" in *National Affairs* 12, Summer 2012)

### Discussion Questions:

1. Is "executive supremacy" a mirror image of "legislative decline," or does it have independent sources?
2. What are the advantages and disadvantages of direct lawmaking by the President and executive agencies? Are these primarily legal, political, or economic?
3. Are the controversies over executive lawmaking likely to outlast the Obama administration and the debates over Obamacare implementation?

---

**Wednesday, February 27, 2013, 7:00 pm to 10:00 pm**

---

## **Executive Consolidation and Unilateral Taxation**

### Reading:

- Michael S. Greve, "The State of our Federalism," October 2011.
- U.S. Supreme Court, *National Federation of Independent Businesses vs. Sebelius*, 567 U.S. \_\_\_\_ (June 28, 2012) (excerpt).
- U.S. Supreme Court, *National Cable Television Association vs. United States*, 414 U.S. 336 (1974).
- U.S. Court of Appeals, Fifth Circuit, *Texas Office of Public Utility Counsel vs. Federal Communications Commission* 183 F.3d 393 (1999) (excerpt).
- The FCC Universal Service Tax (descriptions and data)
- The PCAOB Self-Funding Tax (descriptions and data)

---

**Wednesday, March 6, 2013, 7:00 pm to 10:00 pm**

---

## **Debt and Democracy**

### Reading:

- John J. Dilulio, Jr., "Facing Up to Big Government," *National Affairs* 11 (Spring 2012)
- George P. Shultz, et al., "The Magnitude of the Mess We're In," *Wall Street Journal*, September 16, 2012
- Christopher DeMuth, "The Real Cliff," *The Weekly Standard*, December 24, 2012

- John F. Cogan, “Federal Budget,” *The Concise Encyclopedia of Economics*, 1991
- Henry J. Aaron, “Where is the Urgency on the Debt Ceiling?” *Yahoo Finance*, January 9, 2013

Discussion Questions:

1. How has the nature of the debt problem changed over American history? Does “big government” require “big debt”? Is the debt a partisan issue where the interests of political liberals and conservatives conflict?
2. How is today’s high government debt related to the issues discussed in previous sessions—political change, legislative decline, and executive supremacy?
3. If the major entitlement programs such as Social Security and Medicare are running surpluses (with annual program revenues exceeding expenditures), how can they be said to be an important part of the debt problem?

---

**Wednesday, March 13, 2013, 7:00 pm to 10:00 pm**

---

**Debt by Regulation: The Financial Crisis of 2008**

Reading:

- Christopher DeMuth, *Government Regulation and the Financial Crisis of 2008* (2012)
- Financial Crisis Inquiry Commission, *Final Report* (Preface and Conclusions) and *Dissenting Statement of Peter J. Wallison* (Introduction and Summary)
- David Skeel, “A Nation Adrift from the Rule of Law,” *Wall Street Journal*, August 21, 2012
- C. Boyden Gray and Jim R. Purcell, “Why Dodd-Frank is Unconstitutional,” *Wall Street Journal*, June 21, 2012

Discussion Questions:

1. In what respects was the financial crisis of 2008 a result of the political and institutional transformations examined in previous sessions? Has the crisis and its aftermath accentuated those transformations?
2. Would greater checks and balances between Congress and the President make it easier or harder to respond to future financial crises?