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MIMICKING WAR
HOW PRESIDENTS COORDINATE
THE AMERICAN STATE

Desmond King

No. 74

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***Mimicking War:
How Presidents Coordinate the American State***

ABSTRACT

'Mimicking war', that is declaring war on some undesirable phenomenon - such as crime, poverty, illegal drugs, illegal immigration, terrorism and so forth - is a recurring strategy employed by White House incumbents from the beginning of the twentieth century. This paper examines the strategy and argues that the appeal to presidents of such war like exhortations are threefold. First, they provide a means by which the political executive can overcome the great problem of American governance - separated powers. Mimicking war, that is declaring a particular problem 'public enemy number one' constitutes a means of inducing coordinated government expansion. Second, mimicking war is a means of signalling a singular priority to bureaucrats and key policy makers thereby effecting a reallocation of scarce public resources to the new priority. Last, the strategy enables a president to set a political agenda and to justify the expansion of national standards of government in a political culture inherently hostile to federal governmental activity.

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MIMICKING WAR:

HOW PRESIDENTS COORDINATE THE AMERICAN STATE

The exercise of American State power is a triumph of coordination. The US's constitutional design is intended to thwart centralized national authority except in circumstances of *extremis*. But a cursory glance at federal government activity exposes levels of taxing, spending and governing far in excess of anything implied by a model of limited government. Especially since the middle of the twentieth century since what one political scientist terms the 'reconfiguration' of federal activism has given Americans a modern State easily comparable to any advanced democracy.¹ This remarkable development can be explained by the way in which modern executives employ rhetorical and material strategies to induce coordinated government expansion.

'Coordinated government expansion' describes how politicians and appointed members of the American State, presidents, congress members and senior civil servants, employ political authority for national priorities and thereby to enable government intervention.

Two anecdotes help convey what co-ordination achieves for the American State.

Smarting from the failure to pass his anti-lynching bills in the House, on April 26 1935, the first elected African American Congressman Arthur W. Mitchell took an overnight train from Chicago to Hot Springs Arkansas for a well-earned rest. In Memphis Mitchell changed trains to board the overnigher. Within minutes his trip – and American national policy reversed direction: The conductor immediately alighted upon this only non-white passenger in a first-class Pullman coach. Despite Mitchell's status and that he had paid the first class surcharge, the conductor Albert Jones unceremoniously ejected Mitchell from first class and forced him into the 'Jim Crow' carriage - bereft of wash basins, soap, towels, running water or air conditioning - verbally abusing Congressman Mitchell with racist slurs and threatening him with arrest for violating the whites-only rule of segregated train transportation: "as long as you are a nigger you can't ride in this car." ”²

Instead of defending the principle of non-discrimination, America's first regulatory agency - established in 1887 - the Interstate Commerce Commission acceded in the enforcement of the repellent segregationist system. The Commission sided with the Illinois Central and Rock Island railroads against Congressman Mitchell, who had brought

¹ Paul Pierson & Theda Skocpol eds. *The Transformation of American Politics* (Princeton NJ: Princeton University Press, 2007)..

² Quoted in Dennis S. Nordin, *The New Deal's Black Congressman*, (Columbia MO: University of Missouri Press, 1997) p250.

forth the complaint. Already a prominent public figure, Mitchell's mistreatment garnered wide coverage in the country's black press.

Six years later, on April 28 1941, the US Supreme Court found, in a case brought by the Congressman, that Mitchell had been discriminated against and that in privileging state law over inter-state regulation the ICC had failed to enforce the terms of the Interstate Commerce Act guaranteeing equal treatment, a national standard of treatment. Rejecting the ICC's opinion that Mitchell lacked a right of appeal, the Supreme Court's justices unanimously declared that, "He is an American citizen free to travel, and he is entitled to go by this particular route whenever he chooses to take it and in that event to have facilities for his journey without any discrimination against which the Interstate Commerce Act forbids."³ The Court furthermore found that Mitchell had endured discrimination which the ICC should have prevented if this federal agency had enforced national standards appropriately: "having paid a first-class fare for the entire journey from Chicago to Hot Springs, and having offered to pay the proper charge for a seat which was available in the Pullman car for the trip from Memphis to Hot Springs, he was compelled, *in accordance with custom*, to leave that car and ride in a second-class car and was thus denied the standard conveniences and privileges afforded to first-class passengers. This was manifestly a discrimination against him in the course of his interstate journey and admittedly that discrimination was based solely upon the fact that he was a Negro."⁴

Mitchell's miserable experience (and his is an instance of what countless other American citizens endured) shows how failure to coordinate across parts of the national American State permitted gross discrimination.

Now let's fast forward to 2005. Speaking to the nation from a Hurricane Katrina devastated New Orleans President George W. Bush declaimed: the crisis demands "greater federal authority and a broader role for the armed forces" in American society. With the backdrop of broken levees, flooding, disorganized evacuations, deaths, widespread poverty and a perilous social order, President Bush pledged a national scale of response, coordinated by the federal Departments of Homeland Security and of Health and Human Services. "Throughout the area hit by the hurricane, we will do what it takes, we will stay as long as it takes," the president announced. Responding to the scenes of human misery and despair broadcast across the nation, particularly of African Americans in New Orleans, Bush recognized that the "deep, persistent poverty in this region.. has roots in a history of racial discrimination, which cut off generations from the opportunity of America." He added: "let us rise above the legacy of inequality." The President promised "federal funds" to cover the great majority of the costs of "repairing public

³ *Mitchell v. United States et al*, 313 US 80 (1941) p93.

⁴ *Mitchell v. United States et al*, 313 US 80 (1941) p94, emphasis added.

infrastructure.. from roads and bridges to schools and water systems.” He pledged an Urban Homesteading Act to fund new housing stock, built on land owned by the federal government.⁵

Bush’s sentiments were not merely solipsistic. His aspirations convey a feature of modern American politics: in times of national crisis citizens look to Washington, the American State’s political center, for authoritative governing responses to alleviate suffering and equalize membership in the American nation. The National State or federal government matters profoundly in resolving such episodes. From this perspective, the racist travails⁶ of Congressman Arthur Mitchell in a segregated “filthy and foul smelling” train coach in Tennessee in April 1935 is a powerful illustration of why American politics nationalized.⁷ Mitchell’s unwillingness to sit in these conditions had consequences beyond his individual privations. By compelling the Court to rebuke the ICC and railroad companies for failing to uphold his rights of citizenship, Mitchell’s protests showed one important way in which for America to democratize national standards had to develop in a constitutional setting intentionally designed to thwart and limit national authority. Such a development turned on both capacity and ideology.

State Resources and State Values

President Bush’s speech evoked the American State as *a set of federal resources* available to the executive after a crisis, an executive given the opportunity to centralize in response to crisis. Bush’s response tapped public expectations, formed historically and commonly during crises, about the American State’s role in ensuring national standards in public policy: this mantra expanded from the Progressive and New Deal eras through wartime mobilization, and the civil rights revolution to the war on terrorism. Usually, expansion of the American State follows crisis. This is when party leaders and politicians respond to public opinion about the urgency of a centralized intervention.

⁵ George W. Bush, “Address to the Nation on Hurricane Katrina Recovery From New Orleans, Louisiana,” September 15, 2005, *Weekly Compilation of Presidential Documents, Administration of George W. Bush, 2005*, 1408.

⁶ Segregation was upheld by the Supreme Court in 1896 (and overturned in 1954). For an important account of the origins segregated practice, see Barbara Y. Welke “When All the Women Were White, and All the Blacks Were Men: Gender, Class, Race, and the Road to Plessy, 1855-1914,” *Law and History Review* 13 (1995): 261-316; and Welke’s *Recasting American liberty: gender, race, law, and the railroad revolution, 1865-1920* (2001). Welke in particular underlines how Jim Crow segregation originated from the unexpected racial consequences of segregation by sex.

⁷ William M Lurch *The Nationalization of American Politics* (University of California Press, 1987); and see F E Gonzalez and Desmond King “The State and Democratization: The US in Comparative Perspective,” *British Journal of Political Science* 34 (2004).

But President Bush's response opens up some deeper aspects of American politics and issues about the sources of federal government activity. It conveys a sense of the *normative values* attaching to the American State, values often contested and challenged but nonetheless present in everyday politics.⁸ Since the United States of America, like all polities, embodies certain principles⁹ – in this case, quite grand ones about individual freedom and equal rights – some institutional mechanism to establish and enforce these values and principles has developed. It was precisely to these normative values that Congressman Mitchell asserted his rights not to be treated differently through segregation in a polity with a single federal jurisdiction.

Thus the relationship between the modern American State as a set of institutional resources and the American State as an idealized set of values is intimate and intricate. Bush's comments help understand the nature of this connection. They illuminate two key ways in which the relationship is secured. First, his response to the catastrophe wrung upon New Orleans is quasi militaristic – he wants to orchestrate a national response of 'war like' planning possibly employing the "armed forces," as a means to conquer the devastation rained down on the city. Second, the specific miseries he highlights – the endurance of terrible poverty amongst some of the city's African Americans – is measured by its failure to conform with normal standards of opportunity and prosperity which American citizens should expect.

Why do the twin themes of war making and national standardization symbolize the American State for presidents such as George W Bush?

Mimicking War to Standardize America

Mimicking warfare at home galvanizes and renews national administration. It sets a highly focused agenda for national amelioration. The international expression of US military power is familiar. The use of such language and institutions in domestic policy is less well considered. Yet the language of 'wars on' is a recurring one in modern

⁸ And see John D Skrentny "Law and the American State," *Annual Review of Sociology* 32 (2006) 213-44, Gary G Hamilton and John R Sutton "The problem of control in the weak state: Domination in the United States 1880-1920" *Theory and Society* 18 (1989) 1-46, William A Tobin "Studying Society: The Making of 'Recent Social Trends in the United States, 1929-1933'" *Theory and Society* 24 (1995) 537-565, and John A Rohr *To Run a Constitution: The Legitimacy of the Administrative State* (Lawrence: University Press of Kansas, 1986). From a previous era see Dwight Waldo *The Administrative State* (New York: Ronald Press, 1948).

⁹ For an important engagement with America's foundational concepts see the essay by Ceaser and commentaries in James W. Ceaser *Nature and History in American Political Development* (Cambridge: Harvard University Press, 2006). Ceaser's 'foundational concepts' are distinct from but not unrelated to normative values in that shifting views about these concepts (such as nature or natural rights) will trickle into the normative order upon which the rule of law and state power ultimately rests.

American politics, proclaimed in initiatives against poverty, illegal drugs, terrorism, and welfare scroungers to give a few examples. Moreover, it is a bipartisan piety. Franklin Roosevelt mobilized to defeat the fear of fear, Richard Nixon told Americans that illegal drugs posed “public enemy number one” while Lyndon Johnson went after poverty and Ronald Reagan came down on illegal drug use and culture.

Mimicking war has compelling political appeal to American presidents. Such a strategy and its correlate language galvanises a citizenry normally divided from each other by numerous conflicting interests around a common focused adversary.¹⁰ ‘War’ signals the sense of febrile fear and unleashes the extreme circumstances any excoriating campaign necessitates. It concentrates attention on the political centre and justifies significant decisions about how to allocate and spend money. It empowers an executive in a polity whose fiscal constraints are constantly challenged,¹¹ and in which the struggle between federal and state interests is dynamic and nonlinear.

Americans’ openness to martinet invocations of war like threats to security and dangers at home have been tested and found responsive throughout the twentieth century: wars against disease (the killer flu in 1919, Aids in the 1980s), legal and illegal immigrants (the 1920s and 1990s, 2000s), wars against illegal drugs, against poverty, against crime, against inflation, against black separatism, terrorism, communism at home, racism, natural catastrophes and many other adversaries have supported myriad political concatenations engineered mostly by White House incumbents.

George W Bush’s delayed response to the effects of Katrina in Louisiana’s famous city followed this tradition. Just as he declared a war on terrorism after the notorious Al Qaeda attacks on New York City and the Pentagon in September 2001, so the devastation unfurled by this natural catastrophe in the states of Louisiana and Mississippi drew a ‘war against’ type proclamation aimed at restoring social and economic order, acknowledging enduring problems exposed by the hurricane’s impact, and demonstrating a capacity of the American State’s national governing institutions to mobilize effectively. How this tradition fits with our understanding of American politics deserves attention.

¹⁰ The level of partisan polarization is now very high according to recent scholarship: see chapters 8-10 in Paul Pierson and Theda Skocpol eds. *The Transformation of American Politics* (PUP, 2007), Nolan McCarty, Keith T Poole and Howard Rosenthal *Polarized America* (Cambridge: MIT Press, 2006), Jacob Hacker and Paul Pierson *Off-Center* (New Haven: Yale University Press, 2005), Annenberg Democracy Project, *A Republic Divided* (New York: Oxford University Press, 2007) chs 5,6,7.

¹¹ Julian E Zelizer “The Uneasy Relationship: Democracy, Taxation, and State Building since the New Deal,” in Meg Jacobs, William J Novak and Julian E Zelizer eds. *The Democratic Experiment* (Princeton UP, 2003); and W. Elliot Brownlee ed. *Funding the modern American state, 1941-1995* (Cambridge: Cambridge University Press, 1996).

Standardization provides an ideology to legitimate the sort of American State activity and institutional expansion promised by presidents in their ‘war making’ initiatives.¹² To persuade a citizenry hostile to national government and to overcome the limits of a constitutionally weak political centre, the political executive cites the importance of fulfilling national standards. Such a strategy of legitimation¹³ is a basis upon which executives can demonstrate the capacity of the American State to deal with crises and to endure despite comparatively weak powers of central authority.¹⁴ It is this efficacious spirit of executive leadership and national capacity which Hillary Clinton evoked in her campaign observations about Lyndon Johnson’s achievement of the civil rights aspirations mobilized by Martin Luther King Jr: “Dr King’s dream began to be realized when President Lyndon Johnson passed the Civil Rights Act. It took a President to get it done.” In other words, Presidents can on occasions orchestrate resources and values into a common purpose but need to find a cogent means and ideological end to package the plan.

Standards¹⁵, in a democracy, promise order defined from agreed, often *de jure*, documents or statements, for example the sorts of rights of citizenship laid out in the US’s Constitution. (A standard differs from a norm by its formality.) They can be violated and in some instances *de facto* practice can set a standard, sometimes dangerously incomplete. Such democratic standards are frequently the product of political conflicts and shifting balance of power between political actors, vulnerable to reversal and almost constantly contested. The element of contestation was captured in Franklin D Roosevelt’s anxious observation mid way through his presidency that his New Deal public policies were vulnerable to future reversal: “a social or an economic gain made by one Administration., may and often does evaporate into thin air under the next Administration.”¹⁶ The contested character of standards for a social right helps explain the role of the Supreme Court as an institution which presidents aim to influence. And contestation is not simply a function of shifting national administrations: it is constant in national-

¹² For discussions of standardization see Olivier Borraz “Governing Standards: The Rise of Standardization Processes in France and in the EU” *Governance* 20 (2007) 57-84, and Christopher Hood *The Tools of Government* (London: Macmillan, 1983).

¹³ Skowronek.

¹⁴ Stephen Skowronek *Building a New American State* (CUP,1982); Kimberley S. Johnson, *Governing the American State: Congress and the New Federalism, 1877-1929* (Princeton University Press, 2007).

¹⁵ Differentiate from norms.

¹⁶ Speaking on the radio in November 1938, quoted in David M Kennedy *Freedom from Fear*, (New York: OUP, 1999) p323.

local relations, with ardent defenders of states' rights alert to an agenda of weakening the American State.¹⁷

The national response to a crisis such as war or national security is a process of standard setting inherently creative and responsive to changing circumstances. America's Progressive era intellectuals such as Herbert Croly, Walter Weyl and the scientist of management Frederick Taylor advocated the introduction of general principles and techniques of efficiency and rationality into government as an imperative to modernize the state; centralization of the executive government to suffuse its officeholders with general technical skills would result in improved law making and administration. In other words, standard setting was a consequence of *process* reform and for advocates of such a change, less was said about the content of those standards.¹⁸ Having accepted the principle of efficiency, political leaders can define how that is set at critical junctures in political development.

Standards incorporate normative values as expressed in legislation, judicial rulings or administrative decisions, elements which in combination become "seeing like a state."¹⁹ It is this expression of national values which explains the development of centralized standards in a federal system such as the United States whose citizens equally value decentralized and community beliefs: without the national values, the excesses of localism dominate, as they have to adverse effect in significant periods of American history.

MIMICKING WARFARE

As an aid to capturing and convulsing the public imagination the idea of 'being at war against' has several merits. The president has exceptional powers of authority, formal and implied, during war. These powers are most explicit during a foreign war (and at home commonly invite a dramatic centralization of resources and bureaucratic capacity, though this may not equate with durability as we know from implementation studies²⁰). When the language of war is introduced in domestic policy the dramatic imagery this description evokes, principally the vision of mass mobilization against a defined enemy, is also projected. Institutionally the idea of war mobilization advantages the presidency's keen-ness to advance and centralize power in a fragmented polity, whose constitutional design divides power horizontally across the branches of government and vertically through federalism. Even notionally 'small government' presidents such as

¹⁷ See John H. Mollenkopf, *The Contested City* (Princeton UP, 1983).

¹⁸ John M. Jordan, *Machine-Age Ideology: Social Engineering and American Liberalism, 1911-1939*, (U of NC P, 1994).

¹⁹ Scott, *.Seeing Like a State*.

²⁰ Classically examined by Jeffrey L Pressman and Aaron B. Wildavsky, *Implementation* (Berkeley: University of California Press, 1973/1984).

George W Bush now use national power extensively and expansively. The language of war mobilization is not just a rhetorical tool deployed by presidents²¹ but an opportunity for the executive to overcome fragmentation.

Declaring a domestic sore as the enemy, such as illegal drugs, or an aspired amelioration as an end in public policy, such as the eradication of poverty enables a President to signal a decisive priority. It exploits his power of agency. Employed sparingly and carefully the signal is a tool of presidential government, focusing attention and mobilizing resources around an agenda of irrefragable intent. Identifying and pursuing an inviolable end facilitates and fosters subordinates to co-ordinate across horizontal and vertical branches of government and signals opportunities to other actors.

Militarism

Militaristic aspects of US political culture accommodate the idea of a nation at war domestically and abroad. The nation's foundation was violent and the Constitution agreed in Philadelphia institutionalized the right of its citizens to bear arms. The first century of nation hood included a long drawn out and vicious internal war against Native Americans and a fissiparous civil war with its own lengthy violent aftermath of roving gangsters and (over romanticized) outlaws.²² The system of *de facto* and *de jure* segregation against African Americans was hardly absent of militaristic symbolism and its maintenance rested on violence.²³ Ending the nineteenth century with European style imperialism in the Spanish-American war marked a transition to a twentieth century in which American military might came to define the global world order. This militarism was not merely international. Domestic ramifications unfolded throughout the century from the improbable concentration of administrative power during the First World War,²⁴ a propensity hugely exaggerated during the much more mobilized nation of world war two, bureaucratic expansions which themselves proved preparation for a vast Pentagon based military and intelligence complex entangled into all parts of American society during the Cold War. President Eisenhower famously characterised this apparatus as the military-industrial complex, observing of this “conjunction of an immense military establishment” was novel in “the American experience. The total influence – economic, political, even spiritual – is felt in every city, every State house, every office of the Federal government.”²⁵ The first two decade after 1945 had harsh expressions of the danger of

²¹ Jeffrey K Tulis *The Rhetorical President* (Princeton: Princeton University Press, 1987).

²² Nicholas Lemann *Redemption* (New York: Farrar, Straus and Giroux, 2006).

²³ Desmond King and Stephen Tuck “De-Centring the South: America’s Nationwide White Supremacy Order after Reconstruction,” *Past and Present* no 194 (2007) 213-53.

²⁴ David M. Kennedy, *Over Here: The First World War and American Society* (New York: OUP 1980/2004) ch 2.

²⁵ Speech in 1961 as he de-mitted office; the President went on to warn about the potential dangers of this influence.

the Cold War turning hot, reflected in such domestic measures as the construction of a national highway system for efficient movement of military weaponry, the development of dispersal population policies in large urban areas,²⁶ and the initiation of school children into the mores of hiding from nuclear attack,²⁷ though of course with some in the American State promoting racially segregated bomb shelters.²⁸

As in all other American political development affairs the Progressives can be found echoing some of these militaristic themes. Progressives were influenced by William James' essay in 1906 on "The Moral Equivalent of War," in which he expounded on the parallels between war planning and organization and nation building. Both Randolph Bourne and John Dewey advocated universal military service.²⁹ These examples underline how explicit the connection between mimicking war and state-building has been in the US at certain key moments.

Subtle and nuanced expressions of militarism evolved in tandem with these explicit war footing measures.³⁰ The Senate's Committee on UnAmerican Activities, under its notorious chairman Joseph McCarthy, carried the war against subversion and communism into the geographically defined nation shaking down Hollywood and other media of communication. The Committee searched deeply within the federal government to unearth communist protagonists. The debacle of the Vietnam War complicated America's militarism in multiple ways. Drafted soldiers returned to protests and anti-militarism, inducing invidious legacies. These draftees were themselves drawn disproportionately from those Americans, including African Americans, less skilled in winning deferments through education or family responsibilities. And the Armed Forces – in its various branches including the National Guard and state troopers - were a powerful presence in US society through the 1950s, 1960s and 1970s called on to protect Black American children judicially entitled after 1954 to enter integrated schools, to restore public order in those impoverished urban centres which erupted into flames and mayhem in the 1960s,³¹ and to hold back white opponents of the Supreme Court designated busing programs in the 1970s.³² The end of the Cold War gave Americans only a putative breather from the salience of military preparedness, quickly pushed aside with

²⁶ Jennifer S Light *From Warfare to Welfare* (Baltimore: Johns Hopkins University Press, 2003).

²⁷ Andrew D. Grossman, *Neither Red Nor Dead: Civilian Defense and American Political Development during the Cold War*.(New York: Routledge, 2001).

²⁸ Andrew D Grossman "Segregationist Liberalism: The NAACP and Resistance to Civil-Defense Planning in the Early Cold War, 1951-53" *International Journal of Politics, Culture and Society* 13 (2000).

²⁹ Robert B Westbrook *John Dewey and American Democracy* (Ithaca: Cornell University Press, 1991).

³⁰ Andrew Bacevich *The New American Militarism* (New York: Oxford University Press 2007).

³¹ National Advisory Commission on Civil Disorders (the Kerner Report)1967.

³² Ronald P. Formisano *Boston Against Busing*.(Chapel Hill: University of North Carolina 1991/2004).

an unwanted ‘war’ against extremist terrorism and a potentially unctuous Americanism flamed by an expansive global anti-Americanism.³³

Asserting the significance of militarism for US politics and American society is not without precedent. One historian, Michael Sherry, devotes a substantial book to the subject, examining how militarization inflected upon public policy.³⁴ His thesis is grander than mine however, since he finds militarization in every aspect of foreign and domestic policy. I think it more prudent to interpret the mimicking war strategy as just that: a strategy available to executives, selected in definable circumstances to achieve particular ends.

Religiosity³⁵

The appeal of war resonates with religious values, imagery and language. The US is a profoundly religious society and polity.³⁶ An apparently constitutionally adamant separation of church and state sets an enduring barrier against the pursuit or institutionalization of theocratic tendencies.³⁷ But religious images and language permeate politics, stemming from John Winthrop’s famous “the city on a hill” image in 1630 represented by the US as a new nation, repackaged by Ronald Reagan as “a shining city upon a hill whose beacon light guides freedom-loving people everywhere.” The founding documents, the Declaration of Independence and the Constitution puts the nation under the aegis of God. Opponents and proponents of slavery both cited biblical endorsement. The anti slavery agitator John Brown had a religious calling. President Abraham Lincoln marshalled tentacular Christian beliefs in his crusade against the South’s defense of slavery. His Confederate enemies were equally keen to flaunt their biblical certainty and fundamentalism, with such murderous outlaws as Jesse and Frank James steeped in biblical justifications imbibed from their Baptist clergy father. In the twentieth century, professed and expressed religiosity amongst political leaders has steadily mounted. In 1957 the phrase “In God We Trust” was added to the paper currency, an aphorism inscribed on all coins since 1864. The organization of religious activity, peaking with the evangelical Christian Right and Moral Majority led by Jerry Falwell, permeates across

³³ Imperial presidency ref. and note War Powers Act.

³⁴ Michael S. Sherry, *In the Shadow of War: The United States since the 1930s* (New Haven: Yale University Press, 1995).

³⁵ Check James A Morone *Hellfire Nation* (New Have: Yale UP, 2003).

³⁶ John Micklethwait and Adrian Wooldrige *The Right Nation: Conservative Power in America* (New York: Penguin, 2004).

³⁷ This separation is not complete however as there are many exemptions including tax exemptions enjoyed by religious organizations, many of which incur controversy. Nonetheless some politicians and commentators have complained about a ‘war on religion’ such is the discrimination experienced by religious organizations.

the political spectrum from prayer breakfast meetings to positions on abortion, same sex unions and the family: where President Ronald Reagan cited God but engaged in religious practices gingerly and discreetly now presidents Bill Clinton and George W Bush (a born-again Christian), proclaim their avowed Christianity and enthusiasm for the Christian-Judacism tradition as a source of inspiration and guidance. President Bush is born again and in the competition for the nominations in 2008, GOP hopeful former Arkansas Governor Mike Huckabee is a Baptist minister who rejects Darwinian evolutionary theory. These leaders all recognize the growth of religious belief in the American citizenry and the organized power of Christian religious groups. Unusually in the US this religious avowedness is not racially partial: African American churches share a powerful presence with white churches in American society and Latino immigrants assimilate rapidly into existing organized religion especially Catholicism. The Reverend Jesse Jackson is as religious an American leader as Bill Clinton or George W Bush.

This intoxicating and politically ubiquitous religiosity³⁸ is friendly to war and war as a metaphor.³⁹ Religious leaders do not deliberately *canvas* war mobilization; (and reference to religion should acknowledge the heterogeneity of this grouping, many of whose practitioners value and embrace tolerance over conflict). But once mobilized the ideas of terminating a feared foe – whether it be a foreign enemy or a miasma at home – sits well with notions of ‘onward Christian soldiers’, ‘born again’ second chances, and acceptance of God as an enlightened influence in decision or policy making. Former German Chancellor Gerhard Schroder reported in his memoirs how often President Bush cited God and prayer in their meetings and in his political decisions.⁴⁰ And many of the elixirs against which war has been declared at home – illegal drugs, crime, poverty, racism – are also enemies of a religiously good life and *beau monde*. Religious belief injects the notion of sacrifice into politics: a just cause or right policy should be pursued with full commitment and redemption. This quality can be relied upon in domestic and foreign policy.

The support of religious leaders and regular churchgoers for war is dormant: it can be activated but is rarely an initiator. Other forces in US society have more direct interest to call upon or to join in moving to a war type footing. For federal government officials, domestic wars are resource rich opportunities since wars require funding and institutional consolidation such as planning and administrative focus. These expansions often become permanent, empowering the executive in future circumstances to mobilize

³⁸ The Pew Research Center reports that among Americans 70%, polled in 2007, agreed that the most important quality in a president was to “hold strong religious beliefs” comparable to results of public opinion in 2000 and 2004.

³⁹ Need reference to muscular Christianity, Niebuhr, MLK.

⁴⁰ Gerhard Schroder, *Decisions: My Life in Politics*, 2006.

institutional resources within the American State. The potential of war like attacks on major social or economic problems embolden social movements to look to the American State as possessing powers and resources to address their concerns. The Progressive movement initiated this trend and the record of the civil rights movement to achieve voting rights through Department of Justice enforcement affirms the profit of this strategy. Beyond social movements groups as diverse as think tank and university intellectuals, officials working in state and municipal administration, parts of the media and political parties all have some interest in a ‘war as metaphor’ type mobilizations aimed at entrenching and strengthening the American State.

Militarism and religiosity were intertwined throughout the nineteenth century’s internal conflicts with Native Americans. Bringing Christianity to the ‘savage’ Indians was a pivotal part of the crusade and for the missionaries later established on Native American reservations a core purpose.

Culture

Popular culture is notoriously difficult to conceptualize and the measurement of its impact on politics is inherently imprecise. It is both a dependent and independent variable, a reflection of material forces and distinct institutional incentives which then also exercises influences on this factors contributing to their reproduction over time. A strong military helps sustain a popular cultural interest in militarism and violence but those cultural investigations themselves help maintain, if only languidly, interest in militarism’s presence and effects. Cultural commodities are thus more than artistic artefacts.⁴¹ Despite this challenge political scientists such as Berkeley’s Michael Rogin have demonstrated the pervasiveness and influence of ideas about race or empire in American public life.⁴² Cultural expressions of militarism are not hard to find. Contemporary American cinema is a celebration of militarism and violence from the populist Rambo, staggering into its fourth episode with an old age pensioner in the lead role, to the pretentious Hieronymous Bosch like violence dressed up as high art by the sentimental Coen brothers sentimentalizing from the minor writer Cormac McCarthy’s *No Country for Old Men* or the unspeakable act of violence ending Daniel Day Lewis’s performance in *There Will be Blood*. But the examples of such artistic representation, particularly but not exclusively filmic, extend throughout the twentieth century in many ways inaugurated by Griffiths’ *Birth of a Nation* and reaching various grim zeniths such as Truman Capote’s attempt to inculcate meeting to a family murder *In Cold Blood*.

⁴¹ Richard Iton, *In Search of the Black Fantastic: Politics and Popular Culture in the Post-Civil Rights Era* (New York: OUP, 2008) and idem *Solidarity Blues: Race, Culture and the American Left* (Chapel Hill NC: University of North Carolina Press, 2000).

⁴² Michael Rogin, *Blackface*.

There are two useful ways to identify this first influence. First, the scholarly literature showing how pervasive militarism has been in US popular culture of the sort just commented upon. The entrenched constitutional right to bear arms ensures that this popular cultural motif is not that distant from political culture. Second, the influence of militarism on the normative values of the American State and its policy outputs warrants attention. In his book on nuclear weapons in the US, the historian H. Bruce Franklin remarks that, “the glorification of war is a principal business of not just one but several multi-billion-dollar industries, including movies, television, advertising, and the manufacture of toys and games for both children and adults. To be against militarism, messianic anticommunism, and the reign of superweapons is to be perceived by some as un-American.”⁴³ Crucially militarism is often a quality emphasised as the basis for future peace and security from violence. This aspiration is consistent with the claim to mimick war: destroying this foe will free America from an evil and expiate the undesirable.⁴⁴ It sits with a celebratory and teleological trajectory of American political development.

For some scholars, such as the late Iris Marion Young, this militarism cannot be separated from a robust and muscular masculinity in American politics and society.⁴⁵ The historian, Cecilia O’Leary, locates deep masculinity in America’s construction of patriotism and ardent nationalism in the 1910s and 1920s, in a formulation which endured throughout the century: this “official patriotic culture” was defined by “the ascendancy of national power” and “shaped by the language of masculinity.”⁴⁶

STANDARDIZATION

States, including democratic states, standardize. They protect citizens, promote public order, tax and spend and formulate laws. But above all they issue and seek to maintain a set of uniform standards by which citizens can form expectations about routinized future behaviour. Laws are an example. The law about the age of alcohol consumption, with twenty one years the minimum for legal imbibing, is a standard now commonly imposed on all Americans no matter where within the cartilage of the US they reside, stipulated in national policy. The right to vote is another standard, constitutionally guaranteed and in principle enforced by the federal Department of Justice but in practice also a function of state level actions (as the dramatic recount in the presidential election

⁴³ H. Bruce Franklin *War Stars: The Superweapon and the American Imagination* (New York:: OUP, 1988) p5.

⁴⁴ In *Democracy and the Foreigner* (PUP, 2001) Bonnie Honig puts American political development as a response over time to potentially dangerous and unwelcome foreigners.

⁴⁵ Iris Marion Young "The Logic of Masculinist Protection: Reflections on the Current Security State," *SIGNS* 29 (2003): 1-25.

⁴⁶ Cecilia Elizabeth O’Leary, *To Die For: The Paradox of American Patriotism*, (PUP, 1999) p242.

in 2000 in Florida vividly illustrated where racially inaccurate local rolls registering voters and technically faulty mechanism to record votes resulted in a referral to the US Supreme Court). As President Bush's remorse about the farrago of "persistent poverty" in New Orleans and the exclusion of "generations from the opportunity of America" suggests a national initiative of the sort he proposed in response is largely about standardizing conditions across the US polity. African American citizens in New Orleans should not be subject to egregious standards of living just because they live in a neglected area: a National State implies some uniformity of standards across the nation.

Schematically, I propose that standards as employed in American State policy initiated by executives and policy makers have four features. *First*, these standards are national ones. They do not apply selectively to individual states (except as administrative circumstances dictate) and when they are applied to individuals the reason lies in those individuals deviation from the national standard. *Second*, national standards are specified in a way to be enforceable: that is, breaching standards results in costs and retribution for the offenders. The principal means of enforcement are legal (through vulnerability to prosecution) and financial (through loss of federal funds). *Third*, national standards are often measurable: has a state or municipality or public institution satisfied a quota associated with complying with a national standard? *Fourth*, and perhaps paradoxically, national standards are contestable: even the most seemingly rigid and inviolable standard can be challenged (for example, the right to protection from state wire tapping without appropriate judicial approval); and many more national standards, such as those promulgated in public policies from welfare to education to laws about illegal immigrants, are the subject of determined contestation and challenge.⁴⁷ One important advantage of viewing standards as the object of contestation is to introduce a non-teleological dimension into American political development.

Race and Standardization

The administrative expansion of Federal authority signalled by the founding of the first regulatory agency, the Interstate Commerce Commission in 1887, unfolded in a racial segregationist order, marked by the *de jure* ruling of the Court in *Plessy* (1896) and

⁴⁷ By contestation I have in mind political, partisan and class disputes sometimes expressed in arguments about states' rights, judicial activism and the role of government. There is a somewhat parallel argument however amongst political theorists and policy scholars about the role of contestation or deliberation as procedural routes to policy decisions: see Simone Chambers "Deliberative Democratic Theory" *Annual Review of Political Science* 6 (2003) 307-26 and F Fischer and J Forester, *The Argumentative Turn in Policy Analysis and Planning* (Durham NC: Duke University Press, 1993).

multiple *de facto* and *de jure* practices at state level in the South and North.⁴⁸ That the Federal Government expanded in a distinct way⁴⁹ – rooted in regulatory rather than direct program delivery – recast and shaped but did not diminish its expanding role in the maintenance and initiation of segregated race relations. It was particularly an instrument for incumbents of the White House or congressional allies to impose their views about race equity, either enforcing injustices or later using federal resources to challenge and displace it.

But this regulatory role in the segregationist racial order contained the seeds of its own destruction and the basis for a new role as a national standardizer of civil and other rights.⁵⁰ Incorporating such race partiality contradicted one of the most obvious rationales for the existence of the US's Federal State: to standardize conditions of citizenship and membership across the jurisdiction of this political system in order to control and mitigate inequalities manifest purely as expressions of regional prejudice and malice. Approaching any sort of real commitment to the national standards, not least those of rights of citizenship, set out in the Constitution and its amendments, dictated a strong national enforcer. To dismantle this segregationist order required, paradoxically, American State action led by a president mimicking war at home.

Thus the US polity's Federal State exercises the functions of a modern state,⁵¹ assuming responsibilities agreed by Congress and the President to expand economic responsibilities, regulate behaviour, maintain order, enforce civil rights, regulate criminality, and standardize rights. Until the 1960s the Federal State was permitted to do many of these tasks in a racially partial way⁵² thereby subverting a key principle of modern liberal-

⁴⁸ It is crucial to remind ourselves that segregation was not a southern phenomenon: it was a national one as enthusiastically embraced in parts of the North as in the South. Recent important evidence of this universality comes in Davison M. Douglas's *Jim Crow Moves North: The Battle over Northern School Segregation 1865-1954* (New York: Cambridge University Press, 2005) study of segregation in schools in the North. And see King and Tuck "Decentering the South," on legal decisions for advancing segregation prior to *Plessy*.

⁴⁹ As we now from such works as Stephen Skowronek *Building a New Administrative State* (Cambridge: Cambridge University Press, 1982) and Johnson *Governing the American State*.

⁵⁰ For pre mid twentieth century efforts at standardization see the discussions in John M. Jordan *Machine-Age Ideology: Social Engineering and American Liberalism, 1911-1939*, (Chapel Hill NC: University of North Carolina Press, 1994) and Barry Dean Karl, *Executive Reorganization and Reform in the New Deal: The Genesis of Administrative Management, 1900-1939* (Cambridge MA: Harvard University Press, 1963).

⁵¹ Skrentny "Law and the American State."

⁵² And not just in respect to African Americans. US immigration policy, for instance, instituted differential rules, between 1924 and 1965, based on national origins designed to exclude non-whites: see Mae M. Ngai *Impossible Subjects* (Princeton: Princeton University Press, 2004) and David R. Roediger *Working Toward Whiteness: How America's Immigrants Became White* (New York: Basic Books, 2005).

democratic government – that citizens are treated equally regardless of such characteristics as race, religion, ethnicity or national background.

The Progressives were not bothered by the racial partiality of the American State but they did harbour doubts about the ability of the Federal State effectively to develop and enforce standards. Progressive reformers disapproved of President Woodrow Wilson’s exempting of business and employers from standards in respect to open shop and union organization during the First World War turned them away from national solutions to social problems. And they had reservations about some uses of ‘mimicking war’ such as that prohibiting alcohol.

Standards and Federalism

Standardization exposes unique aspects of the Federal State comparatively.⁵³ Though fewer now than in the early twentieth century, many senior officials are political appointees and arrive with a political and ideological mission to implement their political master’s agenda.⁵⁴ Since the Reagan administration (1980-88) this political bias has deepened, reversing the main trend of the previous half century.⁵⁵ For such appointees standardization is frequently an irrelevance, or an encumbrance to be sidestepped.⁵⁶

So responsibility for standardization falls to the senior career officials, descendants of the meso-level bureaucrats Daniel Carpenter unearthed historically in the Treasury and Agriculture Departments and at the Post Office.⁵⁷ How these career, senior civil servants are able “to see like a state”⁵⁸ helps determine the Federal Government’s articulation of national standards across the US polity or its failure to achieve them. Naturally their perceptions on behalf of the American State were not necessarily positive for race

⁵³ See Alfred Stepan “Federalism and Democracy: Beyond the U.S. Model,” in Ugo Amoretti and Nancy Bermeo eds. *Federalism and Territorial Cleavages* (Baltimore: Johns Hopkins University Press, 2004); Anand Menon & Martin A Schain eds. *Comparative Federalism* (Oxford: Oxford University Press, 2006), and Daniel Ziblatt *Structuring the State* (Princeton: Princeton University Press, 2006).

⁵⁴ For a valuable account of the development of the federal bureaucracy see Daniel Carpenter “The Evolution of National Bureaucracy in the United States,” in Joel D. Aberbach and Mark A Peterson eds. *The Executive Branch* (New York: Oxford University Press, 2005).

⁵⁵ Joel D. Aberbach “The U.S. Federal Executive in an Era of Change” *Governance* 16 (2003), and Joel D. Aberbach & Bert A Rockman, *In the Web of Politics: Three Decades of the U.S. Federal Executive* (Washington DC: Brookings, 2000).

⁵⁶ The alleged role of the White House and US Department of Justice in displacing federal prosecutors, documented in March 2007, illustrates this development, as does the use of illegal domestic wire tapping.

⁵⁷ Carpenter, *Forging of Bureaucratic Autonomy*.

⁵⁸ Scott *Seeing Like a State*.

equity.⁵⁹ But many of their successors a century later in such a Department as Justice did act to implement the civil and voting rights of African Americans,

As the example of voting rights after 1965 shows the Federal Government can enforce standards as defined in my fourfold schema.⁶⁰ Passage of the Voting Rights Act in 1965 halted but did not eliminate entrenched sources of racial bias in voting patterns. The Department of Justice's implementation of the Voting Rights Act was crucial to remaking the Segregated State into a race impartial national institution capable of upholding democratic standards of equal rights. The 1965 Act suspended voting tests and made the Justice Department responsible for accepting new voting rules enacted in 16 named states. The 'trigger mechanism' provided criteria, under Section 4, to identify those states which had traditionally discriminated against black voters, measured by any test required to be passed before voters could vote and registration rates below 50 percent of the state's eligible voters. This exceptional power granted to the federal government was exercised at once in Alabama, Louisiana and Mississippi to which states the US attorney general dispatched federal officials to register voters and monitor practices on voting day. Section 5 empowers the Department of Justice to approve or reject states' proposed election law changes. This 'preclearance' system was a dramatic instance of federal intervention in state arrangements, initially stipulated for five years only in 1965, renewed subsequently by Congress and made permanent in 1982 under pressure from civil rights groups and against conservative opposition.

Affirmative action has proved an area in which the Federal Government can induce major strides and illustrates in particular the measurability aspect of standardization. Examples include the changes it has encouraged major corporations to take in order to preclude unfavourable regulation,⁶¹ reforms within the Federal executive, and the complete integration of the US Armed Services despite its senior and mid level officers' traditional enthusiasm for segregating African Americans from core units and duties.

Thus standardization gives purchase on a central problematic of the distinctness and significance of the Federal State in the American polity. In a federal polity the State

⁵⁹ Another example of partial national standards enforcement comes in immigration policy. Here the Immigration and Naturalization Service, between the 1880s and 1960s, implemented restrictions against Chinese migrants and then from 1924, the national origins scheme effected a group based hierarchical classification of eligibility for genuine membership. See Mai M Ngai "The Architecture of American Immigration Law: A Re-examination of the Immigration Act of 1924" *Journal of American History* 86 (1999) 67-92.

⁶⁰ For an overview see the excellent study by Richard M. Valelly *The Two Reconstructions: The Struggle for Black Enfranchisement* (Chicago: University of Chicago Press, 2004). For the wider impact of national standards to desegregate see: Michal R Belknap *Federal Law and Southern Order* (Athens: University of Georgia Press, 1987).

⁶¹ Frank Dobbin and John R Sutton "The Strength of a Weak State: The Rights Revolution and the Rise of Human Resources Management Divisions" *American Journal of Sociology* 104 (1998).

standardizes⁶² – in a positive sense – but the constitutional context of separated powers within which it operates set continuing obstacles to this role,⁶³ not least because of the strength of the states’ rights doctrine which has permitted very significant diminutions of civil rights historically.⁶⁴ Overcoming this regressive federal bias has been elemental to democracy building and conveys the contested dimension of standardization.

During the course of the twentieth century, national political power has become the instrument of policy change and reform. The Progressives knew this but often had to be content with state level reform, their national initiatives commonly proving abortive.⁶⁵ However, from the New Deal programs implemented by the Franklin D Roosevelt presidency onward, it became clear to all political actors in the US that real power lay at the centre: American politics nationalized and reform rested on controlling and using centralized authority and resources. As this recognition has grown, so even opponents of strong national government seek to control the political center if only to reverse policy. Consider Bush’s No Child Left Behind or divisions over the war on racial inequality initiated in affirmative action policy.

The process of standard setting and the form of standardization differ both each is inherently political. Even attaining agreement on a seemingly uncontroversial norm, such as the right to vote, has been contentious, achieved only following decades of struggle and violence. Thus standard setting is frequently the product of a brutal struggle between competing interests.

CONCLUSION:

HOW PRESIDENTS CONNECT WAR MAKING AND STANDARDIZATION

“People came to me and said, ‘Father, when did we become the enemy?’”⁶⁶

Mimicking war, I argue in this paper, is a tactic resorted to by White House incumbents to demonstrate an ability to respond with alacrity to a crisis and how seriously they view the problem. The crisis commonly represents some perceived collapse of or challenge to national standards which citizens may reasonably expect a state to meet. Central to the strategy is designating a conquerable foe. A recent example in US society

⁶² Choosing not to standardize is also a powerful political tool

⁶³ For instance in *US v. Morrison* 529 U.S. 598 (2000) the Court rejected the validity of the Commerce Clause as a basis for federal intervention to help women victims of domestic violence.

⁶⁴ Keith Whittington “‘Interpose Your Friendly Hand’: Political Supports for the Exercise of Judicial Review by the United States Supreme Court” *American Political Science Review* 99 (2005) 583-596.

⁶⁵ Marc Stears, *Progressives, pluralists and the problem of the state* (Oxford: Oxford University Press, 2002).

⁶⁶ Rev Gary Graf, Roman Catholic priest in Waukegan, Illinois quoted in “Facing Deportation but Clinging to Life in U.S.” *New York Times* January 18 2008.

is the figure of the illegal immigrant (though such figures have featured in earlier mimicking war eras).

I have argued that it is no longer useful to assume the comparative weakness or statelessness of the American State. Rather, the US has a distinct kind of national state with institutional and other resources available to executives undertaking consequential action. The distinct architecture of the American State does favour weak national authority and for the sets of reasons I labelled bureaucratic, coordination and cultural problems can often preclude the volume and scope of centralized power found in other systems. But nonetheless a distinct ideology of standardization has developed – salient especially during executive responses to crises – to justify the deployment of federal resources toward defined problems. Paradoxically federalism may make the pressure for standardization greater than in other political systems.⁶⁷ Because of the inherent propensity for variation across the states in laws, customs and practices the need for standards both to ensure consistent or equality of treatment and to enshrine certain common national values or policies is paramount. Sometimes national standards can be weaker than those favoured by state governments (as the tension between California’s emission level laws and the US EPA illustrate).

I propose preliminarily that the idea of mimicking war is used in respect especially to three types of standardization - national security, public order and citizenship. Each standard is justified as collectively beneficial, that is, a key rationale for public policy is the good that will result for all members of the polity even if the initiative is focused on one set of citizens principally. The pressures for such war like action vary. In some cases the crisis results from grass roots protests, in others as a result of elite reformers galvanizing public actors. Some crises are instant and force a policy action. Examples of national security standards are President Bush’s war on terrorism⁶⁸ and the construction of the inter-state highways program in the 1950s to facilitate ease of movement of military weapons in the event of a foreign attack, an initiative framed in terms of the balance between Federal and state power. Public order standards are represented in the massive anti-drugs and war on crime (through tough sentencing laws) initiatives in place for the last three decades. The response to urban disorder in the 1960s is another instance. The national standard of citizenship is most famously epitomized by President Lyndon Johnson’s declared war on poverty⁶⁹ but includes more generally the struggle for civil and voting rights, and the American State’s pivotal in their achievement.

⁶⁷ Nancy Bermeo “The Merits of Federalism,” in Ugo Amoretti and Nancy Bermeo eds. *Federalism and Territorial Cleavages* (Baltimore: Johns Hopkins University Press, 2004),

⁶⁸ Address to a Joint Session of Congress and the American People, September 20 2001.

⁶⁹ Annual Message to the Congress on the State of the Union January 8 1964. President Johnson declaimed: “this administration today, here and now, declares unconditional war on poverty in America.”

When is a mimicking war strategy declined? And what is public policy called when it is not termed ‘war’?

An investigation of these and other major examples of standardized state building through mimicking war will help establish more precisely the contours and configuration of the American State’s comparative distinctness. Preliminarily several consequences of these efforts can be proposed. Major mimicking war initiatives encrusted in an ideology of standardization engender the creation of new institutional structures including new federal departments, agencies or bureaus whose establishment signals an expansion in American State capacity and whose existence endures beyond the crisis circumstances of the framing period. Think of the drug enforcement agencies or HUD as cases. These institutional legacies help enforce the ideology of standardization by augmenting the appropriateness of centralized authority as the best means to respond to policy problems: the normative values associated with state power deepen and spread across obverse partisan interests. They serve also to overcome the constitutional fetters on American State action expressed in the quotidian effects of the bureaucratic, coordination and cultural problems noted earlier.

These are important issues because the grandiloquent language and rhetorical gestures inevitably associated with mimicking war strategies cover a myriad of outcomes. Both Congressman Arthur Mitchell’s efforts to have an American State which protected the rights he associated with national standards of citizenship and President Bush’s promises in response to Hurricane Katrina are testimony to the central place of standardization in American political development.

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