

POLITICS & GOVERNMENT

as the National Rifle Association.

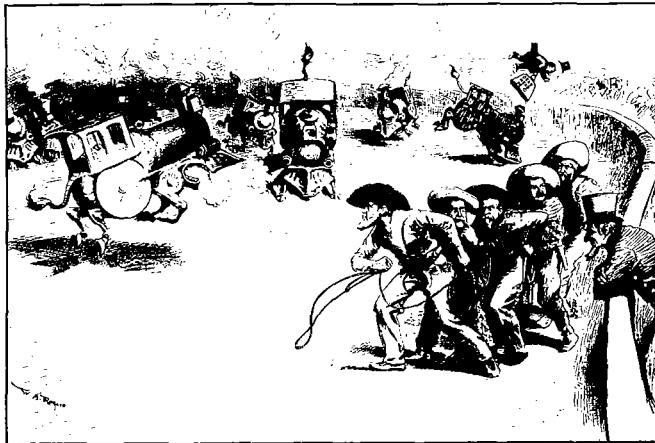
On some issues, such as abortion, say the authors, subjective feelings clearly do determine the degree of an individual's activism. But, as the gun control issue illustrates, the connection between individual action and organized efforts by special-interest groups is "more subtle and more reciprocal than is often recognized."

*Progressivism's
Ironic Fate*

"The Discovery that Business Corrupts Politics: A Reappraisal of the Origins of Progressivism" by Richard L. McCormick, in *The American Historical Review* (Apr. 1981), 400 A St. S.E., Washington, D.C. 20003.

Where does progressivism fit into American history? Did its burst of political and economic reforms in the early 20th century sever the unseemly ties of politics to Big Business and restore government to "the people"? Or was the Progressive Era an age of government accommodation with business and a triumph for "robber barons" who captured and controlled new regulatory bodies? Both views are partly correct, argues McCormick, a Rutgers historian.

Large-scale industrialization during the 1890s shook the complacency of many Americans over their governments' long-standing practice of boosting railroads, utilities, and other corporations. The economy's slow recovery from the Panic of 1893 touched off labor violence and



From Harper's Weekly, April 9, 1887.

Early U.S. regulators set out to tame the railroads; this 1887 cartoon shows the high hopes of Progressive reformers.

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class conflict. The common man yearned for cheaper utilities and better public services, but national leaders, committed to a weak federal government, stood pat. Some municipal and state politicians responded, but from New York to California, inexperience and low funding crippled fledgling regulatory commissions.

The spark for effective reform came from muckraking journalists and legislative investigations, writes McCormick. From 1904 to 1908, reporters such as Lincoln Steffens shocked the nation with tales of graft in the smallest towns, while legislators in Alabama, Ohio, Vermont, Colorado, and elsewhere exposed bribery by the railroads, the power companies, and the insurance industry. What many citizens had viewed as isolated incidents of corruption began to be seen as systemic.

Politicians got the message. From 1903 to 1908, the number of states that regulated legislative lobbying jumped from zero to 12, and the number banning corporate campaign contributions rose from zero to 22. States enacting direct primary laws shot up from four to 31. And from 1905 to 1907 alone, 15 new state railroad commissions were established. Even the federal government began, haltingly, to regulate railroads and the food and drug industries.

But reform sentiment had heated up too fast. Many politicians eschewed strong antibusiness measures in favor of the "quick fix," hiring "impartial experts" to run commissions in place of corruptible politicians. State agencies were usually based in remote capitals such as Albany and Sacramento, where business interests could wield power outside the scrutiny of reformers in the big cities. Once policy shifts were announced, writes McCormick, public concern waned; Big Business often won over the new regulators as it had the old.

Judicial License

"A Theory of U.S. Constitutional History"
by Christopher Wolfe, in *The Journal of Politics* (May 1981), University of Florida,
Gainesville, Fla. 32611.

The principles behind judicial review have changed profoundly since the Supreme Court first struck down an unconstitutional act of Congress in 1803 (in *Marbury v. Madison*). Wolfe, a Marquette political scientist, sees two major phases: one lasting from the post-Revolutionary period through the Civil War, and another starting in 1937 and continuing to this day.

Influenced by John Marshall, the early Courts tied their decisions closely to the words and intent of the Constitution's framers. Justices held that the Constitution vested the legislature with *kinds* of power (e.g., power to tax) and that only politicians should decide the *degree* of legitimate power to exercise (e.g., levels of taxations). From 1789 to 1861, they struck down only two acts of Congress (in *Marbury* and *Dred Scott*) and 36 state laws, a low tally by today's standards.

The "modernists," says Wolfe, have gone further. As Justice Oliver Wendell Holmes wrote in a 1929 decision, cases now "must be consid-