Former United States Sen. Ernest “Fritz” Hollings, D-S.C., often reminded his constituents of the man who went to college on the GI Bill; got electricity from the TVA; bought a home, started a business and sent his kids to school with government-backed loans; drove to work on the Interstate; received Social Security and Medicare payments; took an Amtrak to Washington, D.C., when floods hit to apply for disaster relief, and spent some time in Smithsonian museums. Then one day he wrote a letter to his congressman: “Get the government off my back,” he exclaimed. “I’m tired of paying for all those programs created for ungrateful people.”

The two impulses displayed by Hollings’ war veteran, Gary Gerstle, a professor of history at the University of Cambridge reminds us, shape — and confound — attitudes toward public power in the United States. Many Americans expect local, state, and sometimes federal governments to promote the welfare of citizens; they also demand a sizeable sphere for individual freedom on which no government can infringe.

In “Liberty and Coercion,” Gerstle provides an informative and sophisticated account of the impact and import of this contradiction throughout American history. He shows how political leaders “improvised” to expand the powers of the federal government beyond where they were originally meant to go, especially through New Deal legislation, Cold War defense and infrastructure policies, civil rights reforms and decisions by the United States Supreme Court to apply the Bill of Rights to the states.

The innovations helped solve a variety of economic and social programs, he argues, but the changes they achieved were incomplete. They left private interests and state governments with enormous reservoirs of power over public policy. And they stimulated a backlash that has generated “unremitting hostility” that has all but paralyzed the federal government.

One of Gerstle’s most interesting claims involves the use of exemption, surrogacy and privatization by federal government officials in the 19th and 20th centuries. The U.S. Constitution, he points out, gave the central government virtually no authority to legislate in many areas. Exemption involved using authority over war, international trade and immigration to free the central government from constitutional constraints. Through surrogacy, the government cited its enumerated powers — to regulate commerce, levy taxes, establish a postal system and promote national security — to achieve unenumerated policy goals. Thus the commerce clause was invoked to legitimate the Mann Act of 1910 to outlaw transporting women across state lines for the purpose of prostitute and as a “peg” on which to hang the Civil Rights Bill of 1964. Privatization was the strategy that built the transcontinental railroad.

An alternative strategy, Gerstle indicates, is to amend the Constitution. Difficult as it may be to pull off,
such an approach, he suggests, may well be necessary to give us the tools, the flexibility and the confidence, none of them currently at hand, to fashion a government that works. It’s a bold — and scary — conclusion to a thoughtful and timely book about the character and constraints of American politics.

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