Introduction to the American Political Process

Class 14: Federalism

Asya Magazinnik (Professor)
Readings
A working definition of federalism

“Federalism is a political organization in which the activities of government are divided between regional governments and a central government in such a way that each kind of government has some activities on which it makes final decisions.” (Riker 1964)

We cannot undo it, but we can promote it or undermine it through federal action:

- Supreme Court decisions
- National legislation (Congress) & executive orders (President)
- Devolution

Riker, William. In Federalism: Origin, Operation, Significance. Little, Brown and Company, 1964. © Little, Brown and Company. All rights reserved. This content is excluded from our Creative Commons license. For more information, see https://ocw.mit.edu/help/faq-fair-use/.
How is federalism related to freedom?

- Neither necessary nor sufficient
  - Great Britain: freedom coexists with centralized government
  - Brazil: federalism coexisted with oppressive dictatorship under the Vargas regime
- In theory if not in practice?
  - Noting that states’ rights have been synonymous with defense of slavery in this country’s history, we have to reason carefully
First step: the question of freedom is freedom *for whom*?

- For the **majority**?
  - Clearly no: local opposition can derail national majority (e.g. civil rights)

- For the **minority**?
  - The *chance* to make policy: guaranteed by civil liberties, e.g. free speech
  - The *right* to make policy: granted by federalism, a stronger form of minority protection
When does federalism’s stronger guarantee of minority protection make sense? On a case-by-case basis:

\[ U + D + E \leq 0 \]

**U = Uniformity:**

- Lowers the cost to individuals of obeying the rules, and to law enforcement of applying them
- Promotes interstate commerce
- **Externalities** (spillover effects): the greater they are, the stronger the democratic motivation for uniformity
When does federalism’s stronger guarantee of minority protection make sense? On a case-by-case basis:

\[ U + D + E \leq 0 \]

**D = Cost of centralized decisionmaking:**

- Negative
- Low (high in absolute value) when there are many groups with divergent preferences
When does federalism’s stronger guarantee of minority protection make sense? On a case-by-case basis:

\[ U + D + E \leq 0 \]

**E = Cost of enforcement:**

- Also negative
- Low (high in absolute value) when minority feels attached to its way of life and feels that it’s worth preserving

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Or, just judge federalism by the minority who benefit or the outcomes it produces.
“How do Americans understand and respond to a political system that confers (or withholds) access to resources for the most indigent—not on the basis of needs or rights—but on the basis of geographic location?”

Why Medicaid?

- Operates on three axes of disadvantage:
  1. **Income** (means-tested program)
  2. By extension, **race**
  3. **Health**

- Greatest reliance → most affected by regional variation
D. Contextualized Feedback Model of Participation

- Institutions (Macro)
  Federalism

- + Public Policy
  Design, Implementation, Constraints

- Institutions (Meso)
  Parties, interest groups, organizations, media, places of worship

- Individual Characteristics
  Race, ethnicity, gender, age, socioeconomic status, religion etc.

State, county, city/neighborhood contexts

- Political Capacity
  Interest, efficacy, knowledge, partisan attachments, attitudes

- Political Participation
  Voting, contributing, contacting, interaction with bureaucracies, implementing policy, local community engagement, policy advocacy

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Findings:

- Overall, Medicaid beneficiaries participate in politics less than non-beneficiaries

- **But**, important variation across states:
  1. States offering a wider scope of optional services → more likely to vote
  2. States that have recently expanded benefits → more likely to register to vote
  3. States that have recently reduced benefits → significantly less likely to register and vote

Policy shapes politics.
Federalism and covid-19

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Federalism and COVID-19

COVID-19 Case Rate in the US Reported to the CDC, by State/Territory (cases per 100,000)

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A federalist spin on party politics. (Recall: Schickler)

Why parties again?

1. Aldrich: to help ambitious politicians achieve their goals

2. UCLA School: constructed and led by interest groups/high demanders for policy

AHF contributes to this school, but also tells us:

- Coalition formation is hard
- Federalism helps: promote different agendas in different states
- Old view focused on national primary; neglected critical role of state politics
How conservative activists transformed state policy: model bills

Since 2010, a dramatic increase in surprisingly uniform state legislation on:

1. “Stand your ground” laws: allowing lethal use of force
2. Voter ID laws
3. “Right to work” laws: cannot compel members of unionized industries to pay dues
Compared to Congress, state legislators generally:

- Are less experienced in politics
- Have less staff to help draft legislation
- (Were) less partisan
- Are juggling other jobs and responsibilities

ALEC brilliantly took advantage of all this to write legislators’ bills for them, promoting a coherent agenda across Republican state legislatures.
<table>
<thead>
<tr>
<th>Bill</th>
<th>ALEC Text</th>
<th>Bill Text</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011 Wisconsin AB 110 “Special Needs Scholarship Act” More similar to ALEC model bills than 22% of all state legislation</td>
<td>(A) A resident school district shall annually notify the parents of a student with special needs of the Special Needs Scholarship Program and offer that student’s parent an opportunity to enroll the student in a participating school of their choice.</td>
<td>Annually, each school board shall notify the parents of each child with a disability enrolled in the school district of the program under this section.</td>
</tr>
</tbody>
</table>

Section 6. [Accountability Standards for Participating Schools]

(4) Private school duties. Each private school participating in the program under this section shall do all of the following: (a) Comply with all health and safety
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<table>
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<th>ALEC Bill</th>
<th>Enactments</th>
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<td>Long-Term Care Insurance Act</td>
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<td>Resolution Urging the Obama Administration to Launch</td>
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<td>State Responses to Kyoto Climate Change Protocol</td>
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<td>Resolution in Favor of a US Constitutional Amendment on Judicial Taxation</td>
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<td>Expanded Consumer Choice in Financial Services Act</td>
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<td>Resolution on Disease Management of Chronic Obstructive</td>
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<td>Pulmonary Disease</td>
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<td>The A-Plus Literacy Act</td>
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**Table 2.4. ALEC Bill Introductions and Enactments by Policy Area, 1995–2013.**

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<th>Policy Area</th>
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<td>Healthcare</td>
<td>2,839</td>
<td>427</td>
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<td>Education</td>
<td>2,065</td>
<td>414</td>
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<td>Agriculture, energy, and the environment</td>
<td>734</td>
<td>167</td>
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<td>Finance</td>
<td>229</td>
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<td>Government reform</td>
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<td>Budget and taxes</td>
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<td>Criminal justice</td>
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<td>Civil justice</td>
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<td>Foreign policy</td>
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<td>Social welfare and benefits</td>
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<td>Guns</td>
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<td>Housing</td>
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<td>Labor unions</td>
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<td>15</td>
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<tr>
<td>Voting and elections</td>
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Implications:

1. Just as federalism can create divergence, it can also be used as a force for national change (Schickler)

2. Federalism as a powerful tool for the minority to obstruct the will of the majority (Riker)
   - AHF: ALEC-derived state bills did more to dismantle Obama’s ACA than any abortive national efforts to repeal it
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