

To: American Politics Institute
From: Daniel W. Xu
Re: **An Institutional Perspective: How the Evolution of American Federalism affected the Polarization of its Electorate**

The Academic Consensus:

Federalism refers to the sharing of power between a country's national and state-level governments. Originally, this two-tiered political system was designed so states could implement laws that suited their own needs and values—regional leaders understand local issues much better than faraway national bodies do. However, as the federal government grew larger, it began implementing nation-wide policies that applied to everybody. Oftentimes, those federal policies concerned issues that were previously up to state discretion—leading to mounting frustration.

The consolidation of federal power began an era where states would often find themselves at odds with the national government. Their contentious relationship would spark countless disputes and drag millions into an increasingly-antagonistic national discourse—contributing to rising levels of ideological consistency, perceived polarization, and the narrowed dimensionality of political conflicts.

How Federalism Relates to other Institutional Explanations for Polarization

- **Sunshine Laws:** The evolution of American federalism has led to more disputes between the national and state governments. Sunshine laws, aimed at promoting transparency, increase the visibility of those disputes—heightening *perceived polarization*.
- **Executive and Judicial Branches:** Separation of power into three different branches allows for a divided federal government, where more than one party is in control. This provision increases the potential for dissent between branches, and intensifies *perceived polarization*—compounding upon increasingly common federal-state disagreements.

Critical Responses

- Legislative productivity at the state-level increases when a single party controls both chambers of their respective legislatures. When graphing state productivity against the polarization levels within their legislatures, there is no discernable relationship. Therefore, rising intra/inter-state polarization is not as problematic as it seems (Masket 2017).
- Federalism itself, as an institution, does not lead to increased polarization. Rather, it is manipulation of federalism by political parties. The call for decentralized power has grown to be espoused by the party that doesn't control the White House. Therefore, political parties would be the primary cause of rising polarization—not federalism, which they simply use as a means to their end (Nathan 2006).

However, shifting balances of power between America's state and federal governments has been very conducive to polarization. For example:

- In 1973, the Supreme Court legalized abortion through the landmark case: *Roe v. Wade*. The decision overturned laws in more than 30 states where it was fully prohibited. Pushing aside arguments on the issue itself, the decision to apply a single solution to the entire country—especially concerning such a morally ambiguous issue—signaled the end of federalism as the founders originally intended. Since everyone now had to abide by the same SCOTUS ruling, abortion became a national issue. Instead of being contained within a single state's political landscape, the abortion debate now included those of all 50 states, over 200 million citizens, and a vast spectrum of contrasting views. Consequently, the extent to which the general populace saw politics as being fundamentally divided, known as *perceived polarization*, increased substantially. Disagreements happened more often, involved new perspectives, and were elevated to the national level (Gelernter 2006).
- In 2012, North Carolina's government acted in defiance of the Obama administration's agenda, and implemented legislation significantly strengthening voter identification requirements. The clash between Governor Haley and President Obama illustrated a classic struggle for authority between different levels of American government, while revealing race as an even deeper division within the state. Racial identities have begun to align themselves with other distinguishing political characteristics. African Americans in North Carolina consistently support government programs to aid various groups of the state's population. On the other hand, whites usually advocate for a smaller government and slashing expenditures. The coalescing of racial and political identity in North Carolina, coupled with the tendency for black voters to vote as a bloc, speaks to the growing levels of *ideological consistency*—a form of polarization where certain personal characteristics or beliefs are repeatedly aligned with other traits or values (Brownstein 2012, Malhotra 2008).
- High-ranking state officials will consistently work with compatible leaders from other states in order to challenge the legality of federal policies implemented by the opposing political party. State Attorneys General have always challenged laws that aren't aligned with their state's values. However, with the election of President Trump in 2016, many Attorneys General began forming coalitions to file lawsuits against almost all executive orders and new policies. Democratic officials are doing so at a much higher rate than their Republican counterparts did under Obama. Such fervent opposition, based almost exclusively on voter-appeal and their dislike for Trump's GOP, reinforces the newly *reduced dimensionality of conflict* within US politics. State legislatures are also becoming increasingly unified, with a single party controlling both legislative chambers in a record number of states (Nolette 2017, Schaller 2014).

Works Referenced

Bartels, Brandon. "It Took Conservatives 50 Years to Get a Reliable Majority on the Supreme Court. Here Are 3 Reasons Why." *The Washington Post*, WP Company, 29 June 2018, www.washingtonpost.com/news/monkey-cage/wp/2018/06/29/it-took-conservatives-50-years-to-get-a-reliable-majority-on-the-supreme-court-here-are-3-reasons-why/?utm_term=.dd7e54bbdc0a.

Brownstein, Ronald. "Why Racial Polarization Is Still Central to South Carolina Politics." *The Atlantic*, Atlantic Media Company, 21 Jan. 2012, www.theatlantic.com/politics/archive/2012/01/why-racial-polarization-is-still-central-to-south-carolina-politics/251765/.

Gelernter, David. "Back to Federalism (The Proper Remedy for Polarization)." *Back to Federalism (The Proper Remedy for Polarization)*, 10 Apr. 2006, www.freerepublic.com/focus/f-news/1607512/posts.

Lupu, Noam. "Party Polarization and Mass Partisanship: A Comparative Perspective." *Political Behavior*, vol. 37, no. 2, 2015, pp. 331–356., www.jstor.org/stable/43653227.
In her article, Noam works to distinguish the difference between political polarization, political partisanship, and the perceptions held by citizens regarding the unity of their government—more commonly referred to as ‘perceived polarization.’ She also explores the relationship between each of those three concepts. Polarization and partisanship are two completely different, yet often mistaken, terms. However, according to Lupu, increased party polarization can be a causal mechanism for individual partisanship—not just in the United States, but across the globe. She claims that such a link leads to the increase of perceived polarization and ideological consistency, and uses sub-national examples to reinforce her argument.

Malhotra, Neil. "Partisan Polarization and Blame Attribution in a Federal System: The Case of Hurricane Katrina." *Publius*, vol. 38, no. 4, 2008, pp. 651–670. JSTOR, www.jstor.org/stable/20184996.

Masket, Seth, and Boris Shor. "Polarization without Parties: Term Limits and Legislative Partisanship in Nebraska's Unicameral Legislature." *State Politics & Policy Quarterly*, vol. 15, no. 1, Mar. 2015, pp. 67–90

Nathan, Richard P. "There Will Always Be a New Federalism." *Journal of Public Administration Research and Theory: J-PART*, vol. 16, no. 4, 2006, pp. 499–510. JSTOR, www.jstor.org/stable/3840375.

Nolette, Paul. "State Attorneys General Have Taken off as a Partisan Force in National Politics." *The Washington Post*, WP Company, 23 Oct. 2017, www.washingtonpost.com/news/monkey-cage/wp/2017/10/23/state-attorneys-general-have-taken-off-as-a-partisan-force-in-national-politics/?utm_term=.674b463b4033.

Schaller, Thomas. "Sabatos Crystal Ball." *Larry J Sabatos Crystal Ball RSS*, 2014, crystalball.centerforpolitics.org/crystalball/articles/the-end-of-amendments/.