GOVERNING STATES AND LOCALITIES

Kevin B. Smith • Alan Greenblatt

7th Edition
Governing States and Localities

7th Edition
For my students.
—Kevin B. Smith

For my son, Simon.
—Alan Greenblatt
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The mission of the seventh edition of *Governing States and Localities* is the same as its predecessors: to provide a comprehensive introduction to state and local governments and to do it with a difference. This book is a unique collaboration between academic and professional writers that rests on a foundation of academic scholarship, more than two decades of experience teaching undergraduates about state and local governments, and the insight and experience of a journalist with decades of experience covering state and local politics.

This book provides fresh and contemporary perspective on state and local politics, not just in terms of coverage and content, but also in its look and feel. The text deliberately follows a newsmagazine’s crisp journalistic style, and the book employs magazine-quality, full-color layout and design. Our intent is to deliver a text that meets the highest academic and pedagogical standards while remaining engaging and easily accessible to undergraduates. *Governing* magazine remains an important partner for this edition, and many of the feature boxes draw directly from the work of its award-winning reporters, bloggers, and correspondents.

All chapters have been revised substantially, with the content updated throughout to reflect the latest issues, trends, and political changes, including the following:

- Analysis of the results of the most recent legislative and gubernatorial elections
- Discussion of the most important state supreme court decisions and constitutional debates
- The growing impact of political polarization at the state and even local levels, and the implications of the nationalization of party politics for subnational governance
- The impact of the Donald Trump presidency on intergovernmental relations and issues of central interest to states and localities
- In-depth examination of recent events and issues that have had impacts on (and in some cases transformed) states and localities, such as the federal–state tugs of war over immigration reform, school shootings and gun control, and the impact of tax cuts on public services and economic performance
- Updates to “The Latest Research” sections at the ends of all chapters, where recent scholarship is put into the context of what students have just read

Although these represent significant revisions, the current edition retains the pedagogical philosophy of the comparative method. This approach compares similar units of analysis to explain why differences exist. As scholars know well, state and local governments make excellent units of analysis for comparison because they operate within a single political system. The similarities and differences that mark their institutional structures, laws and regulations, political cultures, histories, demographics, economies, and geographies make them exciting laboratories for asking and answering important questions about politics and government. Put simply, their differences make a difference.

The appeal of exploring state and local government through comparison is not just that it makes for good political science. It is also a great way to engage students because it gives undergraduates an accessible, practical, and systematic way to understand politics and policy in the real world. Students learn that even such seemingly personal concerns as why their tuition is so darned high are not just relevant to their particular situation and educational institution but also fundamental to the interaction of that institution with its state’s political culture, economy, history, and tax structure, and even to the school’s geographic and demographic position within the state and region. Using the comparative method, this book gives students the resources they need to ask and answer such questions themselves.
Key Features

This book includes several elements designed to showcase and promote its main themes. Each chapter begins with a list of chapter objectives. Based on Bloom’s taxonomy, these present straightforward, big-picture statements of key information students should take away from each chapter. Instructors may easily turn these into class discussion topics or homework assignments.

Following the objectives, each chapter presents an opening vignette modeled after a lead in a newsmagazine article—a compelling story that segues naturally into the broader themes of the chapter. Many of these vignettes (as well as many of the feature boxes) represent original reporting.

Each vignette concludes with a set of chapter-specific questions intended to engage student interest and prompt students to look systematically for answers using the comparative method. The idea is not simply to spoon-feed the answers to students but, rather, to demonstrate how the comparative method can be used to explore and explain questions about politics and policy.

The feature boxes in each chapter emphasize and reinforce the comparative theme:

- “A Difference That Makes a Difference” boxes provide clear examples of how variations among states and localities can be used to explain a wide range of political and policy phenomena. These pieces detail the ways the institutions, regulations, political culture, demographics, and other factors of a particular state shape its constitution, the way its political parties function, how its citizens tend to vote, how it allocates its financial resources, and why its courts are structured the way they are, to name a few.

- “Local Focus” boxes spotlight the ways localities function independently of the states and show how they are both constrained and empowered by intergovernmental ties. From battles to wrest control of their budgets from the state to constitutional restrictions on how they can tax and spend, the topics addressed in these boxes showcase the rich variety represented in these nearly 87,000 substate entities.

- “Policy in Practice” boxes demonstrate how different states and localities have interpreted and implemented the legislation handed down from higher levels of government, and the consequences of these decisions. The impact of declining agency fees on public unions, the difficulties and implications of city-county mergers, and the policy implications of the power imbalance between states and localities are just some of the issues addressed.

- “States under Stress” boxes demonstrate how states deal with challenges such as the long-lingerling effects of the Great Recession and the impact of natural disasters.

Another key feature that serves the comparative theme is the design and use of graphics and tables. Nearly 30 full-color, 50-state maps, including three unique cartograms, provide a visual representation of and intuitively easy way to grasp the differences among states and localities—whether the sizes of the state economies, the party affiliation requirements for voting in direct primaries, the methods of judicial selection, or state incarceration rates. Similarly, more than 40 tables and figures emphasize how states and localities differ and what these differences mean to politics and policy. State rankings of voter turnout rates, recent regional murder rates, and many other features support comparisons made in the text.

To help students assimilate content and review for tests, each chapter concludes with a list of “Top Ten Takeaways” that reinforces key themes and ideas. Each chapter also includes a set of highlighted key concepts. These terms are defined near the places where they are introduced in the text and are compiled into a list at the end of each chapter, with corresponding page numbers. A comprehensive glossary of key terms precedes the book’s index.

Organization of the Book

The book is organized so that each chapter logically builds on previous chapters. The first chapter (subtitled “They Tax Dogs in West Virginia, Don’t They?”) is essentially a persuasive essay that lays the conceptual groundwork for the book. Its aim is to convince students that state and local politics are important to their day-to-day lives and to their futures as professionals.
and citizens. That is, it makes the case for why students should care about state and local politics. Along the way, it introduces the advantages of the comparative method as a systematic way to explore this subject. In introducing the book’s approach, the chapter provides the basic context for studying state and local governments, especially the differences in economics, culture, demographics, and geography that drive policy and politics at the regional level.

The next two chapters cover federalism and state constitutions. These chapters provide a basic understanding of what state and local governments are and what powers, responsibilities, and roles they have within the political system of the United States, as well as a sense of how they legally can make different political and policy choices.

Chapter 4 examines the finances of state and local governments. This highlights the fact that, a full decade after the Great Recession’s official end date, recovery from the biggest economic downturn in five generations continues to have an impact on state budgets. Compounding the uneven financial picture across subnational governments are a range of differing decisions that influence not only the key revenue streams for states and localities—income, sales, and property taxes—but also the sorts of policy and program choices that governments can and cannot make. This chapter gives students a fundamental sense of the revenues and expenditures of state and local governments and their central importance to virtually everything government does.

Chapter 5 examines political participation with an eye to helping students understand how citizens connect to the core policymaking institutions of government. Chapters 6 through 10 are separate treatments of those core institutions: parties and interest groups, legislatures, governors and executives, courts, and the bureaucracy. There is special emphasis in each chapter on how variations in the structure, powers, and responsibilities of these institutions have real-life implications for citizens of states and localities.

Chapters 11 and 12 focus on local government. Chapter 11 concentrates on laying out the basic structure, authority, and responsibilities of local government. Chapter 12 examines the relations among local governments from a regional perspective. The final four chapters are devoted to specific policy areas—education, crime and punishment, health and welfare, and the environment—that represent a selection of the most critical policy functions of state and local governments.

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Multimedia resources tied to learning objectives covered in each chapter

In addition, students and instructors alike will find Governing magazine’s website especially useful for further research and in-class discussion. To help them bring the latest word from the states and localities into their classrooms, adopters may receive a free semester-long subscription to Governing magazine.

Acknowledgments

A lot of effort and dedication go into the making of a textbook such as this, only a fraction of which is contributed by those whose names end up on the cover. Emily Johnson deserves special recognition for her crucial contributions as a research assistant. We’d also like to acknowledge the contributions made by John Buntin, Melissa Feinberg, and Michele Mariani Vaughn to prior editions of this work.

A huge thanks also goes out to the team at SAGE/CQ Press who did so much to make the book possible: Monica Eckman, Erica DeLuca, Scott Harris, Sam Rosenberg, Charisse Kiino, the project’s original champion and advocate, and particularly Melinda Masson, our copy editor extraordinaire. We especially want to thank our many reviewers, past and present, for their careful and detailed assistance with reading and commenting on the manuscript:

Sharon Alter, William Rainey Harper Community College
Jeff Ashley, Eastern Illinois University
Alex Badas, Indiana University Bloomington
Jenna Bednar, University of Michigan
Neil Berch, West Virginia University
John J. Bertalan, University of South Florida
Nathaniel Birkhead, Kansas State University
Michael Bobic, Alderson Broaddus University
John Bohte, University of Wisconsin–Milwaukee
Shannon Bow O’Brien, University of Texas–Austin
Jane Bryant, John A. Logan College
Jaclyn Bunch, University of South Alabama
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William Cassie, Appalachian State University
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Michael E. Greenberg, Shippensburg University
Simon F. Haeder, West Virginia University
Donald Haider-Markel, University of Kansas
George Hale, Kutztown University
William Hall, Bradley University
Susan Hansen, University of Pittsburgh
Dana Michael Harsell, University of North Dakota
Aubrey Jewett, University of Central Florida
Avra Johnson, Minnesota State University–Mankato
Wendy L. Johnston, SUNY Adirondack
Nicole Kalaf-Hughes, Bowling Green State University
John Kennedy, West Chester University
Douglas Kubeski, Florida State College–Jacksonville
Lisa Langenbach, Middle Tennessee State University
William Lester, Jacksonville State University
Angela Lewis, University of Birmingham
Malene Little, University of South Dakota
Daniel J. Mallinson, Pennsylvania State University
Andrea McAtee, University of South Carolina
Madhavi McCall, San Diego State University
Bryan McQuide, University of Idaho
Gary Moncrief, Boise State University
Scott Moore, Colorado State University
Angela Narasimhan, Keuka College
Lawrence Overlan, Bentley College
Kevin Parsneau, Minnesota State University
David Peterson, Iowa State University
Elizabeth Prough, Madonna University
Lori Riverstone-Newe, Illinois State University
Pamela M. Schaal, Ball State University
James Sheffield, University of Oklahoma–Norman
Kelly Sills, Washington State University–Vancouver
Lee Silvi, Lakeland Community College
Zachary Smith, Northern Arizona University
Kendra Stewart, Eastern Kentucky University
Sharece Thrower, University of Pittsburgh
Lee Trepanier, Saginaw Valley State University
Charles Turner, California State University–Chico
We hope and expect that each of them will be able to find traces of their numerous helpful suggestions throughout this final product.

Finally, in general, we express our appreciation to those political scientists and journalists who pay attention not only to Washington, D.C., but also to what is happening throughout the rest of the country.
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Alan Greenblatt, a reporter at Governing magazine, has been writing about politics and government in Washington, D.C., and the states for more than two decades. As a reporter for Congressional Quarterly, he won the National Press Club’s Sandy Hume Award for political journalism. At Governing, he has covered many issues of concern to state and local governments, such as budgets, taxes, and higher education. Along the way, he has written about politics and culture for numerous other outlets, including NPR, the New York Times, and the Washington Post.
Introduction to State and Local Government

They Tax Dogs in West Virginia, Don’t They?

Is government going to the dogs? Well, some do, some don’t. State and local governments can tax virtually anything, including dogs. In some places, man’s best friend is not only a family pet, but also a source of money for government.
Chapter Objectives

After reading this chapter, you will be able to

• Identify the ways state and local governments can affect daily life,
• Discuss how the comparative method can help explain differences between states,
• Describe the importance of state and local government within the wider context of American government,
• Identify the factors that influence how states and localities exercise their independent decision-making authority, and
• Summarize how this book will foster your knowledge of the roles and importance of state and local governments.

Saira Blair is an unusual college student in that she’s very interested in state politics. How interested? So much so that she ran for her first election before she was old enough to vote. And won. In 2014, at the age of 17, she defeated an incumbent two decades her senior in the Republican primary election for the 59th District of the West Virginia House of Delegates. In the November 2014 general election, Blair—by then 18 years old and eligible to cast a ballot—cruised to a comfortable victory. The next day, the West Virginia University freshman was up early to make it to geology class. In early 2015, she officially became the youngest sitting state legislator in the nation. In 2016—at the ripe old age of 20—she was elected to a second two-year term (you can check out her policy and political activities on her webpage: sairablair.com).

Blair, needless to say, is not a typical state legislator. Most state legislators are middle-aged men (see Chapter 7) who haven’t worried about term papers or final exams in a long time. Blair, though, is also an unusual college student. Clearly she is very interested in politics and in state politics in particular—so much so that during her legislative career she has deferred her spring semesters because that’s when the House of Delegates holds its annual 60-day session.¹ Most college students are not interested enough in politics to delay their studies so they can help run a government. Heck, most college students are not that into politics, period. At the same time Blair was campaigning for her second term, the United States was facing one of the most controversial presidential elections in a generation, yet voter turnout among the college-aged voting cohort barely scraped 50 percent (in comparison, turnout as a whole that year topped 60 percent). According to one study conducted during the same fall of that high-profile and contentious presidential campaign, less than half of the nation’s college freshmen thought that keeping up with political affairs was important, and only about a quarter thought it was important to exert influence on the political system.² Even though the report showed only a small fraction of college students actively engaged and interested in politics, these numbers were higher compared to previous years and election cycles. The fact that college students today are fractionally less apathetic about politics than were their counterparts a few years ago was greeted as good news.

Regardless, if only half of college students are going to bother to vote and less than half think politics is important, then any way you cut it, a textbook like this has a big problem. We can expect, at most, that roughly half of our potential readers have some sort of minimal interest and curiosity about state and local politics. Here we explain why.

What about the rest of you, though—why should you care? Why should you have an interest in politics? More specifically, why should you give a hoot about politics and government at the state and local level? Fair question. The first goal of this textbook is to answer it. Everyone, and we mean everyone, should be interested in state and local politics. Here we explain why.

As you read through this chapter, keep in mind the following questions:
What are the advantages and disadvantages of federalism?

What is the comparative method, and why is it a useful way to talk about state and local governments?

What role do state and local politics play in determining how much certain services—such as a college education—cost?

The Impact of State and Local Politics on Daily Life

Regardless of who you are, what you do, or what you want to do, if you reside in the United States, state and local governments play a large role in your life. Regardless of what you are interested in—graduating, starting a career, beginning a family, or just good old-fashioned sex, drugs, and rock 'n' roll—state and local governments shape how, whether, and to what extent you are able to pursue those interests. To make things immediately relevant, let's consider your college education. The vast majority of college students in the United States—more than 70 percent—attend public institutions of higher education. Public colleges and universities are created and supported by state governments. For many readers of this book, the opportunity to get a college education is possible only because each state government created a system of higher education. For example, California has three major higher education systems: the University of California, the California State University, and the California Community Colleges system. State governments require that taxpayers subsidize the operation of these education systems; in other words, the systems were designed not just to provide educational opportunities but also to make those opportunities broadly accessible, with tuition covering only a portion of the actual costs of a student’s education.

Much of the rest comes from the taxpayers’ pockets via the state government. When that state subsidy falls, college students inevitably end up paying more in tuition. If you wonder why your tuition bill keeps going up, wonder no more. State support for higher education was battered hard by the Great Recession of 2008–2009 and more than a decade later has yet to fully recover. Adjusted for inflation, state governments spent less on higher education in 2017 than they did in 2008. In 2000, state government appropriations in 47 states covered a bigger portion of higher education costs than student tuition and fees. In other words, if you went to a public university or college in 2000, there was a very good chance that your state government paid more for your college education than you did. That’s no longer true. In many states, students now cover more of the cost than state government does.

If you take a longer view, an even more dramatic drop in state support for higher education is evident. In the mid-1980s, state governments routinely accounted for 50 percent or more of the revenues of state universities. These days, state support for some public universities has fallen so low that the institutions have effectively been privatized. For example, the proportion of revenues coming from state appropriations at places like the University of Colorado Boulder and the University of Michigan at Ann Arbor is now well below 50 percent.
Arbor has fallen into the single digits. Yet while state appropriations are footing a smaller and smaller fraction of higher education’s costs, demand for a college education has skyrocketed. Something has to give in such a situation, and it has: Tuition has gone up, often way up. In inflation-adjusted terms, the cost of going to college at the type of institution most students attend—a four-year public university—has increased by roughly 50 percent in a decade.6

The budgetary decisions being made by your state government don’t affect only your tuition bill; they might be shaping the entire context of your educational experience. For example, in recent years, the University of Wisconsin–Superior cut a swath of educational programs (including nine majors, 15 minors, and a graduate field), Eastern Illinois University cut a quarter of its employees, and the Kansas Board of Regents cut nearly a million dollars in student scholarships.7 What you can study, and whether you can afford it, is driven in no small part by the decisions of state government. True, the situation is slightly different if you go to a private university, but don’t for a minute think you are not affected by state politics. For example, most students at private universities receive some sort of financial aid, and a goodly chunk of this comes from state and local taxpayers. In fact, undergraduates at private colleges receive on average more than $2,500 in state grants or other financial aid from state or local government. Not including tuition, that amount of financial aid is several hundred dollars more than what the average undergraduate at a public college receives from the state.8

State governments do not just play an outsized role in what you pay to go to college; they may also determine what classes you pay for, whether you want to take those classes or not. Some states have curriculum mandates. You may be taking a course on state and local politics—and buying and reading this book—because your state government decided it was a worthy investment of your time and money. In Texas, for example, a state politics course is not just a good idea; it’s the law. According to Section 51.301 of the Texas Education Code, to receive a bachelor’s degree from any publicly funded college in the state, a student must successfully complete a course on state politics.

And, dear college student, if you think all of this adds up to government having a big impact on your life, dream on. The government’s role in shaping your college education is actually pretty small. Compared with the heavy involvement of state and local governments in shaping K–12 education, colleges have pretty much free rein. For 2018, it was estimated that more than 90 percent of students in Grades 9–12 were attending public high schools.9 Local units of government operate most of these schools. Private grade schools also are subject to a wide variety of state and local government regulations, from teacher certification and minimum curriculum requirements to basic health and safety standards. Whether you attended public or private school—or were homeschooled—at the end of the day, you had no choice in the decision to get a basic grade school education. Although the minimum requirements vary, every state in the union requires that children receive at least a grade school education.

Believe it or not, state and local governments do not exist simply to regulate large areas of your life, even if it sometimes seems that way. Their primary purpose is to provide services to their respective populations. In providing these services, state and local governments shape the social and economic lives of their citizens. Education is a good example of a public service that extends deep into the daily lives of Americans, but it is far from the only one. The roads you use to get to school are there because state and local authorities built them and maintain them. The electricity that runs your computer comes from a utility grid regulated by state government, local government, or both. State and local governments are responsible for the sewer and water systems that make the bathroom down the hall functional. They make sure that the water you drink is safe and that the burger, sushi, or salad you bought in your student union does not make you sick.10 State governments determine the violations and punishments that constitute criminal law. Local governments are responsible primarily for law enforcement and fire protection. The services that state and local governments supply are such a part of our lives that in many cases we notice only their absence—when the water does not run, when the road is closed, or when the educational subsidy either declines or disappears.

The Comparative Method in Practice: Yes, They Really Do Tax Dogs in West Virginia

Recognizing the impacts of state and local government may be a reasonable way to spark an interest in the topic, but interest alone does not convey knowledge. To
gain a coherent understanding of the many activities, responsibilities, and levels of state and local governments, you need a systematic approach to learning. In this book, that systematic approach is the **comparative method**, which uses similarities and differences as the basis for explaining why the world is the way it is. Think of it this way: Any two states or localities that you can think of will differ in a number of ways. For example, they really do tax dogs in West Virginia—a dollar per head for male and spayed female dogs and two dollars a head for unspayed females. This is not the case in, say, Nebraska, where dogs have to be licensed but are not taxed. Another example: Texas has executed hundreds of criminals since the national moratorium, or ban, on the death penalty was lifted in the 1970s; other states have executed none.

Or consider the electoral differences among states. Kansans and Nebraskans reliably send Republicans to the U.S. House of Representatives, while the people of Massachusetts send Democrats. Differences among states and localities are not limited to oddities like the tax status of the family pet or such big political questions as the balance of power in the House of Representatives. Those of you who do something as ordinary as buying a soda after class may pay more than your peers in other states or cities. Some readers of this book are certainly paying more in tuition and fees than those attending other colleges. Why is that? Why do those differences exist?

The comparative method seeks answers to these kinds of questions by looking for systematic **variance**, or differences, between comparable units of analysis. For our purposes, states are comparable units of analysis. Local governments—governments below the state level, such as county boards of commissioners and city councils—are another. Governments at each of these levels, state or local, have basic similarities that make comparisons of their differences meaningful. One way to think of this is that the comparative method is based on the idea that you can learn more about apples by comparing them with other apples than you can by comparing them with oranges or bananas.

**Governments at each of these levels, state or local, have basic similarities that make meaningful comparisons possible. One way to think of this is that the comparative method is based on the idea that you can learn more about apples by comparing them with other apples than you can by comparing them with oranges or bananas.**

For example, governmentally speaking, all 50 states have a lot in common. Their governmental structures are roughly the same. All have a basic division of powers among the executive, legislative, and judicial branches of government. All have to operate within the broad confines of the single set of rules that is the U.S. Constitution. There’s a bit more variety below the state level, with many different kinds and levels of local government (counties, municipalities, townships, and so forth), but broadly speaking, all these governments share a basic set of responsibilities, and all have to operate within the rules set down within their respective state constitutions. These similarities among states and among local governments make meaningful comparisons possible. Paradoxically, what makes such comparisons meaningful are not the similarities but the differences. This is because even though states share similar political structures and follow the same overall set of rules, they make very different choices. These differences have consequences—as in the example of college tuition and fees. Figure 1-1 shows how differences in the size of a state government’s contribution to higher education relate to differences in the tuition and fees paid. See the trend? As the per-student state appropriation—the amount the state kicks in per student—goes up, the average tuition bill goes down. In short, the state-level differences plotted on the horizontal axis systematically map onto the state-level differences on the vertical axis. That’s an example of the comparative method in action. Similar sorts of systematic differences among the states explain why some of you will pay more for a soda after class than others will. The sales tax on a can of soda ranges from 0 to 8 percent, depending on the city and state, hence the different prices in different locales.

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**Comparative method** A learning approach based on studying the differences and similarities among similar units of analysis (such as states).

**Variance** The difference between units of analysis on a particular measure.
the comparative method—from your tuition bills to the price of soda, differences among political jurisdictions make a difference in the daily lives of citizens.

Such differences can lend themselves to sophisticated and useful statistical analyses. For example, just exactly how much is a tuition bill influenced by state support of public higher education? Using the data in Figure 1-1, we can calculate a precise relationship between contributions from state government and college costs. On average, for every appropriation of $1,000 per student by state government, tuition and fees at public four-year universities fall by about $615.13 Of course, the reverse is also true: For every reduction of $1,000 per student in state aid, tuition and fees go up by an average of $615.

This basic approach of looking for differences that make a difference can be used to answer a broad range of “why” questions. For example, we know that how much a state gives to higher education helps determine how much you pay in tuition. So why do some states provide more support to higher education than others do? This is a question about one difference (variation in how much state governments spend on higher education) that can be answered by looking at other differences. What might these differences be? Well, they could stem from partisan politics in a state’s legislature, a state’s traditions and history, or a state’s relative wealth, among many other possibilities. As a starting point for using the comparative approach to analyze such questions, consider the following basic differences among states and among localities.

**Sociodemographics**

The populations of states and localities vary enormously in size, age, and ethnicity. The particular mix of these characteristics, or sociodemographics, in a specific state or community has a profound impact on the state or community’s politics. California is the most populous state in the nation, with nearly 39 million residents. This is a racially and ethnically diverse population, with Hispanics and Latinos constituting about 39 percent, whites about 38 percent, Asians nearly 15 percent, and blacks around 7 percent. Roughly 14

**FIGURE 1-1  ●  State Appropriations and Tuition, 2017**

percent of Californians live in poverty. Compare this with New Hampshire, which has about 1.3 million residents, more than 90 percent of whom are non-Hispanic whites and only about 7 percent of whom live below the poverty line. These population characteristics present different challenges to the governments in these two states. Differences in populations are likely to promote different attitudes about and policies on welfare, affirmative action, bilingual education programs, and even the roles and responsibilities of government in general.

All these sorts of population characteristics are dynamic—that is, they change. Between the two most recent census periods (2000 and 2010), the population of McKinney, Texas, grew by more than 200 percent. During roughly the same period, the population of Parkersburg, West Virginia, shrank by more than 21 percent. Such population expansions and contractions create very different problems and policy priorities for local governments—the struggle to accommodate new growth in a fast-developing area versus the challenge of maintaining even basic services in a rural county in which there are ever fewer taxpayers to tax. The same is true at the state level. Population-wise, some states are actually shrinking. Illinois, for example, had roughly 30,000 fewer residents in 2017 than in 2010. In the same period, Texas grew by more than 3 million. Such population shifts have potentially huge impacts, influencing everything from housing starts to job creation to demand for public services to state and local tax collections.

Sociodemographics might even be related to your tuition bill. Consider the age distribution of a state’s population, from young to old. There is less demand for college education among those older than 65 than there is among those in the traditional undergraduate demographic of 18 to 24. Given this, states with higher percentages of their populations in older age groups face a different set of education policy pressures than those with higher concentrations in younger groups. States with large aging populations are likely to face less demand for spending on higher education and more demand for public programs that address the needs of the elderly, such as access to health care. Why do some states provide more support to higher education than others? At least a partial answer to this question is that different sociodemographics create different demands for higher education.

Study Map 1-1 for a moment. Believe it or not, you are actually looking at the United States. The reason the states look so strange is that this is a special kind of map called a cartogram. Instead of using actual geographical space to determine the size of a particular area represented in the map—the number of square miles in each state, for instance—cartograms use other variables to determine how size is represented. This cartogram depicts the size of each state’s population, another useful way to compare states. Notice that some states that are geographically pretty big, such as New Mexico at 122,000 square miles, are very small on this map because they have small populations. Other states that are geographically quite small, such as Connecticut (with only 5,000 square miles), look much bigger on this map because they have large populations. Some states, such as Virginia, don’t look that different in size at all from their appearance on a traditional map.

Culture and History

States and localities have distinct “personalities” that are apparent in everything from the “bloody bucket” shoulder patch worn by the Pennsylvania National Guard to the drawl that distinguishes the speech of West Texas natives. Some states have been part of the union for more than 200 years and still project an Old World connection to Europe. Hawaii and Alaska became states within living memory and are more associated with the exoticism of the Pacific and the Old West. New York City prides itself on being a cosmopolitan center of Western civilization. The visitors’ bureau of Lincoln, Nebraska, touts the city’s small-town ambience and Middle American values. These differences are more than interesting variations in accent and local points of pride; they are visible symbols that represent distinct values and attitudes. Political scientists generally accept that these differences extend to government and that
each state has a distinct political culture, identifiable general attitudes and beliefs about the role and responsibility of government.

Daniel Elazar’s American Federalism: A View from the States is the classic study of political culture. In this book, first published more than 50 years ago, Elazar not only describes different state cultures and creates a classification of those still in use today but also explains why states have distinctly different political cultures. Elazar argues that political culture is a product of how the United States was settled. He says that people’s religious and ethnic backgrounds played the dominant role in establishing political cultures. On this basis, there were three distinct types of settlers who fanned out across the United States in more or less straight lines from the East Coast to the West Coast. These distinct migration patterns created three different types of state political cultures: moralistic, individualistic, and traditionalistic.17

States with moralistic cultures are those in which politics is the means used to achieve a good and just society. Such states tend to be clustered in the northern parts of the country (New England, the upper Midwest, and the Pacific Northwest). Elazar argues that the Puritans who originally settled the Northeast came to the New World seeking religious freedom. Their political culture reflected a desire to use politics to construct the best possible society. This notion, that government and politics represent the means to the greater good, creates a society that values involvement in politics and views government as a positive force for addressing social problems. This general orientation toward government and politics spread across the

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Political culture The attitudes and beliefs broadly shared in a polity about the role and responsibility of government.

Moralistic culture A political culture that views politics and government as the means to achieve the collective good.
Demographics and culture give each state a unique “personality.” So does geography. The wide-open spaces of the Midwest and the dense urban concentration of New York City, for example, create different expectations about and demands on government.

northern and middle parts of the country in successive waves of migration. Wisconsin, for example, is a classic moralistic state. First settled by Yankees and later by Scandinavians, Germans, and Eastern Europeans, the state has long had a reputation for high levels of participation in politics (e.g., high levels of voter turnout), policy innovation, and scandal-free government.

States with individualistic cultures have a different view of government and politics. In individualistic cultures, people view government as an extension of the marketplace, something in which people participate for individual reasons and to achieve individual goals. Government should provide the services people want, but it is not viewed as a vehicle to create a “good society” or intervene in private activities. In individualistic states, politics is viewed the same as any other business. Officeholders expect to be paid like professionals, and political parties are, in essence, corporations that compete to provide goods and services to people. Unlike those in moralistic states, as long as the roads are paved and the trains run on time, folks in individualistic states tend to tolerate a certain level of corruption in government. Illinois is an individualistic culture state—and four of its last nine governors have served jail terms for corruption, bribery, and fraud.

In a traditionalistic culture, politics is the province of elites, something that average citizens should not concern themselves with. Traditionalistic states are, as their name suggests, fundamentally conservative, in the sense that they are concerned with preserving a well-established society. Like moralistic states, traditionalistic states believe that government serves a positive role. But there is one big difference—traditionalistic states believe the larger purpose of government is to maintain the existing social order. Those at the top of the social structure are expected to play a dominant role in politics, and power is concentrated in the hands of these elites. Traditionalistic states tend to be rural (at least historically); in many of these states, agriculture, rather than a broader mix of competing commercial activities, is the main economic driver.

Traditionalistic cultures tend to be concentrated in the Deep South, in states such as Georgia, Mississippi, and South Carolina. In these states, politics is significantly shaped by tradition and history. Like the settlers of individualistic states, those who settled the South sought personal opportunity. The preindustrial, agrarian economy of the South, however, led to a culture that was little more than a variation of the feudal order of the European Middle Ages. As far back as the 1830s, French aristocrat and writer Alexis de Tocqueville, writing about the United States, noted that “as one goes farther south . . . the population does not exercise such a direct influence on affairs. . . . The power of the elected officials is comparatively greater and that of the voter less.”

States have changed considerably since Elazar’s pioneering research. Some traditionalistic states (e.g., Florida) have seen huge influxes of people from northern states, people who often are not from

Individualistic culture A political culture that views politics and government as just another way to achieve individual goals.

Traditionalistic culture A political culture that views politics and government as the means of maintaining the existing social order.
A DIFFERENCE THAT MAKES A DIFFERENCE
IS IT BETTER TO BE A WOMAN IN MINNESOTA OR A GAL IN ALABAMA?

According to the Institute for Women’s Policy Research (IWPR), it is better to be a woman in Minnesota than a gal in Alabama.

Why? Well, in an analysis of the status of women in the states, the IWPR had several reasons for ranking Minnesota as the best state for women and Alabama as the worst. For each state, the IWPR created composite indexes (combinations of different indicators collapsed onto a single measure) to rank women’s status in six areas: political participation, employment and earnings, work and family, poverty and opportunity, reproductive rights, and health and well-being. Minnesota got its top billing by scoring in the top 10 in five of these six indices. Alabama never got into the top half on anything. That tells us why the IWPR ranked Minnesota higher than Alabama, but it is really only a partial answer to our question. To learn the rest of the answer, we must ask: Why would women have greater economic autonomy and more reproductive rights in Minnesota than in Alabama?

The comparative approach to answering this question involves looking for other differences between Minnesota and Alabama—differences that might explain the variance in the status of women. One candidate for an explanatory difference is presented in Table 1-1, which shows the top five and the bottom five states in the 2015 IWPR rankings along with the dominant political culture in each state. Notice any patterns?

You may have caught that all the top five states have either moralistic or individualistic cultures, and all the bottom five states have traditionalistic cultures. Political culture thus might explain some of the differences in women’s status. States in which the dominant political values stress the importance of everyone getting involved might offer more opportunities for women. So might states that emphasize the value of hard work as the predominant basis for getting ahead in life. States in which the dominant political values stress leaving the important decisions to established elites might offer fewer opportunities for women because, traditionally, elites have been male.

Political culture, though, is not the be-all and end-all of the comparative method. Other differences may help explain why the status of women can vary so much across states. Consider Figure 1-2. The vertical axis in this graph charts women’s earnings ratio—the amount women earn relative to men—by state. The horizontal axis is the IWPR political participation index, which combines several indicators, such as the percentage of women registered to vote and the number of women holding elective office, into a single measure. Again, there appears to be a pretty clear

TABLE 1-1 ● Political Culture and the Status of Women in the States, 2015

<table>
<thead>
<tr>
<th>Five Best States for Women</th>
<th>Dominant Political Culture</th>
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<tbody>
<tr>
<td>1. Minnesota</td>
<td>Moralistic</td>
</tr>
<tr>
<td>2. Connecticut</td>
<td>Individualistic</td>
</tr>
<tr>
<td>3. Massachusetts</td>
<td>Moralistic</td>
</tr>
<tr>
<td>4. Vermont</td>
<td>Moralistic</td>
</tr>
<tr>
<td>5. California</td>
<td>Moralistic</td>
</tr>
<tr>
<td>Five Worst States for Women</td>
<td>Dominant Political Culture</td>
</tr>
<tr>
<td>46. Florida</td>
<td>Traditionalistic</td>
</tr>
<tr>
<td>47. Tennessee</td>
<td>Traditionalistic</td>
</tr>
<tr>
<td>48. Kentucky</td>
<td>Traditionalistic</td>
</tr>
<tr>
<td>49. Mississippi</td>
<td>Traditionalistic</td>
</tr>
<tr>
<td>50. Alabama</td>
<td>Traditionalistic</td>
</tr>
</tbody>
</table>

trend here: The greater the political participation, the higher the earnings ratio. In other words, in states where women are more involved in politics and wield more political influence, women's earnings get closer to parity with male earnings. Why do women earn less than men? Figure 1-2 suggests that at least a partial answer is that in some places they wield less political power than men. Once you get the hang of using the comparative method at the state level to frame an analysis like this, you will likely see potential applications of the comparative method to a wide variety of questions with political, social, and economic importance.

FIGURE 1-2  ● Political Participation and Women's Earnings, 2015


traditionalistic cultures. The Deep South is also considerably more urban than it used to be, thus the agricultural foundation of many traditionalistic states has changed. The upshot of these sorts of shifts is that many states these days tend to encompass a mix of two or even all three cultures.

Even with such changes, however, political culture is remarkably resilient. In most states, one of Elazar’s three political cultures is likely to be dominant, as shown in Map 1-2. In a recent examination of state differences, one journalist deduced that those cultural classifications still hold explanatory power and concluded, “It is unlikely that we’ll see the erosion of these different state cultures in the near future.”19 A 2014 academic study undertaken by non–political scientists (who were apparently unaware of Elazar’s work) engaged in a highly sophisticated statistical analysis of state differences based on a wide range of variables, from disease rates to the threat of natural disasters. The resulting state rankings are highly correlated with the moralistic/traditionalist/individualistic typology—indeed, so highly correlated that it is reasonable to argue that these researchers effectively rediscovered Elazar’s cultural classification more than 50 years later.20 This new cultural ranking scheme joins a long list of studies that have found that political culture (however measured) shapes politics and policy in important ways. Policy change and innovation, for example, are more likely in moralistic states. Individualistic states are more likely to offer businesses tax breaks. Traditionalistic states tend to commit less public money to areas such
as education. Faced with similar problems, therefore, the Texas and Wisconsin state legislatures may propose radically different policy responses. These differences are at least partially products of the political cultures that still distinguish each state. In other words, culture and history matter.

These cultural differences certainly are apparent when it comes to states’ support for higher education. Moralistic states commit considerably more resources to higher education than do individualistic and traditionalistic states. They spend about 13 percent more per capita on colleges and universities than do states with the other two cultures. Because moralistic states are those in which attitudes support higher levels of commitment to the public sector, these spending differences make sense in cultural terms. Why do some states provide more support to higher education than others do? Apparently, another part of the answer is that some political cultures see higher education in more communal than individual terms. See Table 1-2 for a summary of the three political cultures as classified by Elazar.

**Economy**

The relative size and health of a state’s economy has a huge impact on its capacity to govern and provide public services. Among the states, the per capita gross domestic product—the state equivalent of the gross national product—varies from about $31,607 in Mississippi to $66,910 in North Dakota. (See Map 1-3.) This means government in North Dakota has the ability to tap a greater amount of resources than can government in Mississippi. The difference in wealth, in effect, means that if North Dakota and Mississippi were to implement identical and equivalent public services, Mississippi would have a considerably higher tax rate. This is because Mississippi would have to use a greater proportion of its smaller amount of resources, compared with North Dakota. These sorts of differences also are visible at the local level. Wealthy suburbs can enjoy lower tax rates and still spend more on public services than can economically struggling urban or rural communities.
### TABLE 1-2  • Political Cultures at a Glance

<table>
<thead>
<tr>
<th>Elazar Classification</th>
<th>Moralistic</th>
<th>Individualistic</th>
<th>Traditionalistic</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Role of Government</strong></td>
<td>Government should act to promote the public interest and policy innovation.</td>
<td>Government should be utilitarian, a service provider.</td>
<td>Government should help preserve the status quo.</td>
</tr>
<tr>
<td><strong>Attitude of Public Representatives</strong></td>
<td>Politicians can effect change; public service is worthwhile and an honor.</td>
<td>Businesslike—politics is a career like any other, and individual politicians are oriented toward personal power. High levels of corruption are more common.</td>
<td>Politicians can effect change, but politics is the province of the elites.</td>
</tr>
<tr>
<td><strong>Role of Citizens</strong></td>
<td>Citizens actively participate in voting and other political activities; individuals seek public office.</td>
<td>The state exists to advance the economic and personal self-interest of citizens; citizens leave politics to the professionals.</td>
<td>Ordinary citizens are not expected to be politically involved.</td>
</tr>
<tr>
<td><strong>Degree of Party Competition</strong></td>
<td>Highly competitive</td>
<td>Moderate</td>
<td>Weak</td>
</tr>
<tr>
<td><strong>Government Spending on Services</strong></td>
<td>High</td>
<td>Moderate—money goes to basic services but not to perceived &quot;extras.&quot;</td>
<td>Low</td>
</tr>
<tr>
<td><strong>Political Culture</strong></td>
<td>Strong</td>
<td>Fragmented</td>
<td>Strong</td>
</tr>
<tr>
<td><strong>Most Common in . . .</strong></td>
<td>Northeast, northern Midwest, Northwest</td>
<td>Middle parts of the country, such as the Mid-Atlantic; parts of the Midwest, such as Missouri and Illinois; parts of the West, such as Nevada</td>
<td>Southern states, rural areas</td>
</tr>
</tbody>
</table>

*Source: Adapted from Daniel J. Elazar, American Federalism: A View from the States, 2nd ed. (New York: Crowell, 1972).*

Regional economic differences do not determine only tax burdens and the level of public services; they also determine the relative priorities of particular policy and regulatory issues. Fishing, for example, is a sizable industry in coastal states in the Northeast and Northwest. States such as Maine and Washington have numerous laws, regulations, and enforcement responsibilities tied to the catching, processing, and transporting of fish. Regulating the economic exploitation of marine life occupies very little government attention and resources in places such as Kansas and Nevada, although agriculture in the former and gambling in the latter create just as many policy challenges and demands for government action.

Regardless of the basis of a state’s economy, greater wealth does not always translate into more support for public programs. States with above-average incomes actually tend to spend less per capita on higher education. Why would less wealthy states concentrate more of their resources on higher education? There are a number of possible explanations. Education is a critical component of a postindustrial economy, so states that are less well-off may direct more of their resources into education in hopes of building a better economic future. Citizens in wealthy states simply may be better able to afford higher tuition costs. Whatever the explanation, this example suggests another advantage of employing the comparative
The relative size of state economies is measured in terms of gross state product. Notice how geographically big states with small economies (Montana and Alaska) compare with geographically small states with big economies (New Jersey and Massachusetts).


method—it shows that the obvious assumptions are not always the correct ones.

**Geography and Topography**

There is wild variation in the physical environments in which state and local governments operate. Hawaii is a lush tropical island chain in the middle of the Pacific Ocean, Nevada encompasses a large desert, Michigan is mostly heavily forested, and Colorado is split by the Rocky Mountains. Such geographical and topographical variation presents different challenges to governments. State and local authorities in California devote considerable time and resources to preparing for earthquakes. Their counterparts in Texas spend comparatively little time thinking about earthquakes, but they do concern themselves with tornadoes, grass fires, and hurricanes.

Combine geography with population characteristics, and the challenges become even more complex. Montana is a large rural state in which the transportation logistics—simply getting students to school—can present something of a conundrum. Is it better to bus students long distances to large, centrally located schools, or should there be many smaller schools within easy commuting distance for relatively few students?
The first is cheaper. Larger schools can offer academic and extracurricular activities that smaller schools cannot afford. But the busing exacts a considerable cost on students and families. The second alternative eases transportation burdens, but it requires building more schools and hiring more teachers, which means more taxes. Geographical and population differences often not only shape the answers to such difficult policy issues but also pose the questions.

Consider the variety of seasonal weather patterns that occur within the enormous geographical confines of the United States. In Wisconsin, snow removal is a key service provided by local governments. Road-clearing crews are often at work around the clock during bad weather. The plows, the crews, and the road salt cost money. They all require a considerable investment in administration and coordination to do the job effectively. In Florida, snow removal is low on local governments’ lists of priorities, for good reason—it rarely snows in the Sunshine State. On the other hand, state and local authorities in Florida do need to prepare for the occasional hurricane. Hurricanes are less predictable and less common than snow in Wisconsin, and it takes only one to create serious demands on the resources of local authorities.

And, yes, even basic geography affects your tuition bill, especially when combined with some of the other characteristics discussed here. Many large public colleges and universities are located in urban centers because central geographical locations serve more people more efficiently. Delivering higher education in rural areas is a more expensive proposition simply because there are fewer people in the service area. States with below-average population densities tend to be larger and more sparsely populated. They also tend to spend more on higher education. Larger government subsidies are necessary to make tuition affordable.

Recognizing the Stakes

The variation across states and localities offers more than a way to help make sense of your tuition bill or to explain why some public school systems are better funded or to understand why taxes are lower in some states. These differences also serve to underline the central role of states and localities in the American political system. Compared with the federal government, state and local governments employ more people and buy more goods and services from the private sector. They have the primary responsibility for addressing many of the issues that people care about the most, including education, crime prevention, transportation, health care, and the environment. Public opinion polls often show that citizens place more trust in their state and local governments than in the federal government. These polls frequently express citizens’ preference for having the former relieve the latter of a greater range of policy responsibilities. With these responsibilities and expectations, it should be obvious that state and local politics are played for high stakes.

Compared with the federal government, state and local governments employ more people and buy more goods and services from the private sector. They have the primary responsibility for addressing many of the issues that people care about the most, including education, crime prevention, transportation, health care, and the environment.

High stakes, yes, but it is somewhat ironic that state and local governments tend to get less attention in the media, in private conversation, and in curricula and classrooms than does their federal counterpart. Ask most people to think about American government, and chances are they will think first about the president, Congress, Social Security, or some other feature of the national government. Yet most American governments are state or local. Only 535 elected legislators serve in the U.S. Congress. Thousands of legislators are elected at the state level, and tens of thousands more serve in the legislative branches of local government.

In terms of people, state and local governments dwarf the federal government. There are more teachers working for public schools—about 3 million—than the entire combined civilian workforce of the federal government (about 2.7 million). Roughly 5 million state employees and more than 14 million local government employees punch the time clock every day. (See Map 1-4.) In terms of dollars, state and local governments combined represent about the same spending force as the
federal government. In 2015, state and local government expenditures totaled about $3.4 trillion.\textsuperscript{26}

The size of state and local government operations is commensurate with these governments’ 21st-century role in the political system. After spending much of the 20th century being drawn closer into the orbit and influence of the federal government, states and localities have spent the last few decades aggressively asserting their independence. This maturing of nonfederal, or subnational, government made its leaders and policies—not to mention its differences—among the most important characteristics of our political system.

The context of the federal system of government, and the role of state and local governments within that system, is given more in-depth coverage in Chapter 2. For now, it is important to recognize that governance in the United States is more of a network than a hierarchy. The policies and politics of any single level of government are connected and intertwined with the policies and politics of the other levels of government in a complex web of interdependent relationships. The role of states and localities in these governance partnerships has changed considerably in the past few decades.

What states and localities do, and how they go about doing it, turns out to shape national life overall, as well as the lives of individual citizens. Given what is at stake at the state and local levels, no citizen can fully comprehend the role and importance of government without understanding subnational politics.

U.S. Supreme Court justice Louis Brandeis famously described the states as **laboratories of democracy**. This metaphor refers to the ability of states—and, to a lesser extent, localities—to experiment with policy. Successful experiments can be replicated by other states or adopted by the national government. For much of the past 30 years, state–federal relations have been characterized by **devolution**, or the process of taking power and responsibility away from the federal government and giving it to state and local governments. As a result, the states for a time aggressively promoted new ways to solve old problems in such high-profile policy areas as welfare, gun control, and education. That trend of increasing state policy autonomy was temporarily halted by the severe economic contraction of 2008–2009, the so-called Great Recession. For several years after the Great Recession, states became critically dependent on federal money to stay solvent, and that meant they had to pay attention to federal policy priorities. As the economy recovered and states became less reliant on federal grant dollars, however, states in the past decade have once again begun to assert their independence from the federal government. This independence is increasingly characterized by ideological and partisan differences. States with conservative Republican governors frequently sought to resist the policy priorities of Democratic president Barack Obama’s administration, pushing back on everything from the expansion of Medicaid to immigration. More recently, blue state Democratic governors have aggressively opposed Republican president Donald Trump’s attempts to back away from climate change policies and to tighten immigration.

We’ll take a closer look at the details of intergovernmental relations in the next chapter, but it is important here to recognize that how state and local governments exercise their independent decision-making authority is dependent on a number of factors. Some of these factors are external. The U.S. Constitution, federal laws and regulations, nationwide recessions, and the like constrain what states and localities can and cannot do. Internal factors, such as the characteristics of a particular state, also play a critical role in setting limits on what the state decides to do.

The big three of these internal factors are wealth, the characteristics of the state’s political system, and the relative presence of organized interest groups, those individuals who organize to support policy issues that concern them. Public programs cost money. Wealth sets the limits of possible government action. Simply speaking, wealthier states can afford to do more than poorer states can. For most states, lack of funds is currently the biggest factor limiting independent policy action at the state and local levels. Simply put, many subnational governments do not have the money to launch expensive new policy initiatives. Indeed, in recent years, many of these governments have not had the money to keep funding their existing programs.

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**Laboratories of democracy** A metaphor that emphasizes the states’ ability to engage in different policy experiments without interference from the federal government.

**Devolution** The process of taking power and responsibility away from the federal government and giving it to state and local governments.
Introduction to State and Local Government

and services (higher education, for example) at previous levels. While it is important, however, money is not the only factor that influences policy directions at the subnational level. Political system characteristics are the elements of the political environment that are specific to a state. States in which public opinion is relatively conservative are likely to pursue different policy avenues than are states in which public opinion is more liberal. States in which Republicans dominate the government are likely to opt for different policy choices than are states in which Democrats dominate. States with professional full-time legislatures are more likely to formulate and pursue sustained policy agendas than are states in which legislators are part-timers who meet only periodically. States in which the government perceives an electoral mandate to reform government are more likely to be innovative than are states in which the government perceives an electoral mandate to retain the status quo. Organized interest group activity helps determine what sorts of policy demands government responds to. Governments in states with powerful teachers’ unions, for example, experience different education policy pressures than do governments in states where teachers’ unions are politically weak. These three factors constitute the basic ingredients for policymaking in the states. Specifics vary enormously from state to state, and the potential combinations in this democratic laboratory are virtually infinite.

Localities face more policymaking constraints than states do because they typically are not sovereign governments. This means that, unlike states, local governments get their power from the level of government above them rather than directly from citizens. The states have much greater control over local governments than the federal government has over the states. Yet, even though local governments are much more subordinate to state government than state government is to the federal government, they do not simply take orders from the state capital. Many have independent taxing authority and broad discretion to act within their designated policy jurisdictions.

These policy jurisdictions, nevertheless, are frequently subject to formal limits. The authority of school districts, for example, extends only to funding and operating public schools. State government may place limits on districts’ tax rates and set everything from minimal employment qualifications to maximum teacher-to-pupil ratios. Even within this range of tighter restrictions, however, local governments retain considerable leeway to act independently. School districts often decide to contract out cafeteria and janitorial services, cities and counties actively seek to foster economic development with tax abatements and loan guaranteees, and police commissions experiment with community-based law enforcement. During the past two decades, many of the reforms enthusiastically pursued at all levels of government—reforms from innovative management practices to the outright privatization of public services—have had their origins in local government.

States and localities are not just safe places to engage in limited experimentation; they are the primary mechanisms connecting citizens to the actions of government.

What all this activity shows is that states and localities are not only the laboratories of democracy but also the engines of the American republic. States and localities are not just safe places to engage in limited experimentation; they are the primary mechanisms connecting citizens to the actions of government.

Conclusion

There are good reasons for developing a curiosity about state and local governments. State politics determines everything from how much you pay for college to whether your course in state and local governments is required or elective. Above and beyond understanding the impact of state and local governments on your own life and interests, studying such governments is important because of their critical role in the governance and life of the nation. Subnational, or nonfederal, governments employ more people than the federal government and spend as much money. Their responsibilities include everything from repairing potholes to regulating pot. It is difficult, if not impossible, to understand government in the United States and the rights, obligations, and benefits of citizenship without first understanding state and local governments.

This book fosters such an understanding through the comparative method. This approach involves looking for patterns in the differences among states.
Riddle me this: It is a city. It is sort of a state. It is ruled by Congress. What is it? It is the District of Columbia, otherwise known as Washington, D.C. It is also the nation’s capital—and surely the most unusual local government in the country.

Technically, Washington, D.C., is a federal city. Article I, Section 8, Paragraph 17 of the U.S. Constitution gives Congress the power to rule over an area not to exceed 10 square miles that constitutes the seat of national government; yet it has never been quite clear what that means in terms of governance. Should Congress rule the city directly? Should the citizens of the city be given the right to elect a representative government? If they do this, should the government be subordinate to Congress, or should it be counted as equivalent to a state and thus free to make any laws that do not violate the U.S. Constitution?

Throughout the city’s history, these questions have been answered very differently. In the early 1800s, the district was a strange collection of cities and counties, each governed by different means. Washington City and Georgetown were municipalities run by a chief executive (a mayor) and a legislature (a council). Depending on the time period, however, the mayors were sometimes appointed by the federal government and sometimes elected. In addition to the two cities, there were two counties. Maryland laws governed Washington County; Virginia laws governed Alexandria County.

In the 1870s, Washington City, Georgetown, and Washington County were combined into a single governmental unit, a federal territory with a governor appointed by the president and a legislature elected by the territorial residents. This eventually became the District of Columbia, or Washington, D.C. For most of its history, commissioners appointed by the federal government governed the district. It was not until 1974 that the residents of Washington, D.C., gained home rule and the right to elect their own mayor and council.

This mayor–council arrangement, however, is unlike any other municipal government in the United States. The laws passed by the council have to be reviewed and approved by Congress. The laws that govern federal–state relationships treat the district as a state, even though it is not a state and cannot operate like one. The mayor is not considered the head of a federal agency, but he or she is expected to act like one when seeking appropriations from Congress.

This odd hybrid of local, state, and federal governments is reflected in the unique electoral status of Washington, D.C., voters. Voters in the district have a local vote but only half of a federal vote. They can vote for the president but not for a member of Congress. They can vote for a mayor and council, but they have no voting representative in Congress; yet Congress has the power to overturn laws passed by the council. The district now has three electoral votes. Prior to 1963, it had none, and D.C. voters could not cast a ballot for president.

All this makes Washington, D.C., the nation’s most unusual local government. It is the only municipality that is a creature of the United States rather than of a state constitution, and, as such, it is the only really national city in the country.

As discussed extensively in this chapter, the comparative method is an important tool used by scholars to understand how state-level differences translate into meaningful political and policy differences. A lot of these differences that make a difference are not static—indeed, some may be changing even as you read this textbook.

The “granddaddy” of all differences—though far from the only one—is political culture, a concept originated by Daniel Elazar that continues to be widely respected for its explanatory power. While scholars in the past few decades have conducted a number of more fine-grained analyses of political culture that take advantage of new data sources and more sophisticated statistical techniques, Elazar’s original classification system remains a disciplinary standard. Below we summarize some of the newest research that uses the comparative method and investigates state political cultures and their impact on politics and policy.


The two studies listed here use Elazar’s classification to examine the impact of political culture in two very different areas of politics. Fisher is examining whether political culture can help explain state-level voting patterns in the 2016 Republican presidential primary. He finds this is indeed the case. For example, Donald Trump’s share of the primary vote was significantly lower in states with a moralistic political culture. Dincer and Johnston are interested in what explains patterns of corruption in state government, and hypothesize that political culture may play an important role in predicting these trends. Their analysis concludes that culture is a “sticky” determinant of corruption patterns, where states with moralistic cultures have fewer corruption issues than states with traditionalistic or individualistic cultures. What these two studies show is that more than 50 years after Elazar first developed his theory of political culture, contemporary scholars continue to find his cultural classifications have a lot of explanatory power across various dimensions of politics and policy.


Harrington and Gelfand’s study is different from the two papers discussed above. These researchers are not analyzing an existing concept of state-level culture, but trying to create a new one. Specifically, they are taking a theory used to explain differences in political culture between nations and seeing if it works for the states. This theory makes a distinction between “tight” and “loose” cultures. Tight cultures are characterized by strongly enforced rules and norms, with less tolerance for deviance. Loose cultures have fewer strongly enforced rules and high levels of tolerance. The basic idea is that nations that face a lot of stress—wars, environmental or economic threats, internal strife—gravitate toward a tighter culture to maintain social cohesion (or even survival). Nations that face fewer threats tend to gravitate toward a looser culture. Harrington and Gelfand find that the basic idea also works at the state level. They create a state-level index of cultural “tightness” that successfully predicts various state characteristics in exactly the way you would expect culture to affect laws and policy choices.

The latest research indicates that political culture is a crucial factor in understanding state-level differences in politics and policy.
Top Ten Takeaways

1. Most citizens know comparatively little about state and local politics, even though these governments have a significant impact on their daily lives.

2. State and local governments have the primary policy responsibility in areas such as education and law enforcement, and decisions made by these governments affect everything from the size of a tuition bill to the size of an elementary school class, from the licensing requirements to become a barber to the licensing requirements to become a doctor.

3. States are different in many ways, from topography and weather to population size and sociodemographics.

4. Despite their differences, all states have a core set of political similarities—they all must operate within the guidelines of the U.S. Constitution, and they have similarly structured governments, with an elected legislature, an independently elected executive, and an independent judiciary.

5. States are sovereign governments. In other words, as long as they are not in violation of the U.S. Constitution, they are free to do as they please. They draw their power not from the federal government, but from the U.S. Constitution, their own state constitutions, and their own citizens.

6. These differences and similarities make the states unique laboratories for investigating a wide range of important political and policy questions. The states constitute 50 truly comparable and sovereign governments.

7. The comparative method uses the similarities and differences of the states as a basis for looking at systematic variance. In other words, this method seeks to see whether one set of differences among the states can help explain other differences.

8. There are three basic types of political culture in the states. Moralistic cultures tend to view government as a means to make society better. Individualistic cultures view government as an extension of the marketplace. Traditionalistic cultures tend to view government and politics as the concern of elites, not average citizens.
9. Political culture provides a good example of how “a difference makes a difference.” Variation in political culture helps explain a wide variety of political and policy differences among the states—everything from differences in voter turnout to differences in the political status of women.

10. It is virtually impossible to understand politics, policy, and governance in the United States without understanding state and local government.

Key Concepts

- comparative method (p. 4)
- devolution (p. 16)
- individualistic culture (p. 8)
- laboratories of democracy (p. 16)
- moralistic culture (p. 7)
- political culture (p. 7)
- sociodemographics (p. 5)
- traditionalistic culture (p. 8)
- variance (p. 4)

Suggested Websites

- **www.csg.org.** The website of the Council of State Governments, an organization that represents elected and appointed officials in all three branches of state government. Publishes on a wide variety of topics and issues relevant to state politics and policy.

- **libguides.princeton.edu/politics/american/states.** A site containing links to a wide variety of state-level data sources that have been collected and made available to the public by scholars and government agencies.

- **www.census.gov/quickfacts.** A U.S. Census Bureau website that lists state rankings on population, per capita income, employment, poverty, and other social and economic indexes.

- **us.sagepub.com/en-us/nam/state-stats.** A comprehensive and searchable database of state-level information (requires subscription).
Federalism
The Power Plan

Like it or not, states and the federal government need each other. Big economic development projects, for example, sometimes require the efforts of both levels of government. President Donald Trump and former Wisconsin governor Scott Walker are seen here attending the groundbreaking of a massive factory in Walker's state.
Chapter Objectives

After reading this chapter, you will be able to

• Identify the three systems of government and how they divide power,
• Explain what federalism is and why it was chosen as a system for the United States,
• Discuss the advantages and disadvantages of federalism,
• Describe the ways elements in the U.S. Constitution provide a basis for federalism,
• Summarize the different types of federalism that developed over time, and
• Discuss the Supreme Court’s role in U.S. federalism.

In 2017, roughly $1.5 billion worth of marijuana was legally sold in the state of Colorado. Well, sort of. Technically, it was all illegal, even though the people doing the selling were running aboveboard, legitimate businesses. Huh? How can selling marijuana be legal and illegal at the same time? Simple: federalism.

Federalism is a political system in which national and regional governments share powers and are considered independent equals. The upshot of federalism in the United States is that the national government and state governments can have pretty different ideas about what should or should not be done. And you don’t have to get too far into the legal weeds to figure this out. You just have to get into weed. See, the reason selling pot is both legal and illegal in Colorado boils down to a difference between state and federal law. In 2012, voters in Colorado approved Amendment 64, a ballot initiative that among other things permitted the commercial cultivation and retail sale of marijuana. Since this new law took effect in 2014, legal sales of marijuana have skyrocketed, and at last count, taxes on those sales were bringing about $250 million a year into the state treasury. Nothing that’s happened in Colorado or the other eight states and the District of Columbia (and counting) that have legalized marijuana, however, changes anything about federal law.

At least in theory, federal law in this instance is supposed to take precedence over state law, and federal law takes a dim view of selling spliffs or herb-enhanced candy. It classifies marijuana as a Schedule I drug, which basically means it’s treated more like heroin than booze. As far as federal law is concerned, possessing and/or selling marijuana is a serious no-no that can be punished with stiff fines and jail time. Except it isn’t. Or at least, not until it is. If this sounds confusing, it’s because, well, it is confusing. When states started to adopt full-on legalization of marijuana a half-decade or so ago, the federal government basically said, “No worries, we’ve got bigger fish to fry.” The administration of President Barack Obama adopted an official policy of telling federal prosecutors not to expend their limited time and resources going after people selling pot where the practice had been legalized. In January 2018, the administration of Donald Trump formally ended that policy. So where did that leave pot sellers in Colorado? Well, running a legal business by state law that was illegal by federal law.

This confusing state of affairs is actually a good metaphor for federalism as it is practiced in the United States. State governments want to do one thing and go their own way, while the federal government wants the nation as a whole to go in a different direction. Clearly, both of these things cannot happen. So, who ultimately has the power and the authority to get their way? The states or the federal government? In a nutshell, finding the answer to this question drives a good deal of political conflict in the United States. The only way any of that makes sense is if you understand federalism. Indeed, the bottom line is that you cannot understand politics in the United States—and that means national as well as state and local politics—without understanding federalism. Certainly, a thorough understanding of this system of shared powers is critical to understanding...
the politics of states and localities and the important role they play in the political life of the nation. Figuring out who—the federal or state governments—has the power to do what is not just the only way to resolve the legal status of pot; it is one of the most central questions of the entire American political system. This chapter provides a basic understanding of federalism, its history and evolution in the United States, and its implications for politics and governance in states and localities. As you read through the chapter, keep in mind the following questions:

- **What are the advantages and disadvantages of federalism?**
- **Why has policy activity increasingly moved from the federal government to the states?**
- **Why would some businesses prefer to be regulated by the federal government rather than by state governments?**

### Systems of Power

We typically think of a nation as being ruled by a single sovereign government—that is, a government that depends on no other government for its political authority or power. This does not mean, however, that every nation has one government. Power and policy responsibility are distributed throughout any given political system in one of three ways, and all typically involve multiple levels of government. (See Figure 2-1.) The first option is to concentrate power in a single central government. Nations in which legal authority is held exclusively by a central government are known as **unitary systems**. Unitary systems typically do have regional and/or local governments, but these can exercise only the powers and responsibilities granted them by the central government. In other words, these governments are not sovereign; how much or how little power they are allowed to wield is up to the central government, not the citizens of the particular localities. The United Kingdom is a good example of a unitary system. Historically, the United Kingdom has a strong tradition of local and regional government; power is concentrated in the nation’s Parliament. If it so chooses, Parliament can expand or contract the powers and responsibilities of these lower governments or even shut them down entirely.

In contrast to unitary systems, federal systems concentrate power in regional governments. A **confederacy** is defined as a voluntary association of independent, sovereign states or governments. This association stands the power hierarchy of a unitary system on its head. In a confederacy, the central government depends on the regional governments for its legal authority. The United States has experimented with confederal systems twice during its history. The Articles of Confederation was the first constitution of the United States. It organized the U.S. political system as an agreement of union among sovereign states. The national government consisted of a legislature in which all states had equal representation. There was no national executive branch, such as the presidency, and no national judiciary, such as the Supreme Court.

This confederal system was adopted during the Revolutionary War and remained in effect for more than a decade. Many of the nation’s founders saw its flaws, however, and wrote its replacement at the Constitutional Convention of 1787 in Philadelphia. The product of that gathering—the U.S. Constitution—was ratified in 1788 and replaced the Articles of Confederation as the basis of the U.S. political system.² The second experiment with confederacy began in 1861 at the onset of the Civil War. Southern states seeking to secede from the Union organized their political system as a confederacy. All this ended with the South’s surrender in 1865 and the return of the seceded states to the Union.

Federal systems operate in a middle range between unitary systems and confederacies. Responsibilities in a federal system are divided between the two levels of government, and each is given the appropriate power and legal authority to fulfill those responsibilities. The system’s defining feature is that neither level of government is dependent on the other for its power. Within its defined areas of responsibility, each is considered independent and autonomous. In the United States, the two levels of government considered sovereign are the federal government and state governments. States are legally equal partners with the national government and occupy a central role in the political system. Although required to operate within the rules laid
Central government grants powers to the regional governments.

Independent states or governments grant legal authority to central government.

Responsibilities and powers are divided between central government and regional governments or states; neither level is dependent upon the other for its power.

Why Federalism?

The Origins of the Federal System in the United States

The United States is a federal system for a number of reasons. Largely because of their experiences with the Articles of Confederation, the framers of the Constitution rejected the possibility of a confederacy. The national government was so weak under the Articles that prominent figures such as James Madison and George Washington feared it doomed the newly independent republic to failure.

These fears were not unfounded. Following the successful conclusion of the Revolutionary War in 1783, the new United States found itself in the grip of an economic recession, and the central government had little power to address the crisis. Indeed, it actually contributed to the problem by constantly threatening to default on its debts. Independence had brought political freedom, but it also meant that American-made products were now in head-to-head competition with cheap, high-quality goods from Great Britain. This made consumers happy but threatened to cripple American businesses. The economic difficulties pitted state against state, farmer against manufacturer, and debtor against banker. The weak central government really did not have the power to attempt a coordinated, nationwide response to the problem. It could do little but stand by and hope for the best.

As internal tensions mounted within the United States, European powers still active in the Americas threatened the nation’s very sovereignty. Spain shut down shipping on the Mississippi River. The British
refused to withdraw from some military posts until the U.S. government paid off its debts to British creditors. George Washington believed the United States, having won the war, was in real danger of losing the peace. He said that something had to change “to avert the humilitating and contemptible figure we are about to make on the annals of mankind.”

For a loose coalition of the professional classes who called themselves Federalists, that “something” that needed to change was obviously the central government. This group of lawyers, businessmen, and other individuals, drawn mostly from the upper social strata, sought to create a stronger and more powerful national government. Americans, however, were not particularly enthusiastic about handing more power to the central government, an attitude not so different from that held by many today. Most recognized that the Articles had numerous flaws, but few were ready to copy the example of the British and adopt a unitary system.

Two events in fall 1786 allowed the Federalists to overcome this resistance and achieve their goal of creating a more powerful national government. The first was the Annapolis Convention. This meeting in Maryland’s capital was convened for the purpose of hammering out an interstate trade agreement. Few states sent delegates, and those who did show up had strong Federalist sympathies. They took advantage of the meeting and petitioned Congress to call for a commission to rewrite the Articles of Confederation.

The second event was Shays’s Rebellion, named for its leader, Daniel Shays, a hero of the recently won Revolutionary War. The rebellion was an uprising of Massachusetts farmers who took up arms in protest of state efforts to take their property as payment for taxes and other debts. It was quickly crushed, but with further civil unrest threatening to boil over into civil war and with mounting pressure from powerful elites within the Federalist ranks, the Continental Congress was pushed to call for states to send delegates to Philadelphia in summer 1787. The purpose of the meeting, which came to be known as the Constitutional Convention, was the rewriting of the Articles of Confederation.

Once convened, the group quickly abandoned its mandate to modify the Articles and decided to write an entirely new constitution. In doing so, the Federalists who dominated the convention rejected confederacy as an adequate basis for the American political system. Their experience under the Articles had taught them that a central government subordinate to the states was not much of a government at all. What they wanted was a government capable of dealing effectively with national problems, and this meant a strong central government whose power was independent of the states.

Some Federalists, notably Alexander Hamilton, were attracted to the idea of a unitary government, but such a system was never seriously considered at the Constitutional Convention. Popular sentiment did not favor a unitary system, which was understandable given that the Revolutionary War had been fought in no small part because of the perceived arrogance of and abuse by a central government toward its regional subordinates (the states were originally colonies of the British Crown). Political realities also argued against pushing for a unitary system. To have any legal force, the new constitution would have to be ratified by the states, and it was highly unlikely the states would voluntarily agree to give up all their powers to a national government. Federalism was thus the only practical option.

Yet a federal system meant more than the political price that had to be paid to achieve a stronger national government. The founders were attempting to construct a new form of representative government, in which citizens would exercise power indirectly, on the basis of a paradox. Convention delegates wanted a more powerful national government, but at the same time, they did not want to concentrate power for fear that would lead to tyranny. Their solution to this problem was to create a system of separated powers and checks and balances. They divided their new and stronger national government into three branches—legislative, executive, and judicial—and made each branch partially reliant on the others to carry out its own responsibilities. This made it difficult for any single group to gain the upper hand in all three divisions of government and gave each branch the power to check the excesses of the other branches.

The delegates achieved a similar set of goals by making state and national governments coequal partners. By letting states remain independent decision makers in a wide range of policy arenas, they divided power between the national and subnational levels of 

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**Representative government** A form of government in which citizens exercise power indirectly by choosing representatives to legislate on their behalf.
government. The national government was made more powerful by the new constitution, but the independence of the states helped set clear limits on this power.

The Advantages and Disadvantages of Federalism

Federalism solved a political conundrum for the founders and helped achieve their philosophical aims of dispersing and separating power. Yet federalism is not necessarily better than a confederal or a unitary system—it's just different. In the United States, the pros and cons of federalism have benefited and bedeviled the American political system for more than two centuries.

There are four key advantages to the federal system. (See Table 2-1.) First, it keeps government closer to the people. Rather than the federal government’s imposing one-size-fits-all policies, states have the freedom and authority to match government decisions to local preferences. This freedom also results in the local variance in laws, institutions, and traditions that characterizes the U.S. political system and provides the comparative method with its explanatory strength.

Second, federalism allows local differences to be reflected in state and local government policy and thereby reduces conflict. Massachusetts, for example, tends to be more liberal than, say, Alabama. California has a much more ethnically and culturally diverse population than does Nebraska. Rather than having the various interests and preferences that spring from state-to-state differences engage in a winner-take-all policy struggle at the federal level, they can be accommodated at the state level. This reduces the friction among interests and lessens conflict.

Third, independent subnational governments allow for flexibility and experimentation. The states, as Supreme Court justice Louis Brandeis famously put it, are “the laboratories of democracy.” Successful policy innovations in one state can be adopted by other states and copied by the federal government. Fourth, the achievement of at least some national goals is made easier by the participation of independent subnational governments. For example, the Patient Protection and Affordable Care Act (popularly known as Obamacare) is the most sweeping reform of health care regulation in half a century. The primary goal of Obamacare was to reduce the number of people without health insurance, and one of the law’s key provisions is the establishment of health insurance exchanges, basically centralized places where people can buy federally subsidized health insurance packages. As state governments constitute ready-made centralized regulatory bodies geographically distributed across the nation, it made sense to have them set up and run these exchanges rather than have the federal government do it from scratch, and that was the original intent when Obamacare was initiated.

Along with its benefits, however, federalism confers a set of disadvantages. First, while allowing local differences does keep government closer to the people, it also creates complexity and confusion. For example, if you own a nationwide business, you have to deal with state and federal regulations—51 sets of regulations in all. That means, among other things, 51 tax codes and 51 sets of licensing requirements. And many communities have their own restrictions and requirements for businesses as well.

Second, federalism can increase conflict as easily as reduce it. The Constitution is very vague on the exact division of powers between state and federal governments, and doesn’t mention local governments at all (see the box “Local Focus: States and Cities Are Not Equal Partners”). This results in a constant struggle—and a lot of litigation—to resolve which level of government has the responsibility and legal authority to take the lead role in a given policy area. For example, while some states followed through on the Obamacare intent of setting up exchanges, other states—especially states characterized by conservative
Texas governor Greg Abbott famously doesn’t like taking orders from Washington, D.C. He made his reputation as a crusading attorney general fighting federal government overreach—he sued the Obama administration 31 times—and championing the cause of states’ rights.

Abbott’s commitment to decentralization of government power within the federal system, though, pretty much stops at the state border. While Abbott supports states having the freedom to chart their own political and policy course, he’s not a big fan of extending that philosophy outside the state capitol. Quite the reverse. He might favor hands-off regulation by the federal government, but he is considerably less keen on the states giving local governments the same sort of freedom.

The reason state governments want a free rein from the feds while keeping a whip hand over local governments is not hard to fathom. Cities in big states tend to lean liberal, and though local elections are often nonpartisan, they tend to be dominated by Democratic officials. In recent years, cities controlled by Democratic-leaning politicians have passed ordinances on everything from banning plastic grocery bags; to extending civil rights protections to LGBT residents; to discouraging cooperation with federal immigration efforts.

Yet, while big cities lean liberal and Democratic, state governments have increasingly leaned right and Republican. Indeed, in the past five or so years, the Grand Old Party (GOP) has had historically high levels of control over state governments. The people controlling state government, in other words, are often not happy with the policy directions being pursued at the local level. That not only creates political tension; it creates a certain paradox: the same politicians fighting to keep state governments out from under the thumb of the federal government are often the same politicians actively seeking to put local governments under the thumb of the state.

Certainly, critics of Abbott’s support for limiting local authority argue it is inconsistent with his staunch defense of states’ rights. If he’s so against the federal government intruding in states, it only seems logical to assume he would defend local governments from regulatory overreach at the state level.

Yet that seeming contradiction—favoring policy freedom for state but not for local governments—is not necessarily inconsistent with how federalism works in the United States. It is important to remember that although the Constitution divides sovereign power between federal and state governments, it says nothing at all about local governments. The upshot is that local governments have no constitutional claim to exercise independent sovereign power; they have to make do with whatever power states allow them to exercise.

We have whole chapters devoted to local government later in the book, but it is important to recognize now that local governments do not occupy the same place in the federal system as state governments. The bottom line is that if cities are doing things the state government doesn’t want them to, legally speaking the chances are that states can order them to stop.

While the legal position of local governments with the federal system might make that true, it does not mean people have to like state governments pushing around their local government. As Bennett Sandlin, executive director of the Texas Municipal League, put it, “Texans don’t want to be told they have to conform to one way of thinking or one way of living—whether it comes from Washington or from the governor’s office in Austin.”

2016, political support for Obamacare at the federal level plummeted, even though an effort to end it outright was unsuccessful. This left states that had embraced Obamacare and/or expanded Medicaid still expecting the federal government to follow through on its Obamacare obligations, even though the leaders of the federal government were openly hostile to the program. In other words, throughout this program’s history, state and federal governments have clashed as much as cooperated, with both sides arguing that the other was ignoring the appropriate roles and limitations of the federal division of powers.

Third, although federalism promotes flexibility and experimentation, it also promotes duplication and reduces accountability. For example, local, state, and national governments have all taken on law enforcement responsibilities. In some areas, this means there may be municipal police departments, a county sheriff’s department, and the state patrol, plus local offices of the Federal Bureau of Investigation and the U.S. Drug Enforcement Administration. The responsibilities and jurisdictions of these organizations overlap, which means taxpayers end up paying twice for some law enforcement activities. Also, when these agencies are unsuccessful or ineffective, it can be very difficult to figure out which is responsible and what needs to change.

Fourth, the federal system can make it hard to coordinate policy efforts nationwide. For example, police and fire departments on opposite sides of a state border, or even within adjacent jurisdictions in the same state, may have different communication systems. It is hard to coordinate a response to a large-scale emergency if the relevant organizations cannot talk to each other, but the federal government cannot force state and local governments to standardize their radio equipment.

Finally, a federal system creates inequality in services and policies. The uneven implementation of Obamacare is an obvious example: Health care options can differ fairly dramatically from state to state. The quality of public schools and welfare services more generally also depends heavily on the choices state and local governments make. This inevitably means that some states offer better educational opportunities and do more for the needy than others do.

The Constitutional Basis of Federalism

The relationship between national and state governments is like a sibling rivalry. It is hard to imagine either level of government getting along without the other, yet because each is independent and focused on its own interests, conflict is common. The ink was barely dry on the newly ratified Constitution before the federal government and the states were squabbling over who had the power and authority in this or that policy area. In writing the Constitution, the founders recognized that the differences between states and the federal government were likely to be a central and lasting feature of the political system. Accordingly, they attempted to head off the worst of the disputes—or at least to provide a basis for resolving them—by making a basic division of powers between the national and state governments.
The Constitution grants the federal government both enumerated and implied powers. **Enumerated powers** are grants of authority explicitly given by the Constitution. Among the most important of these is the **national supremacy clause** contained in Article VI. This states that the Constitution “shall be the supreme law of the land; and the judges in every state shall be bound thereby.” In other words, federal law takes precedence over all other laws. This allows the federal government to preempt, or override, areas regulated by state law. In recent decades, the federal government has aggressively used this power to extend its authority over states in a wide range of policy issues, so much so that **preemption** has been called “the gorilla that swallows state laws.”

Other enumerated powers are laid out in Article I, Section 8. This part of the Constitution details a set of **exclusive powers**—grants of authority that belong solely to the national government. These include the power to regulate commerce, to declare war, and to raise and maintain an army and navy. Article I, Section 8, also confers a set of **concurrent powers** on the national government. Concurrent powers are those granted to the national government but not denied to the states. Both levels of government are free to exercise these prerogatives. Concurrent powers include the power to tax, borrow, and spend.

Finally, this same section of the Constitution gives the national government **implied powers**. The basic idea behind implied powers is that the authors of the Constitution realized they could not possibly list every specific power that the national government would require to meet the needs of a developing nation. Accordingly, they gave Congress the flexibility to meet unforeseen challenges by granting the federal government a set of broad and largely undefined powers. These include the **general welfare clause**, which gives the federal government the authority to provide for “the general welfare of the United States,” and the **necessary and proper clause**, which authorizes Congress “to make all laws which shall be necessary and proper” to carry out its responsibilities as defined by the Constitution. (See Table 2-2 for explanations of these and other provisions.)

The Constitution says a great deal about the powers of the federal government but very little about the powers of the states. The original, unamended Constitution spent much more time specifying the obligations of the states than it did defining their power and authority. The list of obligations includes Article IV, Section 2, better known as the **full faith and credit clause**. The clause requires all states to grant “full faith and credit” to each other’s public acts and records. This means that wills, contracts, and marriages that are valid under one state’s laws are valid under all. Under the **privileges and immunities clause**, states are prohibited from discriminating against citizens from other states. The idea here was to protect people traveling across state boundaries or temporarily residing in a state because of business or personal reasons from becoming the targets of discriminatory regulation or taxation.

The Constitution also sets out an often criticized system for electing the nation’s president and vice president. The presidency goes not to the candidate who wins the most votes but, rather, to the one who wins the most states. Article II, Section 1, charges the states with appointing electors—one for each of a state’s U.S. senators and representatives—who actually choose the president based on the winner of the state’s popular vote. (If the Republican candidate gets the most votes in a state, the state’s delegation to the Electoral College is made up of Republican Party loyalists who vote for the Republican nominee.) A presidential candidate needs a majority in the Electoral College, which requires the votes of at least 270 of the 538 state electors, to be named the winner.

Other than these responsibilities and explicitly granting the states the right to enter into compacts,
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<th>What It Is</th>
<th>What It Says</th>
<th>What It Means</th>
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<td>Article I, Section 8 (commerce clause)</td>
<td>The Congress shall have Power . . . To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.</td>
<td>Gives Congress the right to regulate interstate commerce. This clause has been broadly interpreted to give Congress a number of implied powers.</td>
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<td>Article I, Section 8 (necessary and proper clause)</td>
<td>The Congress shall have Power . . . To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.</td>
<td>An implied power giving Congress the right to pass all laws considered “necessary and proper” to carry out the federal government’s responsibilities as defined by the Constitution.</td>
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<td>Article IV, Section 3 (admission of new states)</td>
<td>New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.</td>
<td>Allows the U.S. Congress to admit new states to the union and guarantees each state sovereignty and jurisdiction over its territory.</td>
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<td>Article IV, Section 4 (enforcement of republican form of government)</td>
<td>The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.</td>
<td>Ensures that a democratic government exists in each state and protects states against foreign invasion or insurrection.</td>
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<td>Article VI (supremacy clause)</td>
<td>This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.</td>
<td>States that federal law takes precedence over all other laws.</td>
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<td>Tenth Amendment</td>
<td>The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.</td>
<td>Guarantees that a broad, but undefined, set of powers be reserved for the states and the people, as opposed to the federal government.</td>
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<td>Fourteenth Amendment</td>
<td>All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.</td>
<td>Prohibits any state from depriving individuals of the rights and privileges of citizenship, and requires states to provide due process and equal protection guarantees to all citizens.</td>
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<td>Sixteenth Amendment</td>
<td>The Congress shall have the power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.</td>
<td>Enables the federal government to levy a national income tax, which has helped further national policies and programs.</td>
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<td>Seventeenth Amendment</td>
<td>The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. . . . When vacancies happen in the representation of any State in the Senate, the executive authority of each State shall issue writs of election to fill such vacancies: Provided that the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.</td>
<td>Provides for direct election of U.S. senators, rather than election by each state’s legislature.</td>
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or binding agreements, with each other on matters of regional concern, the Constitution is virtually silent on the powers of the states. This lopsided attention to the powers of the federal government was a contentious issue in the battle to ratify the Constitution. Opponents of the document, collectively known as Anti-Federalists, feared that states would become little more than puppets of the new central government. Supporters of the Constitution sought to calm these fears by arguing that states would remain sovereign and independent and that the powers not specifically granted to the federal government were reserved for the states. As James Madison put it, in writing the Constitution the Federalists were seeking “a middle ground which may at once support due supremacy of the national authority” and also preserve a strong independent role for the states.5

Madison and his fellow Federalists offered to put these assurances in writing. In effect, they promised that if the Constitution was ratified, the first order of business for the new Congress would be to draft a set of amendments that would spell out the limits of central government power and specify the independence of the states. Although Anti-Federalist skepticism remained, the Federalists kept their promise. The First Congress formulated a series of changes that eventually became the first 10 amendments to the Constitution, which are collectively known as the Bill of Rights.

Most of these amendments set specific limits on government power. The aim was to guarantee certain individual rights and freedoms, and, at least initially, they were directed at the federal government rather than at state governments. The Tenth Amendment, however, finally addressed the power of the states. In full, the Tenth Amendment specifies: “The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.” This provided no enumerated, or specific, powers to the states, but those implied by the language of the amendment are considerable. The so-called reserved powers encompass all the concurrent powers that allow the states to tax, borrow, and spend; to make laws and enforce them; to regulate trade within their borders; and to practice eminent domain, which is the power to take private property for public use. The reserved powers also have been traditionally understood to mean that states have the primary power to make laws that involve the health, safety, and morals of their citizens. Yet the powers reserved for the states are more implied than explicit, and they all rest in an uneasy tension with the national supremacy clause of Article VI.

After the Tenth Amendment, the Fourteenth Amendment is the most important in terms of specifying state powers. Ratified in 1868, the Fourteenth Amendment is one of the so-called Civil War Amendments that came in the immediate wake of the bloody conflict between the North, or the Union, and the South, or the Confederacy. The Fourteenth Amendment prohibits any state from depriving individuals of the rights and privileges of citizenship and requires states to provide due process and equal protection guarantees to all citizens. The Supreme Court has used these guarantees to apply the Bill of Rights to state governments as well as to the federal government and to assert national power over state power in issues ranging from the desegregation of public education to the reapportioning of state legislatures.

The implied powers of the federal government, the limitations set on states by the Fourteenth Amendment, and the undefined “leftovers” given to the states by the Tenth Amendment mean that the scope and authority of both levels of government are, in many cases, dependent on how the Constitution is interpreted. The Constitution, in other words, provides a basic framework for solving the sibling-rivalry squabbles between the states and the federal government. (See Figure 2-2.) It does not, however, provide an unambiguous guide to which level of government has the primary power, responsibility, and authority on a broad range of policy issues. This, as we will see, means that the U.S. Supreme Court is repeatedly thrust into the role of referee in power disputes between national and state governments.

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**Bill of Rights** The first 10 amendments to the U.S. Constitution, which set limits on the power of the federal government and set out the rights of individuals and the states.

**Tenth Amendment** Constitutional amendment guaranteeing that a broad, but undefined, set of powers be reserved for the states and the people.

**Fourteenth Amendment** Constitutional amendment that prohibits states from depriving individuals of the rights and privileges of citizenship and requires states to provide due process and equal protection guarantees.

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**The Development of Federalism**

Although clearly establishing a federal political system, the provisions of the U.S. Constitution leave considerable room for disagreement about which level of government—federal or state—has the power to do what.