

DEMOCRACY

A JOURNAL OF IDEAS

How the States Went Wrong

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June 15th, 2022

Ed Koch, three-time mayor of New York City from 1978 to 1990, was a conservative Democrat who favored the death penalty, opposed affirmative action, underinvested in antipoverty programs, and took a range of political stances that put him frequently at odds with Black communities. Yet, in 1982, when Koch faced off against Mario Cuomo in the state's democratic gubernatorial primary, he managed to garner the support of Shirley Chisholm—the first Black woman in Congress and the first woman and Black person to seek a major party nomination for President.

Chisholm was a force of nature. She was deeply principled and not afraid to take unpopular political paths. During her seven terms in Congress, she was a champion for people living in poverty, workers, women, and Black communities. In this context, Chisolm's endorsement of Ed Koch was puzzling. Cuomo was more popular among Black New Yorkers, and (his many flaws notwithstanding) his policies were perceived as more racially and economically liberal. Chisholm was criticized for endorsing Koch when it appeared there was a better candidate. But here is the clincher. In explaining why she had done it, Chisholm offered an incisive political logic oriented around federalism: "I'm a pragmatic politician, the 'new federalism' had just come in, Blacks suffer disproportionately. The governors would now be responsible for what is going on in our lives, why not get our feet in the door?"

Chisholm had (quite reasonably) betted on Koch being the victor. He was a popular political figure who had won his 1981 mayoral reelection carrying a whopping 75 percent of the vote and with the official endorsement of both the Democratic and Republican parties. Koch was the favored candidate (and Cuomo's eventual victory was an upset). So, in expectation that Koch would be the next Governor of New York, Chisholm, who represented a mostly Black congressional district in Brooklyn, supported Koch in an effort to look out for the interest of her

constituents. Though famously “unbought and unbosomed,” Chisholm recognized the power of federalism.

At the time she endorsed Koch, Ronald Reagan was ascendant, and his much touted “new federalism” was laser focused on shrinking the footprint of the federal government (at least when it came to taxation and social welfare spending) and expanding the power of the states. Under Reagan’s leadership, Congress consolidated 77 (categorical) federal grants into nine block grants. This gave states much wider discretion over the implementation of federal policy and expanded the power of state governors. Chisholm saw the writing on the wall for Black communities, and she forecast states’ outsized role in shaping the trajectories of those communities. Though a distant memory for even the most invested onlookers, and lost knowledge to nearly everyone else, Chisholm’s unpopular support of Koch in strategic response to the pressures of federalism is the perfect starting point for grappling with the political dynamics and exigencies of U.S. federalism in the contemporary moment. Contending with Chisholm’s logic pushes us to center two vital realities in any useful discussion of federalism today. First, decentralization enabled by federalism multiplies the potential for Black suffering (and that of marginalized people more generally). Second, the dynamics of national politics profoundly shape state politics. That Reagan’s “new federalism” could compel the first Black woman elected to Congress to endorse a gubernatorial candidate who openly stoked the politics of racial resentment demonstrates federalism as a powerful thread binding national and state politics in complex webs that we still do not fully understand.

In *Laboratories against Democracy: How National Parties Transformed State Politics*, Jake Grumbach helps to disentangle those webs and greatly advances our understanding of American politics along the way. Grumbach, a political scientist at the University of Washington, deconstructs the politics of federalism with exceptional theoretical breadth and unparalleled empirical precision. His prose flows well and his knowledge of the nooks and crannies of federalism is stunning. In full transparency, I have co-authored with Grumbach and even wrote a blurb for his book. Yet, when I first sat down to read *Laboratories against Democracy*, I started from a place of skepticism. Even as my own research had been critical of the ways federalism generates inequality, I intentionally calibrated that criticism by acknowledging the ways that federalism both constrains and enables democracy. Grumbach more pointedly and decisively argues that federalism undermines U.S. democracy. For this reason, I came to *Laboratories against Democracy* with analytical agnosticism. I was curious about what I would learn. I wondered whether I would walk away seeing things differently. In the end, I did. But it was quite a journey.

Contemporary U.S. federalism has been undermined by two developments: nationalization of politics and profound partisan polarization.

Jake Grumbach requires that his readers work to keep up as he methodically evaluates reigning theories of federalism in the (often harsh) light of empirical evidence. Unsatisfied with platitudes about how federalism strengthens democracy, Grumbach puts the most popular claims about federalism to the test and finds them wanting. What’s more is that he uncovers troubling indications of federalism contributing to democratic backsliding—a perennial concern that rose to a fever pitch during the Trump Administration and has barely abated since. *Laboratories*

against Democracy challenges us to rethink what we know about federalism, how we know it, and why it matters for democracy.

As he describes it in the book's preface, Grumbach started off trying to explain major changes that occurred in state policy in the 2000s and 2010s. He observed that during this period, states went from being "policy backwaters" where nothing of too much significance happened to being fertile ground for some of the most critical policy moves in recent memory. Suddenly, states were restricting labor unions, cutting (or raising) taxes on the wealthy, creating new fuel efficiency standards, making it harder for women to get an abortion, and accepting (or rejecting) enormous sums of federal money to expand Medicaid. This was Reagan's dream of "new federalism" come to life—and then some. How did it happen? When Grumbach set out to explain these policy transformations, he had a "nagging feeling" that he needed to look beyond the lens of "state politics" to understand the changes afoot. That feeling solidified after Donald Trump was elected. Even as many people insisted on federalism as the fallback for salvaging democracy during Trump's volatile reign, Grumbach grew incredulous. At the heart of his incredulity was an observation that "many of the trends connected to both the ascendance and realization of Trumpism—authoritarianism, inequality, and the narrowing of democracy—were coming from the state level." *Laboratories against Democracy* is an evidence-rich, narratively compelling effort to elaborate and examine the implications of this observation.

Grumbach is particularly concerned with assessing the supposed benefits of federalism in light of how "nationally polarized parties are filtered through the institutions of American federalism." In his telling, contemporary U.S. federalism has been fundamentally undermined by two developments: the nationalization of politics (i.e., "the increased national coordination among activists, groups, and candidates in each party coalition") and profound partisan polarization. When partisan polarization at the national level stultified policymaking and produced federal gridlock, the action of policymaking shifted to the state level, where federalism could ostensibly enable more and different possibilities. But this did not solve the problems produced by destructive levels of partisan polarization because, in the contemporary political moment, "state governments do not serve as a safety valve for national politics." To the contrary, "they exacerbate national challenges." As nationally coordinated partisan political battles have moved to the terrain of states, party control—not public preferences or popular opinion—has been the primary driver of state policy choices. In this way, states have become alternative venues for adjudicating national issues and partisan divisions now dominate state politics—over and above the preferences of state residents. Indeed, one of the only things states can do in a bipartisan way is lock people up—Grumbach finds that both Democratic and Republican controlled states have exacerbated the phenomenon of mass incarceration.

Scholars and thinkers spanning a wide ideological gamut extol the powers of federalism, underscoring it as an institutional force that can "unleash policy experimentation in state governments, bring constituents closer to their representatives, reduce the temperature of cultural conflict" and produce "more efficient, consensual, and representative governance." Grumbach systematically deconstructs this "mythos of American federalism." Consider the claim that federalism is a boon for political representation because state policy is more proximate and thus more responsive to the preferences of state residents. Grumbach tests this assertion by measuring the relationship between public opinion and policy outputs within states over time. He finds a negligible association between public support for a policy and its likelihood of passing. States

may have closer proximity to denizens than the federal government, but that does not make them more responsive.

If state legislators are not responsive to the needs and preferences of everyday voters, what are they responsive to? Grumbach argues that organized, coordinated national activists are key players. He looks most closely at “interest group activist” (IGA) donors—those who contribute money to legislators and also give money to single-issue or ideological interest groups (e.g., National Rifle Association). He discovers that legislators (both Republicans and Democrats) with higher proportions of IGA donors exhibit more extreme (e.g., consistently partisan) legislative voting behavior. To put the substantive magnitude of these findings into sharp relief, Grumbach notes that aggregate increases in IGA donors explain roughly 25 percent of the liberal shift in Democrats’ roll-call votes between 2000 and 2012 and about 9 percent of the conservative shift of Republican votes during this time. Correspondingly, Grumbach finds that as the share of IGA fundraising for Republican candidates in a state grows, the Republicans in the state legislature become more conservative (this pattern does not hold with Democrats). Altogether, Grumbach tells a tale of organized, moneyed interests turning states into political battlegrounds where national issues are adjudicated with limited regard for preferences of state residents. This view of states as captured within a larger polarized and nationalized context belies depictions of federalism as mode of governance through which closer proximity to the people translates into more robust democratic representation.

To be fair, perhaps the democratic benefits of federalism lie elsewhere. For instance, states may be “laboratories of democracy,” as famously articulated by Louis Brandeis, former Associate Justice of the Supreme Court. Per the Brandeisian formulation, innovative policy ideas are incubated at the state level. Then policies that emerge as successful spread to other states. Grumbach dispatches data to disabuse his readers of this conception. It turns out, he argues, that Brandeis erred in his neglect of political parties. In the skewed laboratories of the American states, policy learning and emulation are contingent on partisan prerogatives. Grumbach’s opposition to the Brandeisian perspective on federalism is strident enough to justify the title of his book. Indeed, one of his core arguments is that “[t]he nationalization of the parties has upended the role of states as ‘laboratories of democracy’ . . . converting Republican states in particular to laboratories against democracy.”

The very processes that led to the epic resurgence of state policymaking—polarization and gridlock—will impede the kinds of policy changes we need.

Laboratories against Democracy tackles a dizzying array of arguments: from the ever-multiplying assertions of conservative think tanks like the American Enterprise Institute and the CATO Institute, to the progressive perspective of forward-thinking legal scholars like Heather Gerken. Though Grumbach is careful to (rightly) treat these camps as distinct, he comprehensively interrogates anyone who alleges that federalism enhances democracy. Covering such wide theoretical and empirical ground is no small feat. Grumbach carves a long and winding path for his readers, with occasional detours into the weeds of empirical measurement or arcane theories of federalism. Through it all, he keeps the democratic repercussions of federalism front and center. He stands out among scholars of federalism in his forthright approach to contentious political issues and his astute attentiveness to racial and economic inequality. He is

not afraid to declare the Republican Party the “antidemocracy coalition in American politics.” Nor does he hesitate to surface “the uncomfortable reality that state and local police forces act as cartels, steamrolling over their mayoral and gubernatorial commanders in chief at the state and local levels.” This is not normal scholarly parlance. Grumbach is a bit of a unicorn: deeply committed to the highest standards of theoretical and empirical rigor, strikingly uninterested in upholding the façade of academic objectivity.

Going beyond incisive refutations of leading theories of federalism, Grumbach expands his ambit by examining the phenomena of democratic backsliding. It’s not just that the purported benefits of federalism fail to materialize in the context of polarized nationalized politics playing out on state stages. It’s also that these very same stages generate opportunities for stymying democracy. By developing an innovative index of democratic performance in the states, Grumbach identifies dramatic shifts in subnational democracy. He finds that some states, like Illinois and Vermont, have expanded democracy over the last two decades, putting checks on authoritarian uses of police powers and making electoral institutions fairer. But other states, like North Carolina and Wisconsin, have induced democratic contraction, erecting barriers to political participation, restricting the franchise, and doubling down on gerrymandering. Crucially, Grumbach finds that the Republican Party is the engine of antidemocratic subnational patterns.

James Baldwin once said that “time reveals the foundations on which any kingdom rests, and eats at those foundations, and it destroys doctrines by proving them to be untrue.” This holds true for democracy. Time reveals its foundations, destroys its doctrines, and sometimes proves those doctrines untrue. *Laboratories against Democracy* pushes us to reconsider federalism and the doctrines supporting it. Time has brought the United States into a milieu marked by the deep partisan polarization and nationalization of American politics. Those developments distort the operation of federalism, creating a context where “the state level is disadvantageous for groups seeking policy change on behalf of diffuse interests, including the interests of Americans marginalized by race and class” and leaving the United States vulnerable to democratic backsliding.

Toward the end of the book, Grumbach offers keen insights on a path forward. He acknowledges state policy successes in domains like climate change and health care (Medicaid expansion is a prime example of the latter). As a nod to such successes, he cautions against neglecting “the state level when it is the best (and, sometimes, only) viable political venue” and encourages remaining “attentive to the potential for policy feedbacks in state policy design.” Notwithstanding such advice, his biggest takeaways remain focused on centralizing policy and reducing the role of lower levels of government. For Grumbach, states are sometimes necessary, occasionally useful, but often suboptimal pathways for policy change.

To push back against the “accelerating resurgence of the state level,” Grumbach suggests pursuing national policy changes in fiscal and political processes. On the fiscal front, he quite rightly bemoans grossly inadequate countercyclical federal policies that leave people least supported at their most vulnerable moments during recurrent bouts of national economic volatility. On the political front, Grumbach takes aim at decentralized election administration and gerrymandering, making a case for placing authority over elections and districting in the hands of the federal government. He also proposes blocking states from criminalizing peaceful forms of political activity and advocates deploying national authority to restrain the rampant racism of state and local police. These bold policy recommendations merit close consideration. However, the political path to achieving them seems treacherous at worst and difficult to envision at the

very least. Certainly, the necessary work of what Robin D.G. Kelley calls “freedom dreaming” requires seeing beyond what feels possible. So, the prima facie infeasibility of Grumbach’s policy propositions is not inherently bad. At the same time, the very processes that led to the epic resurgence of state policymaking and motivated Grumbach to write this book—yawning partisan polarization and crippling federal gridlock—will necessarily impede the kinds of policy changes that he ultimately prescribes.

Laboratories against Democracy offers no easy answers. Still, Grumbach gifts his readers with an abundance of reasons to reassess and renegotiate the role of federalism in the American polity. I agree with Grumbach’s assessment that “the country would be freer, fairer, [and] more just if states had less authority.” Still, I have long held back from too sternly criticizing federalism, mostly due to my own doubts that an all-out offensive against federalism would be an especially productive approach to generating change in American politics. But Grumbach has convinced me of the need for a more steadfast push toward centralized policy, even if this tack is (in some ways) risky and fallible in the short to medium terms. The United States is facing clear crises of democracy. Those crises “are not just the result of institutional racism, plutocratic influence, or partisan polarization. They are a product of these forces flowing in a federal institutional system of government.” To the extent that federalism is a key culprit responsible for contemporary democratic dilemmas—and I believe it is—then the time for holding back has passed. Now is the time for naming federalism as a problem, charting the harmful ways it is leveraged as it collides with national parties, and taking seriously the mechanisms for reigning in its excesses. This does not mean throwing out the baby with the bathwater by eschewing the important role of states in the American polity, but it does mean that “recognizing state governments as sometimes the last best option should not be confused with celebrating them as champions of democracy.”