



States Under Stress

Two-Speed Federalism

At first glance, the policy topics of health care, homeland security, education, and abortion seem to have little in common. Substantively, that is true enough. Structurally, though, they all share something important in common: Congress and/or the Supreme Court has taken actions intended to guarantee equal and uniform application of laws and policy regulation nationwide. That uniformity seems to be breaking down fast, as there are now large policy differences among the states in all these areas.

Widening differences in state politics and policy priorities, many of them rooted in differences in political culture, are contributing to an increasing policy polarization among the states. These differences are readily apparent in the diverging of public policies originated among the states, whether they be legalization of gay marriage and marijuana use or “stand-your-ground” gun laws and climate-change policies. Recently, however, these yawning ideological gulfs have begun to spill over into the implementation of federal programs as well.

Recent elections brought a good deal of polarization to state governments. In 2014, a single party controlled a supermajority in the legislature in roughly half the states, and almost half had unified Republican control of both the governor’s office and the legislature. Concurrent with the emergence of one-party dominance in many states is a growing ideological distance

between the two parties that increasingly reflects the yawning divide that characterizes Congress. With a Democratic president who is far from popular with right-leaning voters, conservative Republican governors have not just the incentive but the political muscle to mount serious challenges to federal mandates and policy prescriptions.

At a minimum, growing ideological differences across states clearly help explain wide differences in participation by states in major federal policy programs. For example, the Affordable Care Act intended for states to expand Medicaid (a health care program for the poor) and to set up their own online health care exchanges. More than a dozen states have refused to do either. State participation in federal programs is increasingly reflective of the ideological and partisan composition of state government. What can the federal government do when state governments flat out refuse to work with them, even to the extent of turning down big federal monetary incentives to participate? The answer seems to be, work with the states you have rather than the states you want. Out of necessity, national officials have taken ad hoc federalism to a new extreme by adopting flexible strategies that largely enable states to participate in new federal initiatives as much or as little as their politics permit. These initiatives include the following: