

What's the Matter with American Politics?
On Collective Action, Competition and Constraint

Lisa L. Miller
Rutgers University

****Please do not cite without permission****

Abstract: In this essay, I replace scholarly understandings of the multi-venue system of American politics with the concept of the *federalization* of law and policy. I argue that a persistent normative attachment to American federalism's many venues permeates scholarly work and perpetuates myths of federalism as enhancing the capacity for citizen participation and engagement. This attachment obscures what has become genuinely exceptional about the American political system: the overlapping but not shared, simultaneous but non-coordinated proliferation of issues across the varied landscapes of American politics. I map federalization through several data sources and illustrate how federalization structures the basic building blocks of American politics in ways that privilege elite interests and undermine basic principles of popular sovereignty. I conclude with a discussion of implications for a range of subfields in the discipline.

I. Introduction

At least since Werner Sombart's 1906 essay "Why no socialism in the United States?" scholars have puzzled over a variety of distinctive features of American democracy, including substantial differences in social movements, labor strength, social policy outcomes and legal styles, compared to its democratic cousins in Europe (e.g., Sombart 1906; Foner 1984; Kagan 2001; Klass 1985; King and Smith 2005; Lowi 1984; Robertson 1989; Soskice 2009; Steinmo 2005; Wildavsky 1984). More recent versions of this debate highlight the relative levels of income inequality, wage stagnation, violence and incarceration, and the puzzling absence of sustained public pressure for change (Hacker and Pierson 2010; Campbell 2010; Smith 2009; Jacobs and Kleban 2003). Indeed, taken in comparative context, the American experience does seem distinctive, with its limited collective action on social goods and a periodically paralyzed national governing body. As Andrea Campbell notes with respect to the growth of income inequality over the past forty years, "the brilliant organizing strategies of the rich tell half the story; the lack of organization and hence information, among ordinary Americans tells the other crucial half" (Campbell 2010, 231; see also Scholzman, Verba and Brady 2012).

I argue here that we have insufficiently taken account of what has become a genuinely exceptional feature of the American constitutional system *in practice* – that is, its multiple venues with overlapping political issues – and that this has obscured our understanding of how exceptionalism increasingly shapes important dimensions of American politics, including the capacity of ordinary people to mobilize and challenge prevailing power. A careful analysis of how the US federal system works in practice reveals what I refer to as, *the federalization of law and policy*, which draws into sharp relief the gap between the promise and the reality of our multi-venue system. Federalization refers to the:

presence of a policy issue on the active legislative agendas of all three levels of government simultaneously. Over the past 50 years, most issues have not simply shifted from one level to another; rather, remnants of activity remain on the levels at which they originated even as issues have migrated across levels (Miller 2007, 307).

In practical political terms, this means a growth in the *overlapping, simultaneous, political attention to independent rules and public policy across the many and varied local, regional, state and national legislative landscapes*. It reflects and builds upon Lowi's argument that the American system has "many states but no *one* state" (1984, 8) by taking account of how all levels of government are routinely engaged in virtually all policy debates, in independent and largely uncoordinated ways. Federalization is both an old and a new phenomenon in American politics but, as the next section illustrates, it has become more ossified and entrenched at the start of the 21st century and has not been fully understood in terms of its impact on US democratic politics and policy.

The analysis of federalization presented here suggests some surprising and counter-intuitive consequences for American politics. Specifically, I argue that American federalization: *de-mobilizes* the citizenry by decreasing rather than increasing participatory opportunities; *limits*, rather than expands, political competition over policy ideas; and generates *constraints* on national power that promote congressional quiescence on issues of central importance to the polity.

This paper has three aims. First, I briefly survey recent scholarship on the state of American politics and the nature of American federalism and conclude that a normative attachment to federalism's multiple venues has obscured important questions about the relationship between the fragmented nature of American politics and the building blocks of democratic participation, specifically the capacity for collective action, competition and the ability of the public to overcome legislative quiescence on public goods. Second, I offer a

theory of the American federal system in practice by mapping the vast terrain of political activity across multiple venues. Here I distinguish between *federalism* and the *federalization of law and policy*, illustrating the proliferation of political agendas across multiple levels of government in the post-war period that generate a labyrinthine network of venues for political action. Finally, I explore the impact of federalization on the core building blocks of democratic participation laid out in the first section. In particular, I ask ‘who benefits?’ from this federalized system, paying close attention to the capacity for large groups of ordinary people to mobilize, mount credible challenges to prevailing power, and the challenges of overcoming constraints on congressional power to produce collective goods. I conclude with a brief discussion of the importance of federalization for a range of subfields in the discipline.

II. American politics and its (dis)contents

In a recent volume diagnosing the origins of the high levels of American income inequality, Jacob Hacker and Paul Pierson (2010) argue that the central obstacle to effective mass politics in the modern era has to do with the challenge of *organization*, which requires mobilization, coordination, sustained attention and flexibility. Indeed, the capacity to organize is widely recognized as a central feature of democratic governance, particularly with respect to the masses of ordinary people whose economic and social location places them in a position of political disadvantage, and whose only avenues for political power lie within democratic institutional designs (Michels 1911; Olson 1965; McCormick 2001; Shapiro 1990). And yet, recent work in American politics has drawn attention to the weak mechanisms for such organizing that inhere in the American political system (Hacker and Pierson 2010; Campbell 2010; Skocpol 2007; see also Moosbrugger 2012). Indeed, a growing body of scholarship highlights the growth of unequal organization, voice, participation, representation and influence over the past forty years, with the well-off

monopolizing many avenues to power (Bartels 2009; Scholzman, Verba and Brady 2012; Gilens 2012; see also Strolovitch 2007).

In theory, the multiple venues of the US federal system should maximize the mechanisms through which ordinary people can engage with government, promote competing political ideas, and find venues to hold government accountable for their interests. This is a routine claim in the legal scholarship. Former Associate Justice of the Supreme Court, Sandra Day O'Connor nicely summarizes the legal perspective in *Gregory v. Ashcroft* (1992, emphasis added):

[The] federal structure of joint sovereigns preserves to the people numerous advantages...it *increases opportunity* for citizen involvement in the democratic process...and it makes Government more responsive by putting the states in *competition* for a mobile citizenry. Perhaps the principle benefit of the federalist system is a *check on abuses* of government power.” From this perspective, divided power across national and regional governments maximizes the capacity for democratic involvement, and generates multiple competitive spaces for policy development (see Pickerill and Chen 2007; Elazar 1984; Gerken 2012; Schapiro 2009; LaPierre 1985).

Of course, a large body of literature in American politics is deeply critical of the federal system in relation to democratic politics. American federalism has been indicted for its maintenance of racial hierarchy (Riker 1965; Johnson 2011; Katznelson 2005;), its limiting of social movements, labor organizing and other dimensions of democratic politics (Frymer 2008; Lowi 1984; Riker 1964; Robertson 1989; Rubin and Feeley 1994; Soss et al. 2008; Lieberman and Shaw 2000), for the challenges it poses to the implementation of public policy (Wildavsky 1984) and its limitations on local governance (Nugent 2009; Peterson 1981). Most recently, David Brian Robertson (2012) has dissected many of

federalism's alleged virtues and concluded with a pessimistic assessment of many of them. Similarly, Malcolm Feeley and Edwin Rubin argue that American federalism is a kind of 'national neurosis' that protects nothing of political value that cannot just as effectively (or more effectively) be accomplished by decentralization (Feeley and Rubin 2008).

Despite these critiques, there remains a deep attachment to the idea that, whatever the other flaws of American federalism, its multiple political venues offer Americans enhanced democratic possibilities. Policy scholars highlight the "venue-shopping" options for organized groups (Baumgartner and Jones 1993; Pralle 2007; Constantelos 2010), and legal scholars develop new terms to celebrate the multiplicity of venues (Schapiro 2009 ('polyphonic federalism'); Gerkin 2012 ('federalism all the way down'); Pickerill and Chen 2007). Indeed, the idea that multiple venues enhance democracy because they open up additional pathways for political accountability and civic engagement is widely repeated in a broad range of scholarship in the discipline (see Johnson 2007; Nugent 2009; Feeley and Rubin 2008; Macedo 2011; Riverstone-Newell 2012; Hollander 2009; see also Kincaid 1995). Even Robertson (2012), whose critique of federalism's virtues is among the most robust, points to multiple venues as a powerful opportunity for opposition groups to develop competing political narratives.

This attachment to the many venues of American politics has made it harder to "[shrink] the gap between theoretical premises and the stubbornness of facts" (Beremendi 2007, 753). There is, in fact, surprisingly little scholarship that examines these alleged virtues for the capacity of ordinary people to shape democratic politics. American politics scholarship has not generally explored federalism as an organizing structure and the federalism literature is largely focused on policy creation and implementation. Thus, the question of how the *realities* of the U.S. federal structure affect the ability of ordinary people to mobilize, sustain political engagement, coalesce into organization-like actors and

mount credible counter-pressures to dominant elites has fallen between the cracks of sub-field divides. At a minimum, we have not fully mapped the nature of the diffuse and fractured American political landscape or understood its implications for mass politics.

I connect the primary ‘claimed virtues’ of this multi-venue system to three features of democratic politics that are crucial for the political influence of non-elites. Put simply, multiple venues are said to: promote democratic participation by facilitating *collective action* through many avenues of access; enhance public policy by promoting *competition* and diversity of ideas through regional opportunities for political activity; and enhance political accountability by *constraining* the central policymaking authority through the capacity of state governments. Table 1 describes each claimed virtue of the multi-venue system, its significance to democratic politics and key empirical questions associated with each.

Without the capacity for collection action and mobilization, large groups of individuals whose lives are affected by government policymaking would be ineffective in the face of elite wealth and power (see McCormick 2001; Robertson 2005). Effective organizational mechanisms for ordinary people are an essential component of democratic politics. Similarly, competition for political ideas not only generates new and innovative policy but also increases citizen knowledge and participation (Solt 2008; Gann-Hall and Bonneau 2009; Lau and Redlawsk 2006). And finally, while a constrained national government may be the foundation of modern Liberalism, power is asserted not only when authority is exercised but also when it is not (Bachrach and Baratz 1962; Schattschneider 1960; McConnell 1962). While constraint has its virtues, democratic accountability requires a fairly high degree of responsiveness to large majorities.

TABLE 1 HERE

Taken together, these dimensions summarize most of the claimed virtues of federalism's many venues and also provide a robust set of requirements for increasing participation of the large groups of relatively powerless people, whose voices and pressure seem to have been increasingly lost over the past few decades. I now turn to the evolution of American federalism and illustrate the theory of federalization. I return to the concepts laid out in Table 1 in Section IV.

III. Federalization revealed

III.A. The origins of federalization

While the political wrangling over the scope of congressional power at the Constitutional Convention is well beyond the themes of this paper, it is worth noting that the structure that emerged blurred the boundaries between national and state powers and ensured that the choice of final authority would be a political one (Robertson 2005; see also Finkelman 2003, and Van Cleve 2010). This fundamental feature of the original constitution has more significance than we generally recognize. Though *Marbury v Madison*, *McCullouch v. Maryland* and *Gibbons v. Ogden* are frequently cited as contributing to the coalescing of national authority, none of those cases, or more recent ones for that matter, settled jurisdictional questions with finality, nor were they zero-sum, either by *de jure* or *de facto* assessments.¹ The extent of jurisdictional fluidity began slowly but grows over time in both gradual and sudden ways. Critical junctures, such as the Civil War, the Great Depression and the two World Wars serve to concentrate some power at the center, but, importantly, very few of the parallel powers in the states are removed.

It is important to distinguish this process from the political struggles about jurisdiction and authority that shaped (and continue to shape) American political development, and from the capacity of the states to evade accountability for implementing national law.² Rather, the more important point here is the *proliferation* of legislative

activity across venues. Though the 20th century saw an expansion of congressional power to regulate a wide range of social and economic policies, including minimum wage, old age insurance, civil rights and so on, the states retained powers in nearly all of these arenas as well, so long as they did not run afoul of specific congressional rules. In fact, the Social Security Act was written specifically to allow employers to contribute to state unemployment compensation plans, rather than federal ones, and the 2010 health care bill provides a number of legal ‘escape hatches’ that allow states to provide their own statewide alternatives to the national provisions.³ This essentially guarantees that policymaking on these issues will continue at both levels simultaneously.

None of this even begins to touch the role of local governments, many of which pre-date their state constitutional legitimating statutes and which have their own lively and varied legislative dynamics (see Krane et. al. 2000). Though state constitutions consolidated power in state governments, the 20th century saw a resurgence in devolved powers to local areas, especially major cities. The “optional city-charter” law, for example, passed by the New York legislature in 1914 increased the opportunities for municipalities to modify their charters based on the majority vote of its residents and many states provide similar ‘home rule’ powers (Havard and Diamant 1956).

Thus, *the nationalization of issues in the 20th century actually pulled in multiple directions simultaneously*. On the one hand, it concentrated power in Congress on a wide range of social issues that had previously been addressed largely, if not entirely, by states and localities, thus creating incentives for group interests to focus attention and resources on collective action efforts at the national level. On the other hand, limiting ourselves to this view obscures a cross cutting and crucial development, which is the simultaneous persistence, and even growth, of political activity in state and local venues as well. This process of federalization of law and policy is *positive-sum* and has largely been neglected

in the literature on American politics, particularly in studies of interest group representation, collective action dilemmas and social inequalities.

III.B. Contemporary federalization

Here, I draw together several data sources to map federalization in the post-WWII period. The data do not test hypotheses but, rather, are intended to help distinguish federalization from traditional conceptions of federalism. First, Figure 1 illustrates a trend familiar to many policy scholars: the increasing diffusion of congressional hearings across a wide array of topics between 1947 and 2008 (Baumgartner and Jones 2012, 1993).⁴ In the 80th Congress (1947-48), the House of Representatives held 2,507 hearings on a wide range of topics but nearly two-thirds (1732) fell into just three categories: Defense, Government Operations and Public Lands/Water Management.

FIGURE 1 ABOUT HERE

In contrast, by the last three decades of the 20th century, congressional attention was spread much more evenly across a wide range of issues, including civil rights, health, employment, education, the environment, energy, crime, social welfare, community development, housing, science, and technology and with defense, government operations and public lands occupying only one-quarter of all congressional hearings.

We might see this as evidence, as some do, for the idea that the U.S. state is only weakly federal in any meaningful sense (Feeley and Rubin 2008; Robertson 2012; see also Conlan 2001). That is, when a national consensus exists, constitutional arrangements are irrelevant and Congress discharges policy from the center. But if we stopped here, as most analyses do, we would overlook the implications of the positive sum growth of agendas across venues. Instead, I use several sources to provide a glimpse into the scope of lawmaking at state and local levels, and this reveals a remarkable degree of overlap.

Table 2 juxtaposes all bills and resolutions proposed from 1979-2009 in the Pennsylvania General Assembly with those of Congress (House of Representatives).⁵ Pennsylvania's legislature, by 1979, was already attentive to extremely broad range of topics but the range becomes even more diffuse over the thirty-year period.⁶

The sheer volume of bills and resolutions that *both* legislative bodies generated over this 30-year period is striking. Moreover, while there are some clear and expected differences in emphasis, with Congress initiating more legislative activity on defense, international affairs/foreign aid and trade, for example, and Pennsylvania on crime and education, the *overlap* in the issues addressed and amount of time spent addressing them is remarkable. Both Congress and Pennsylvania generate legislative activity at comparable rates on civil rights, health, social welfare, the environment, banking/finance/commerce, and community development and housing. Similarly, while crime, education, health and the environment have certainly grown on the congressional agenda in the post WWII period, these issues continue to occupy a large portion of the Pennsylvania legislative agenda. And, though one might regard immigration, defense, foreign trade and international affairs as the sole purview of Congress, three and a half percent of the bills and resolutions in Pennsylvania are on these issues. That is a small amount but it is more than civil rights/liberties, agriculture, energy, community development or public lands. Conversely, it is notable how little legislative attention Congress has spent on health care, labor/employment/immigration and the environment combined, arguably some of the most pressing national and global issues of the past thirty years.

Pennsylvania is far from alone in its far-ranging legislative attention. The National Conference of State Legislators regularly reports on legislative activity and public policymaking in the states on civil/criminal justice, environment, labor/unemployment,

agriculture, economic development, health, banking, education, human services, immigration, transportation, technology, energy and budget/taxation.⁷

TABLE 2 HERE

Since datasets on policy agendas at the local level are less readily available, I use several proxies to map the range of policy topics debated and addressed at the local level: the agendas of the National League of Cities (NLC), a non-profit organization that supports city leadership in addressing issues facing urban communities and the U.S. Conference of Mayors. Using the precise wording from topics listed on these organizations' websites, Table 3 illustrates the broad range of local policy agendas, including many issues identical to those originally determined by the original Policy Agendas Project as core *national* political issues, such as Energy, Transportation, Immigration, Family and Health. Of the nineteen policy topics, 15 are active local agenda items as well. In addition, recent research examining cases of local activism in the 20th century reveals not only a wide range of issues addressed (including national foreign policy, immigration, environmental issues, pay equity, among others), but, more importantly for our purposes, a substantial *increase* in political action at the local level since the 1980s on issues on which the national government has been relatively silent (immigration, same-sex marriage, and wage inequality, for example) (Riverstone-Newell 2012; see also Berry et. al. 2006; Swarts 2008).

TABLE 3 HERE

The convention wisdom is that from roughly 1950-1980, states and localities increasingly relinquished government functions to the national government, particularly when Congress promised much needed revenue in return (Baumgartner and Jones 1993, esp. p. 219). But this overlooks the fact that such shifting of jurisdictional boundaries has been positive-sum, so that even as states and localities comply with national regulations

accompanied by fiscal incentives, they have not relinquished their capacity to simultaneously introduce, debate and/or pass legislative rules in those domains, and they have picked up new issues along the way. This brief analysis suggests that it is not only Congress that has taken on more issues in the post-war period, but state and local legislative bodies as well and the overlap is substantial. Table 4 illustrates the range of topics from the comprehensive list of Policy Agendas topics and the presence of each topic as an active agenda item at each level of government.

TABLE 4 HERE

III C. Federalization as institutional density

Legislative agendas under U.S. federalism appears to know no bounds, forming a kind of institutional density that is largely unexplored for democratic politics and may be unique in the world of federal countries. By way of brief contrast, the German Basic Law (*Grundgesetz*), establishes the relationship between the national government, the *Bundestag* and *Bundesrat*, and regional governments, *Lander*, and the constitutionally prescribed powers for each level are much more clearly defined than they are in the United States (Stepan 1999). While the Basic Law clearly delineates substantial policymaking for the *Lander*, in practice, authority has increasingly concentrated at the national level, leaving little room for setting or controlling political agendas regionally (Broschek 2012; see also Kropp 2010; Scharpf 2009; see Erk 2003 and Neumann 1996). The *Lander*, in fact, often coordinate policies on which they are constitutionally permitted to diverge (Erk 2003; Broschek 2012; Keleman 2004).

In Canada, inter-institutional dynamics are more favorable to the kind of fluidity and overlap as in the United States (Broschek 2012; Rodden 2006). The Constitution Acts of 1867 and 1982 delineate the powers of the federal and regional governments (Claude Belanger 2007), and Canada has developed a more dualistic division of power that appears

closer to the U.S. system of federalization. Nonetheless, the federal spending power doctrine has helped to unify policymaking through fiscal incentives (Broschek 2012, 679). Provinces in Canada are not given representation in the national government (Rodden 2004) and therefore cannot veto, though they can stymie and refuse implementation, creating incentives for national body to negotiate with provinces in policymaking process. Though the Canadian system is closer to the U.S. in its multiple political venues, few issues have a sustained presence across national, regional and municipal venues as complex and diffuse as the U.S.

In contrast to the U.S., these other federal systems have evolved in ways that generate clearer jurisdictional boundaries and, jurisdictional authority has, in general, moved issues more squarely into one domain or another. Even where jurisdictional fluidity has generated overlapping policy domains or confusion and ambiguity in jurisdictional competence, it is clear that political agitation across governmental venues in Canada and Germany are not as open-ended, simultaneous, over-lapping and uncoordinated as in the U.S. International relations scholars have begun to explore such institutional density in order to better the conditions under which institutions compete, cooperate and achieve their goals (Abbott, Green and Keohane 2013). Such analyses, however, have not extended to the institutionally-rich American multi-level system, or to the impact of density on politics for ordinary people.

IV. Implications of federalization for American politics

Advocates of the multi-venue American system might suggest that such overlap is the uniquely positive contribution of American federalism to global constitutionalism. The proliferation of law and policy in this fashion simply means more of the goodies that the American political system promises in the first place: more venues for participation, more opportunities for innovation and competing ideas, more checks on centralized power. But is

this so? Having mapped the nature of American federalization, I now explore its implications for the three democratic virtues outlined in Table 1.

IV. A. Simultaneous, uncoordinated venues and collective action: who benefits?

The notion that federalism's many venues fosters democratic participation and collective engagement has roots in the 19th century (Mill (see Porter 1977) and Tocqueville). On a simply *prima facie* basis, however, there are good reasons to be skeptical that *federalization* could enhance the capacity of ordinary citizens to overcome organization problems. *Ceteris paribus*, collective action is more difficult for large groups with shared interests than for small ones (Olsen 1965; Axelrod 1984). Non-market groups – especially those concerned with non-rivalous, non-excludable goods – are particularly challenged because they tend to be inclusive, seeking to increase the size of the group in order to lower the costs to those already in the group, thus further exacerbating mobilization problems. When non-cooperators can receive benefits from the group's efforts without taking away benefits from others, groups are likely to face substantial free rider problems, making organizing even more difficult.⁸

Given that most people have low levels of political information and few resources to dedicate to political activity, it seems fair to consider the possibility that federalization may *exacerbate* collective action problems faced by large groups because it increases the already high costs of such activity. There are few incentives that large groups can offer to draw together already difficult to mobilize individuals *simultaneously across multiple and active, jurisdictionally distinct legislative venues*. In order to induce cooperation in large groups in such contexts, scarce resources would need to be distributed across jurisdictional boundaries, where a win in one venue has little or no bearing on a win in another. Drawing together and sustaining such efforts, where benefits are diffuse and non-excludable is likely to be especially difficult. In comparative advantage terms, such groups would seem to be

better off lobbying one legislative body, rather than many, let alone many all at once (see Hill 2010, 20-23).

Consider, for example, the challenges of sustaining attention to issues that animate the concerns of ordinary families, such as affordable housing, wage stagnation, public transportation or quality public education. It does little good for members of the polity concerned about these collective goods in one locale to join forces with those in another state, no matter what their geographic proximity may be. When mobilization capacity is already limited, because of the size of the group that seeks the benefit and the few incentives that can be offered to induce collective action, coordinating with other groups who must lobby entirely different governmental bodies is, from an organization point of view, irrational. In fact, it seems problematic for large groups in different regions even *within the same state* to obtain the capacity to act collectively since, once again, precious resources of time and human capital may result in a collective good being provided in one locality and not the other. The persistence of multiple, simultaneous, overlapping venues for participation would seem to impose substantial additional obstacles to collective action efforts of large groups. Furthermore, each individual contribution may end up helping policy change in a separate venue, diluting the efficacy of mobilization for one's own situation, further de-mobilizing initially motivated individuals.

Indeed, a high capacity for organization seems particularly essential in this dynamic, federalized system. And it turns out that research on interest group activity across the states has revealed that the most mobile groups are not large groups of ordinary citizens but, rather, business and professional (Wolak 2002; Gray and Lowery 2001). In their comprehensive study of state interest groups and their single or multi-state presence, for example, Wolak et. al. (2002) found that most state lobbies are actually one-state lobbies, confining their activities to a single state. *However*, of the 32 most active state groups that

were registered in nearly all the states (at least 39), almost three-quarters (23/32) were business interests, such as PhRMA, Health Insurance Association of America, Bankers Association, Pfizer, AT&T, MCI Communications, and the Tobacco Institute, and a much smaller percentage consisted of professional organization (6/32), such as Optometric, Trial Lawyers and Psychological Associations (Wolak et al 2002, 540). Of these 29 highly active multi-state groups representing institutions and associations, 27 were also registered to lobby Congress.⁹ The three remaining groups with many state lobbies are the AFL-CIO, the American Farm Bureau Federation and the Sierra Club. This suggests the possibility that groups representing large numbers of people on issues separate from their professional interests are particularly disadvantaged in cross-venue mobilizing.

A closer look at group types in state lobbying data (Gray and Lowery 1997) reveals an even starker pattern.¹⁰ It turns out that a large portion of the membership groups – those with individuals as members – are professional associations, such as the Cattlemen’s Association, Chiropractic Association, National Association of Optometrists, and the Psychological Association. If we look through the membership category for groups that are *citizen* groups – that is, groups representing people’s shared interests largely unrelated to professional, business or trade concerns – the bias in the cross-venue organizing is even more stark (see also Berry 1999).¹¹ Citizen groups represent a small percent of one-state lobby groups but a *mere* 4.7% (135/2824) of the multi-state lobby groups (Table 5).

TABLE 5 HERE

Examples of the small group of multi-state *citizen* groups are: National Rifle Association (29), ACLU (34), Right to Life (17), Environmental Defense Fund (4), Christian Coalition (12). The multi-state organizations are primarily long-standing groups backed by elite resources. Such groups are an important component of the policy landscape and represent the interests of a broad range of Americans. But these groups not only

constitute a tiny portion of all multi-state groups, a glimpse at the single-state registrants reveals that they are the tip of an iceberg of citizen mobilization beneath the level of multi-state lobbying capacity. Table 6 lists examples of groups registered in a *single-state*, by issue area.

Single-state citizen lobby groups, in contrast to those registered in multiple states, represent a *vast array* of interests, including tax reform, educational funding and opportunity, rural life, crime victimization, consumer rights, civic engagement, affordable housing and energy, to name some of the more common. And these are the groups that have managed to organize enough to register to lobby. Exploration of local groups (in the next section) suggests an even broader array of citizen organizations seeking to engage politically but lacking the capacity to overcome the *additional* collective action dilemmas imposed by federalization.

TABLE 6 HERE

Advocates of this multi-venue system argue that low-resourced groups can venue-shop to identify the best arena for their interests, thus saving their (limited) resource strength. But as the limited number of multi-state lobbying groups attests, *venue-shopping is itself a costly undertaking and pre-supposes a high degree of organization*. The growth of overlapping but uncoordinated venues for political activity would seem to substantially exacerbate these challenges. Those that do organize do so in isolation from one another, expending political capital without the broader coordination that might promote and sustain mobilization. Moreover, when individuals try to act collectively but are ineffective, a feedback loop of demobilization can occur (see Cronk and Leech 2012, 69). The effect can be a form of negative policy feedback – the limited success of cross-venue collective organizing feeds back into the routine collective action dilemmas experienced by all large groups, further de-mobilizing the citizenry.

At a minimum, we should consider the possibility that *cross-venue organizing is difficult but it provides greater opportunity for small groups with shared interests than large ones*. Of course, this is true for all organizing, not just the cross-venue variety, but that is precisely the point – cross-venue possibilities *exacerbate*, rather than mitigate, the challenges faced by large groups of people with collective interests. Many of the citizen groups observed here – civic associations, immigrant rights, tax reform, racial/ethnic coalitions, neighborhood groups, anti-poverty groups, as well as health organizations for the poor, education and so on – have natural allies in other locales. But simultaneous and uncoordinated policy-making in so many places at once creates disincentives for groups to cultivate and sustain those alliances, even when they may have interests that compete with groups that *are* active in many places at once.

Interest group scholars have suggested that concerns about mega-groups migrating across state lines and trumping local interests may be overstated because only a small portion of lobby groups are actually highly active in many states (Wolak et al 2002). But seen in the context of federalization, we might consider a different interpretation: the fact that most lobby groups do not operate across the states simply enhances the access for those that do, and, most commonly, they pursue narrow interests that touch on a vast array of issues affecting the public, from health and pharmaceuticals to banking/finance and telecommunications, property development and law. Citizen groups have a stake in the policy decisions made with respect to these issues as well, and yet the types of groups that might represent their concerns rarely appear across all levels with the same regularity. This is consistent with recent work illustrating that institutions may be particularly advantaged by interest system density (Lowery and Gray 2001). Federalization is interest system density gone wild.

IV.B. Competition: who wins the war of attrition?

Competition over political ideas and policy solutions is an important component in engaging the public in the democratic process, in terms of increased knowledge about issues and candidates, as well as turnout during electoral contests, and general political engagement (Solt 2008; Gann-Hall and Bonneau 2009; Lau and Redlawsk 2006). For people whose lives are not routinely pre-occupied with questions of a political nature, strong institutional mechanisms that help them understand the nature and scope of social problems, and the range of possible policy options are essential (Key 1949; Schattschneider 1960; Bachratz and Baratz 1982). In the traditional view, the fractured, decentralized, multi-venue nature of American federalism maximizes competition for effective public policy because citizens can exit, states and localities can push back against the dominant party in Washington and innovate on manageable scale, and citizens can move their pressure for action from one venue to another (see Levy 2007; Gerken 2010; and Hill 2010; Tiebout 1956).

But, to whom do such benefits actually accrue under federalization? A large body of work on lobbying finds that, while business groups dominate, there are also a dizzying array of professional and trade associations, local governments, state and local employees, and advocacy groups in the mix (Salisbury 1984; Lowery and Gray 1998; Gray and Lowery 2001; Scholzman, Verba and Brady 2012). It would seem that a range of groups with what are likely to be competing priorities are, in fact, active across the varied federal landscape.

There are two limitations to this literature when explored through the prism of federalization, however. First, federal systems have multiple veto points because there are at least two loci of political authority, resulting in more opportunities for highly organized, concentrated groups to block larger, more diffuse ones, particularly if the latter wish to impose costs on the former (Beremendi 2007; Stepan 2001; Lijphart 2008; Rodden 2004;

Brooks and Manza 2007; Moosbrugger 2012). As described here, US federalization is veto points on a different order of magnitude. Second, few studies explore interest group mobilization at the local level and virtually none compare group dynamics *across* levels of government on the same issues.

Lobby studies, by definition, examine the already well organized (e.g., Constantelos 2010). This is problematic because it does not account for the *effect* of multiple, simultaneous, uncoordinated political venues on the ability of groups to organize across more than one location in the first place. Exploring one level of government and the very organized obscures the larger context in which group politics takes place in the US, which is that federalization not only makes it difficult for large groups to organize but increases the possibilities for moving the fight around, both laterally (across different governments at the same level), as well as hierarchically (across levels of government), and some group types may find this more advantageous than others.

Moreover, the few studies that take account of local group activity reveal a sharp contrast to state and national lobbying, with a high number of organized citizen membership groups, non-profit and service organizations that represent broad cross-sections of the public and target a wide range of issues. Berry, et. all, for example (2006) found that neighborhood and citywide *citizen* groups constituted more than more than half of the active groups in three suburban town and nearly half in five urban communities in Massachusetts. Other scholars have found a vast and pluralistic array of local groups addressing environmental concerns (O'Connell 2008; Sharpe 2010), growth (Hawkins 2011), crime and violence and immigration (Miller 2008), and a complex array of citizen/advocacy groups organized around concerns of racial and ethnic minorities (Reckhow 2009). Business groups, while far less of a presence than at the state and national level, are consistently found to be a part of political agitation at the local level as well

(Hawkins 2011; Sharpe 2010). Only a tiny fraction of these citizen groups, however, appear in state or national lobbying contexts, suggesting that the plethora of cross-venue political opportunities does not necessarily lead to more competition, at least not between small groups and large ones.

Here, we come to a point that is crucial to defenders of American federalism's multiple venue system – the ability to tailor public policy to local needs. Much is made of this localization capacity and some would respond to this discussion by pointing out the localized nature of these citizen organizations. Far less frequently explored, however, are the *shared* interests of large groups of ordinary people *across local contexts*, in contrast to small groups. We often equate local interests with narrow and parochial ones but the analysis here suggests that what we regard as 'local' interests may in fact be more national in scope than we assume and 'national' interests may, in fact, be quite parochial (see Hill 2010). What makes the interests of the Bankers Association, Anheuser-Busch or the Health Insurers of American 'national,' but not those of the Tenants Union (MN), Alliance for Consumer Rights (NY), Committee on Moral Concerns (CA), Operation Clean Government (RI), Public Citizens for Children and Youth (Philadelphia) or Latinos United for Political Action (Rockford, IL)?

While it is tempting to dismiss the single-state lobbies and local level groups as related entirely to their local context, in doing so, we may mistake the effect for the cause. Some of the groups present in only one venue may be *more* likely to represent the interests of large groups of people across the nation, even if they are operating only at the local level, than small groups that pursue narrow interests in many venues at once. *That their lobbying is local should not necessarily be equated with their interests being local.*

Of course, some citizen organizations are active across the varied political landscape – e.g., Sierra Club, American Association of Retired Persons, the American

Farm Bureau, Right to Life Committee, Focus on the Family. What makes these groups successful? Skocpol (2007) has observed the particular success of conservative membership groups in recent decades and her explanations center on the ability of these groups to better use “the new institutional and organizational levers available to politically active groups” (Pierson and Skocpol 2007, 5). One of the under-explored institutional levers is federalization. Indeed, Skocpol cites the use of federated structures by unions and other organized membership groups throughout the twentieth century. Grass-roots conservative groups mimicked these organizational structures, which may have positioned them well to maintain organizational strength as federalization settled into its current form in the latter half of the 20th century.

Skocpol also notes that the success group success is due in part to their highly ideologically-driven members, which social movement scholars recognize as useful to overcoming collective action problems (Chong 1991). Equally as important, however, to the extent that the ideological motivation is aimed at blocking social reform, rather than enacting it, federalization may help such groups maintain organizational strength by offering a variety of venues in which they can achieve periodic victories. Indeed, interest group success is more likely to come from blocking than from enacting (Gilens 2012; Baumgartner and Leech 2009). The acceleration of federalization in the post-war period may have contributed to the decline of the kinds of social welfare federated organizations that Skocpol observed in earlier periods, precisely because they aim to enact social policy reforms, rather than stop them.

It would be a mistake, however, to see federalization as benefiting only conservatives. The ability of left-wing elites to target specific states for same-sex marriage or medical marijuana, for example, may have ensured some victories for those groups, keeping issues on the public agenda that may not otherwise have found traction (Keck

2009). In general, however, groups representing the interests of low-income people are likely to be the biggest losers as they have the most difficult mounting credible and sustained challenges to power in so many places at once. While high-resourced, especially small, group interests are in a position to anticipate legislative action adverse to their interests before it even hits the political agenda, ordinary people may be stuck living with the consequences and simply trying to mount rear guard actions in response.

The implications for the political competition of policy ideas are substantial. As E.E. Schattschneider keenly noted, there is great power in being able to control the terms and contours of the debate, but also in keeping the audience narrow and in steering clear of frontal assaults (Schattschneider 1966; see Hunter et al 1991 for a related discussion). Contrary to contemporary wisdom, then, multiple venues may *decrease* competitiveness of law and policy because those with the means to do so can more readily move their demands to another playing field entirely.

IV.C. Constraint or quiescence?

A final dimension of federalization is crucial. The American multi-venue system is understood as providing mechanisms to limit congressional exercise of political authority in certain realms. In the classic formulation, the non-action that federalism imposes on Congress enhances state capacity by providing citizens with more localized responsiveness and additional opportunities for citizen participation. Though congressional authority has grown dramatically over time, many still argue that the preservation of state authority is a crucial political commodity (e.g., *National Federation of Independent Businesses v. Sebelius* 200 U.S. 321, 2012).

How does this congressional constraint function under federalization? Despite issues such as energy, health care, environmental protection, social welfare, housing, education, and so on, springing dramatically onto the political agenda in the latter half of

the 20th century, since 1980 only a fraction of the congressional hearings and proposed bills address each of these issues and an even smaller portion of public laws do. Though national political campaigns have emphasized these issues in recent decades, particularly health care, stagnant wages, immigration, employment, environmental issues, and education, Congress spends surprisingly little time offering – much less enacting – actual policy solutions on any of them. Between 1979 and 2010, more than half of the public laws enacted addressed defense, government operations or public lands and water management. Just over two percent of laws addressed labor, employment and immigration and less than two percent addressed social welfare, or community development and housing.¹²

Considering the major problems of income inequality, health outcomes, high levels of violence, stagnant wages, climate change and so on, the national legislative body of the United States seems spectacularly quiescent when it comes to lawmaking on these issues of public concern.

There are many explanations for this legislative inaction but one under-explored factor is that *federalization provides Congress with incentives passively neglect a great many issues* and to cherry-pick the topics they do pursue. This is because the growth of congressional policymaking has been additive, alongside the growth of state and local political capacity on issues of day-to-day importance to most Americans. As a result, if Congress does not reform immigration, lower unemployment, raise the minimum wage, create a comprehensive health care program, enact stricter gun control, or engage in policymaking on a wide range of other pressing social issues, *the burden can fall back on state and local governments*. This allows members of Congress to avoid the full freight of political accountability for inaction.

There are good reasons to think that lawmakers are even more eager to avoid blame than they are to take credit (Hood 2011). Why push policy issues that are vexing,

seemingly intractable or controversial if you do not have to? After all, congressional quiescence does not mean that any of these policy arenas are likely to collapse entirely because state and local political actors have to confront whatever set of needs and priorities knocks at the legislative door (Sharp 2011).

The problem of congressional inaction is consistent with that of Hacker and Pierson's 'drift' and Bachrach and Baratz's observations on 'non-decisions.' Drift occurs "when the effects of public policies change substantially due to shifts in the surrounding economic or social context and then, *despite the recognition of alternatives*, policy makers fail to update policies *due to pressure from intense minority interests or political actors exploiting veto points in the political process*" (Hacker and Pierson 2010, 170, emphasis in original). Non-decision-making is the practice of limiting the scope of actual decision-making to "safe" issues by manipulating the dominant community values, myths, and *political institutions and procedures* (Bachrach and Baratz 1963, 632, emphasis added).

Both drift and non-decisions are facilitated, I argue, by federalization because policies can crop up elsewhere on the political landscape and non-deciders are less likely to be punished by voters for non-deciding on issues that are being addressed by other venues. If voters are more likely to punish lawmakers when they perceive them as the cause of the problem, rather than the solution, it behooves members of a legislative body to take advantage of an institutional context that allows them to avoid taking responsibility for controversial social policies (Hood 2011). As many a critic of pluralism has noted, power is asserted not only when authority is exercised but also when it is not (Bachrach and Baratz 1962; Schattschneider 1960).

Of course, advocates of federalism's many venues might argue that issues such as health care belong with state and local governments and Americans are, at best, ambivalent about the national government addressing them. In fact, some would see congressional

quiescence as a success of federalization and a consequence of Americans' preferences for state and local sovereignty on these issues. But Americans appear to have few fixed preferences about jurisdictional boundaries. In ANES questions about whether the national government is too powerful, for example, it is striking how many respondents say they don't know or are not interested (a range of 29% in 1964 to a high of 47% in 1988) (see also AEI Public Opinion Study Towards the Federal Government, June 2008).

More importantly, if citizens were content with congressional quiescence, why do the same issues continue to pop up all over the federalized landscape? There is good evidence that congressional inaction led directly to increased legislative activity on health care in the states after the failure of the Clinton health care plan in 1994 (Baumgartner et al). But state activity did not substantially reduce costs or increase access for the uninsured. Similarly, the long period of non-reform of immigration law has generated a proliferation of state legislation aimed at addressing immigration issues (Lowery et al 2010; see also Reich and Barth 2012). Current problems, however, are unlikely to be resolved through state and local action. Neither are the decades of growing income inequality, wage stagnation, or decline in public services.

It seems that Americans move across jurisdictional boundaries with abandon in order to press lawmakers to address a wide range of issues at every level of government. National, state and local political activity on a wide range of issues reveal "division indifferent policy demands" that, as a result of federalization, cause political action on a wide range of activities to erupt through whatever pressure valve is most accessible (Levinson 2011, 726; see Berry and Portney 2012 for a related discussion). It is difficult to square the active legislative work being done across venues with the notion that mass publics have strong views that a particular level of government should not solve certain social problems.

V. Conclusions

I have argued that the federalization of law and policy in the United States is a substantial contributing factor to the routine challenges facing mass publics, and the growth of access to power by elites at the expense of ordinary people. Federalization further raises the costs of collective action for large groups, limits the competition for political ideas responsive to public need, and facilitates a quiescent Congress, despite major social problems in need of redress, thus furthering the federalization process and making it difficult for citizen to know whom to hold accountable for social policy. Figure 2 represents the process I have described here and illustrates the feedback process whereby federalization provides greater opportunities for small groups to venue-shop, thus perpetuating the dynamics of federalization.

FIGURE 2 HERE

From this perspective, it may be that extraordinary factors are required for popular democratic controls – in the form of collective action, competition for policy ideas and policymaking in Congress – to overcome the legal structure of multiple, overlapping venues that channel mobilization in so many directions at once.

Federalization, thus, turns many of the assumptions of our multi-venue system and its impact on democratic participation and interest groups activity on their head. Rather than see the varied political venues of American federalism as evidence of an active and robust citizen engagement with government, the realities of federalization reveal the biased nature of that engagement and its tendency to de-mobilize, limit and block popular sovereignty. Effective organization is of special importance to large groups of ordinary people for whom political combat is a difficult and often inaccessible phenomenon. As V.O.Key noted in 1949,

The significant question is, who benefits from political disorganization? ...Politics generally comes down, over the long run, to a conflict between those who have and those who have less...It follows that the grand objective of the haves is obstruction, at least of the haves who take only a short-term view. Organization is not always necessary to obstruct: *it is essential, however, for the promotion of a sustained program in behalf of the have-nots*” (Key 1949, 307, cited in Cnudde and McCrone 1969).

Federalization seems likely to depress mass citizen interest in and engagement with politics, which allows private interests to flourish, further alienating voters from the political classes and undermining their interests.

The forgoing argument has implications for a number of debates and subfields. First, interest group and public policy scholars, as well as Americanists interested in voter apathy, declining participation, the lack of mobilizing around economic issues and increasing inequality, may need to pay more attention to the dynamics of cross-venue organizing and the challenges they impose to collective understanding of social problems, credible competition for policy ideas and democratic accountability in national politics. Analyses of the disappearing American civic space could be informed by an understanding of how federalization dilutes competing political narratives and Balkanizes ordinary people from one another. This quiescence may generate less public agitation than we might expect, in part, because of the issues of collective action and competition described above but also because federalization obscures political authority, rendering accountability difficult, undermining voter confidence and lowering trust in government (Campbell 2012; Hacker and Pierson 2010; Cameron 2006; Cutler 2004).

Seen in this way, the problem is not that Americans do not know or understand their interests (Frank 2004), or that they embody some deep-seeded form of “conservative

egalitarianism” (Jacobs and Page 2009). Rather, they live under a political structure that divides, Balkanizes and dilutes the power of ordinary people (see also Fiorina 2006). Under these conditions, the source of the low salience of issues like inequality for much of the American public is hard to identify, since the proliferation of issues across so many venues imposes obstacles to rendering visible the pervasive and common nature of shared problems (see Campbell for a related discussion 2010).

Second, the relationship between federalization and other dimensions of American politics, such as separation of powers, single-member district electoral systems and judicial review deserve further analysis. I do not claim here that federalization is *the* defining distinct feature of American politics. However, it has been largely overlooked as an obstacle to the political power of middle and low-income voters and it is likely that its problems are exacerbated by a variety of other distinctive features of American politics that other scholars have highlighted (e.g., see Moosbrugger 2012 on single-member districts; Kagan (2001) on legal adversarialism).

Finally, this discussion of federalization has implications for comparative federalism and the wide variety of institutional designs that enhance or thwart the capacity of large groups of ordinary people to effectively push back against the political power of elites.

While American federalism may appear to be a highly orchestrated set of institutional arrangements that choreograph group interests into a vibrant democratic political process, American *federalization* is, in practice, a deeply fragmented system that imposes unique and challenging obstacles to organization and competition by ordinary people, facilitates the power of small interests, and promotes quiescence in its national legislative body over precisely the types of interests that republican forms of government claim to foster. If democracy requires mechanisms through which ordinary people – those

who are normally the subjects, not the agents, of power – can exercise some control over the rules that govern their lives and that distribute collective goods, we need a clearer framework for understanding the link between a democracy’s institutional scaffolding and the day to day political action of ordinary people. Surely it is not simply popular sovereignty in the founding moment that democratic reformers seek, but popular sovereignty sustained.

Endnotes

¹ *Marbury v. Madison* (1 Cranch 137, 1803), *McCullough v. Maryland* (17 U.S. 316, 1819), *Gibbons v. Ogden* (22 U.S. 1, 1824), *Miln v. New York* (1937, 36 U.S. 102). See also Zackin (2011).

² There are rich and justly influential literatures with respect to both of those issues (e.g., Pierson and Skocpol 2007; Frymer 2007; Graber 2008; Whittington 1999; Johnson 2007).

³ Social Security Act, P.L. 74-271, August 14, 1935. Patient Protection and Affordable Care Act, P.L. 111-148.

⁴ The data are from the Policy Agendas Project, originally collected by Frank R. Baumgartner and Bryan D. Jones, with the support of National Science Foundation grant numbers SBR 9320922 and 0111611, and distributed through the Department of Government at the University of Texas at Austin. Neither NSF nor the original collectors of the data bear any responsibility for the analysis reported here. The data include congressional hearings between 1947 and 2010 and are coded into the 19 categories listed in Figure 1. <http://www.policyagendas.org/>

⁵ <http://www.temple.edu/papolicy/>. Using the same topic codes as the Policy Agendas Project at the national level, the Pennsylvania Policy Agendas Project codes hearings, bills, resolutions and acts in the Pennsylvania General Assembly from 1979-2009. The Pennsylvania project was built with the support and cooperation of the Pennsylvania General Assembly by faculty-supervised students at Temple University and five other universities: Penn State, Carnegie Mellon University, the University of Pittsburgh, Penn State Harrisburg, and the University of Pennsylvania.

⁶ The Herfindahl index is already low in 1979 at 8.1 in but drops consistently over the thirty year period, going as low as 1.9 in 2008.

⁷ <http://www.ncsl.org/issues-research.aspx>

⁸ Olson's theories have been subjected to substantial criticism, recognizing that other incentives, such as purposive and solidary benefits, can also help large groups overcome collective action problems (see Cronk and Lee for a recent overview 2012). But as a matter of routine political organizing, such benefits are rarely sufficient to sustain long-term collective action for public goods.

⁹ <http://lobbyingdisclosure.house.gov/>.

¹⁰ I am grateful to Virginia Gray and Jennifer Wolak for sharing these data.

¹¹ Author's recoding of all groups in the membership category to citizen or non-citizen based on whether they represented professional interests of the members. Citizen groups, in this context, are only those groups who are organized around issues of common concern to members but are unrelated to their respective professions or trades.

¹² The Policy Agendas Project provides trend analyses for congressional hearings, bills and laws by topic. See footnote 4 for detailed information.

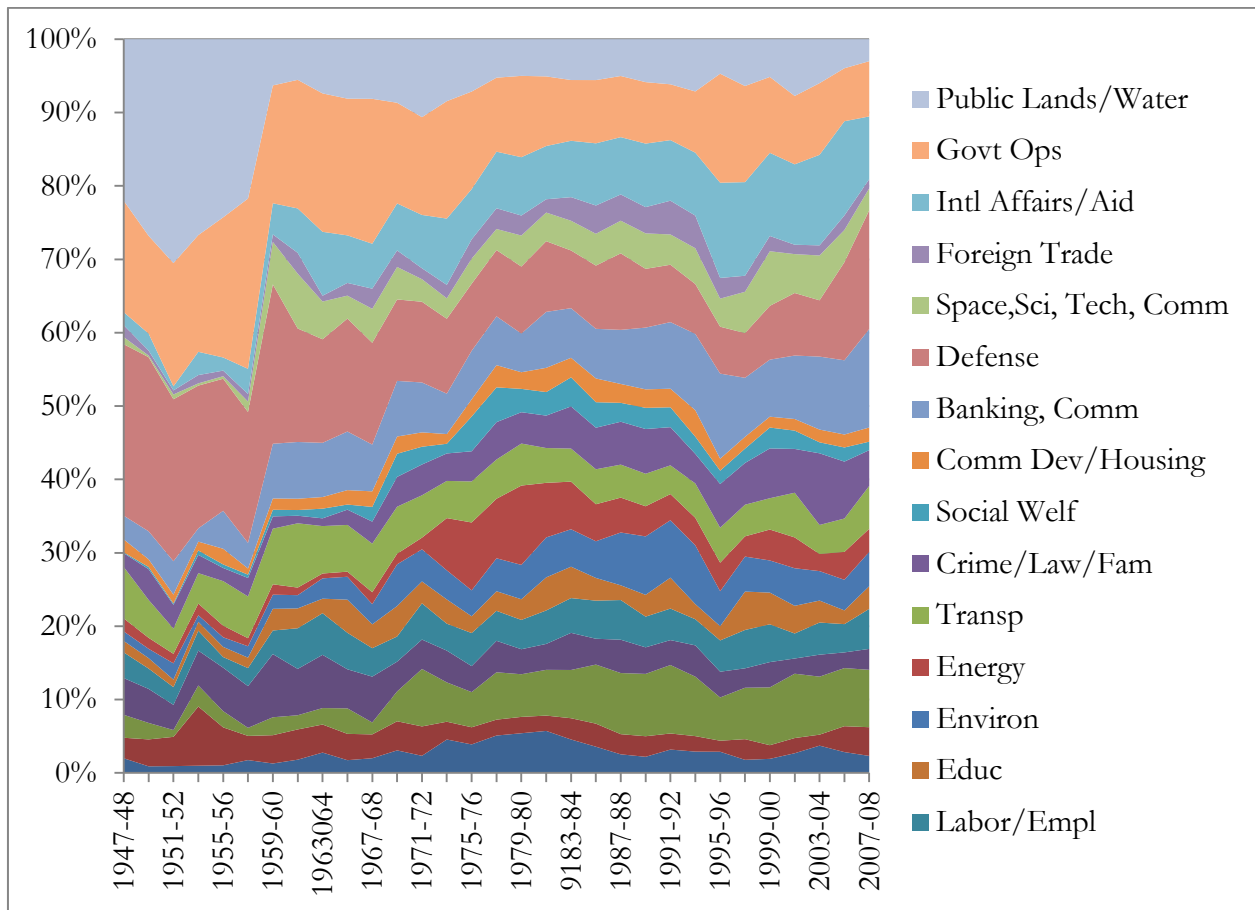


Figure 1: All hearings in the House of Representatives, by major topic, 1947-2008
 Source: Policy Agendas Project (footnote 4)

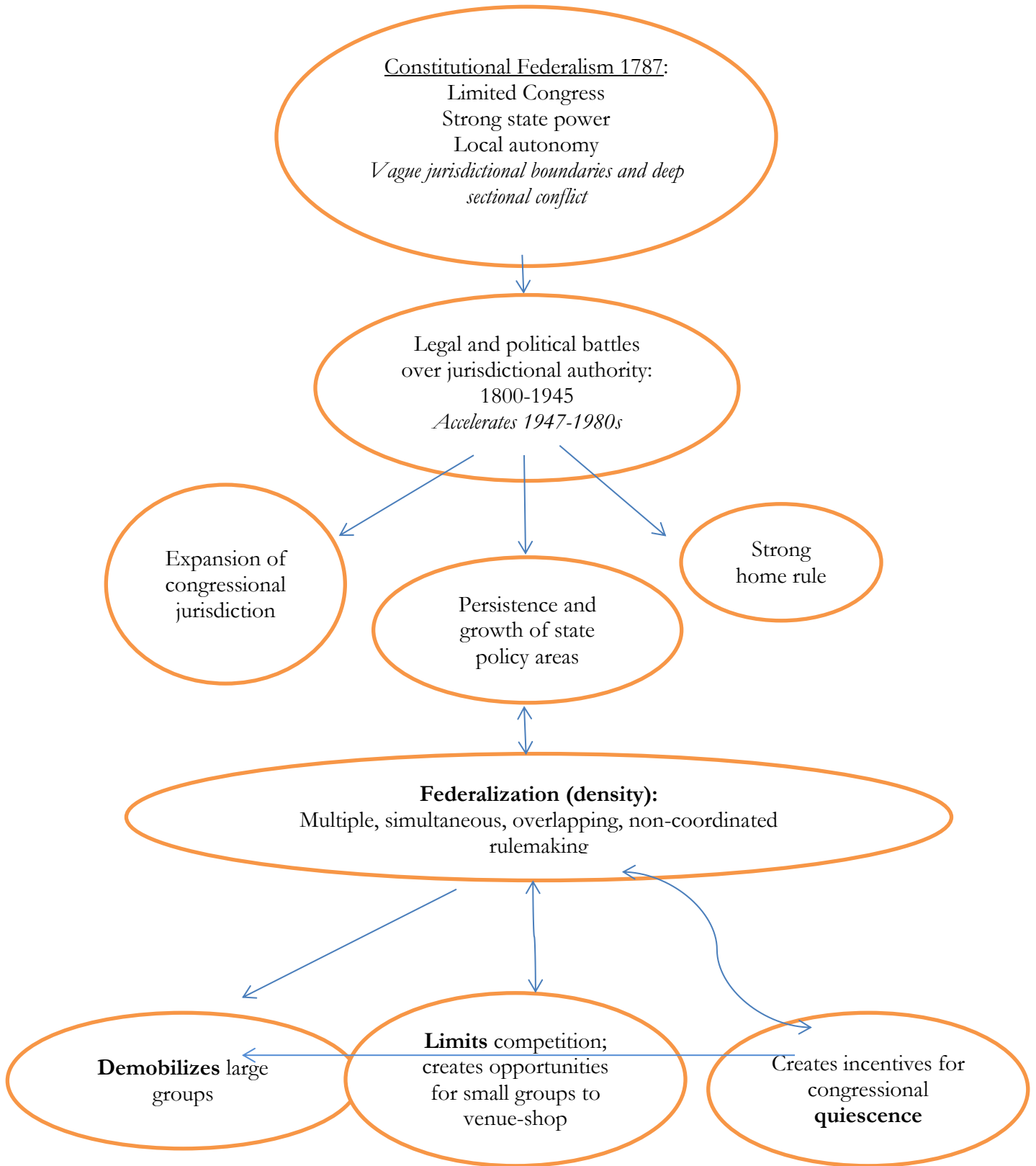


Figure 2: Evolution of Federalization

Table 1: US Federalism’s claimed virtues as core democratic principles

Multi-venue virtue	Democratic significance	Substantive inquiries
<i>Collective Action</i>	The foundation of popular self-governance is the capacity for members of the polity to act collectively in their interests.	Does federalization help ordinary people overcome collective action problems?
<i>Competition</i>	Citizens must be able to mount, credible competing policy narratives; in particular, large groups must be able to offer alternative narratives to elite power.	Does federalization accommodate and promote competition for political ideas? Are large groups of ordinary Americans provided with ample opportunity to launch competing policy ideas in opposition to those of political classes or other elites?
<i>Constraint</i>	Limited power can provide safeguards against overbearing governmental power.	Who benefits from limited power? Does federalization limit abuse of power or induce quiescence on the part of the national legislative body?

Table 2:
Bills and resolutions proposed,
Pennsylvania General Assembly and U.S. House of Representatives, 1979-2009

	Congress		Pennsylvania	
Fiscal and Economic	4297	4.9%	2363	3.6%
Civil Rights and Liberties	1837	2.1%	1504	2.3%
Health	8431	9.6%	7219	11.0%
Agriculture	2614	3.0%	1175	1.8%
Labor, Employment, Immigration	5365	6.1%	2080	3.2%
Education	3462	4.0%	5548	8.5%
Environment	4303	4.9%	3321	5.1%
Energy	3459	4.0%	1152	1.8%
Transportation	4058	4.6%	4845	7.4%
Law, Crime, Family	5534	6.3%	11548	17.6%
Social Welfare	3458	4.0%	2279	3.5%
Community Development, Housing	1960	2.2%	1445	2.2%
Banking, Finance, Commerce	6141	7.0%	5615	8.6%
Defense	5562	6.4%	1651	2.5%
Space, Science, Technology, Comm	1623	1.9%	470	0.7%
Foreign Trade	6169	7.0%	123	0.2%
International Affairs/Foreign Aid	2522	2.9%	401	0.6%
Government Operations	9419	10.8%	8038	12.3%
Public Lands/Water Management	7302	8.3%	1343	2.1%
Local Government			3345	5.1%
Total	87516	100.0%	65465	100.0%

Table 3: Local policy agendas, select sources

Policy Agendas Topic	U.S. Conference of Mayors	National League of Cities
Fiscal and Economic	Taxes/Budget/Econ Dev	Economic Development
Civil Rights and Liberties	Civil and Human Rights	
Health	Health and Human Services	
Agriculture		
Labor/Employment/ Immigration	Employment Training	Immigrant Integration
Education	Education	Education
Environment	Environment	Environment
Energy	Energy	
Transportation	Transportation	Transportation
Law, Crime, and Family	Crime/Homeland Sec.	Crime
Social Welfare	Children and families	Family
Community Development, Housing	Community/Housing	Housing
Banking/Finance/Commerce		
Defense		
Space/Science/Technology/Comm	Communication	Technology/Communication
Foreign Trade		
International Affairs/Foreign Aid	International Issues	
Government Operations		
Public Lands/Water Management	Tourism/Arts/Parks Entertainment/Sports	

*The NLC “serves as a resource to and an advocate for the more than 19,000 cities, villages and towns it represents. More than 1,600 municipalities of all sizes pay dues directly to NLC and actively participate as leaders and voting members in the organization.” <http://www.nlc.org/about-nlc>

**<http://www.usmayors.org/legislationprograms>.

Table 4: Federalization: Issues on national, state and local legislative agendas

	National	State	Local
Fiscal and Economic	X	X	X
Civil Rights and Liberties	X	X	X
Health	X	X	X
Agriculture	X	X	
Labor/Employment/ Immigration	X	X	X
Education	X	X	X
Environment	X	X	X
Energy	X	X	X
Transportation	X	X	X
Law, Crime, and Family	X	X	X
Social Welfare	X	X	X
Community Dev/Housing	X	X	X
Banking/Finance/Commerce	X	X	X
Defense	X	X	
Space/Science/Technology/Comm	X	X	X
Foreign Trade	X	X	
International Affairs/Foreign Aid	X	X	X
Government Operations	X	X	
Public Lands/Water Management	X	X	X
Local Government		X	

Table 5: Single and multi-state lobby groups, by group type

	One state	Multiple states
Association	3190 (17.5%)	751 (27.0%)
Institution	12510 (68.6%)	1490 (52.8%)
Membership	1427 (7.8%)	448 (15.9%)
Citizen	1106 (6.1%)	135 (4.7%)
Total	18233 (100.0%)	2824 (100.0%)

Table 6: Sample of Single-State Groups

Organization	State	Issue
Rural Action, Dakota	SD	Agriculture
Committee on Moral Concerns	CA	Civil rights
Hispac (Hispanic Political Action Committee)	GA	Civil rights
Coeur D'Alene Tribe	ID	Civil rights
Oklahomans for Affordable Phone Service	OK	Communications
Tenants Union	MN	Construction
Citizens for Equitable School Financing	NE	Education
Citizens for Community Schools	NV	Education
Advocates for the Arts	OR	Education
Vermonters for Educational Choice	VT	Education
Society for Environmental Truth	AZ	Environment
People Allied with Wildlife	CO	Environment
Mothers Organized to Stop Environmental Sins	TX	Environment
Oklahomans for Clean Water	OK	Environment
One Million Oregonians Against Pumping Gas	OR	Environment
Action for the Environment	SD	Environment
Californians for Ferret Legalization	CA	Good govt
Citizens Concerned for the Constitution	IN	Good govt
Consumers Against Used Car Dealers	OK	Good govt
Citizens for Health	CA	Health
Citizens for A Choice in Health Care	MN	Health
Coalition for a Smoke Free Society, MN	MN	Health
Citizens Association for Alternative Medicine	WI	Health
Citizens for Insurance Reform	NC	Insurance
United Veterans Council	NE	Military
Oregonians for Responsible Prison Sitting	OR	Police/fire
Democrats for Christian Values	AL	Religion
Christian Action League of NC	NC	Religion
Zoological Society of San Diego	CA	Sport
American Dog Owners Association	NM	Sport
Association of Concerned Motorcyclists, NV	NV	Sport
Coalition for Competition, FL	FL	Tax
Coalition for Consumer Rights	IL	Tax
Coalition for Choice in Electricity	OH	Utility
Citizens for Energy Independence	WI	Utility
Children's Campaign	CO	Welfare
Homicide Survivors	IA	Welfare
Chicago Coalition for the Homeless	IL	Welfare
Alliance for Affordable Housing Inc.	NJ	Welfare
Alliance for Consumer Rights	NY	Welfare
Women's Civic League of Cheyenne	WY	Women

References

- Abbott, Kenneth W., Jessica F. Green and Robert O. Keohane. 2013. "Organizational Ecology in World Politics: Institutional Density and organization strategies." Paper delivered at the 2013 Annual Convention of the International Studies Association April 3-6, 2013, San Francisco, California.
- <http://iilj.org/research/documents/Organizational.Ecology.Abbott.Green.Keohane.pdf>
- Anderson, Cameron. 2006. "Economic Voting and Multilevel Governance: A Comparative Individual-Level." *American Journal of Political Science* 50(2): 449-463.
- Bachrach, Peter and Morton S. Baratz, "Decisions and Non-Decisions: An Analytical Framework," *American Political Science Review* 57:3 (September 1963): 632-42.
- Bartels, Larry. 2009. *Unequal Democracy: The Political Economy of the New Gilded Age*. Princeton: Princeton University Press.
- Baumgartner, Frank R. and Bryan D. Jones. 2012. "From There to Here: Punctuated Equilibrium to the General Punctuation Thesis to a Theory of Government Information Processing." *Policy Studies Journal* 40(1):
- Baumgartner, Frank R. and Beth L. Leech. 2001. "Interest Niches and Policy Bandwagons: Patterns of Interest Group Involvement in National Politics." *Journal of Politics* 63(4): 1191-1213.
- Baumgartner, Frank R. and Bryan D. Jones. 1993. *Agendas and Instability in American Politics*. Chicago: University of Chicago Press.
- Bermendi, Pablo. "Federalism." 2007. In Susan C. Stokes and Charles Boix, *The Oxford Handbook of Comparative Politics*, 752-781.

- Berry, Jeffrey M. and Kent E. Portney. 2012. "The Group basis of city politics." Paper prepared for the annual conference of the American Political Science Association, Seattle, September, 2011. <http://ase.tufts.edu/polsci/faculty/berry/groupBasis.pdf>
- Berry, Jeffrey. 1999. *The New Liberalism: The Rising Power of Citizen Groups*. Washington, D.C.: Brookings Institution.
- Broschek, Jorg. 2012. "Historic Institutionalism and the Varieties of Federalism in Germany and Canada." *Publius – the Journal of Federalism* 42(4): 662-687.
- Campbell, Andrea Louise. 2012. "Policy makes mass politics." *Annual Review of Political Science* 15: 333-351.
- Campbell, Andrea Louise. 2010. "The Public's Role in Winner-Take-All Politics." *Politics and Society* 38: 227-232.
- Cnudde, Charles F. and Donald J. McCrone. 1969. "Party Competition and Welfare Policies in the American States." *American Political Science Review* 63(3): 858-866
- Constantelos, John. 2010. "Playing the Field: Federalism and the Politics of Venue Shopping in the United States and Canada." *Publius* 40(3): 460-483.
- Cutler, F. 2004. "Electoral Behaviour in a Federal Context: The Consequences of Confusion." *Publius* 34(2): 19–38.
- Feeley, Malcolm and Edwin L. Rubin. 1994. "Federalism: Some Notes on a national neurosis." 41 *UCLA Law Review* 903-952.
- Feeley, Malcolm and Edwin L. Rubin. 2008. *Federalism: Political Identity and Tragic Compromise*. Ann Arbor, MI: University of Michigan Press.
- Finkelman, Paul. 2003. "The Root of the Problem: How the Proslavery Constitution Shaped American Race Relations." *Barry Law Review* 4(1): 1-20.
- Fiorina, Morris. 2006. *Culture War? The Myth of a Polarized America*. New York, NY: Pearson Longman.

- Foner, Eric. 1984 "Why is there no socialism in the United States?" *History Workshop Journal* 17(1): 57-81.
- Frank, Thomas. 2004. *What's the Matter with Kansas?* New York: Henry Holt.
- Frymer, Paul. 2007. *Black and Blue: African Americans, the Labor Movement, and the Decline of the Democratic Party*. Princeton: Princeton University Press.
- Gann Hall, Melinda and Chris W. Bonneau. 2009. *In Defense of Judicial Elections*. New York: Routledge.
- Gerken, Heather K. 2012. "Our Federalism(s)." 53 *William and Mary Law Review* 1549-1571.
- Gerken, Heather K. 2010. "Foreword: Federalism All the Way Down." *Harvard Law Review* 124: 4-74.
- Gibson, Edward L. 2004. *Federalism and Democracy in Latin America*. Baltimore: Johns Hopkins Press.
- Gilens, Martin. 2012. *Affluence and Influence: Economic Inequality and Political Power in America*. Princeton: Princeton University Press.
- Graber, Mark. 2008. *Dred Scott and the Problem of Constitutional Evil*. Cambridge: Cambridge University Press.
- Gray, Virginia and David Lowery. 2001. "The Institutionalization of State Communities of Organized Interests." *Political Research Quarterly* 54(2): 265-284.
- Hacker, Jacob S. and Paul Pierson. 2010. "Winner-Take-All Politics: Public Policy, Political Organization, and the Precipitous Rise in the Top Incomes in the United States." *Politics and Society* 38(2): 152-204.
- Havard, William C. and Alfred Diamant. 1956. "The Need for Local Government Reform in the United States." *Western Political Quarterly* 9(4): 967-995.

- Hill, Roderick M. 2010. "Federalism and Public Choice," in *Research Handbook on Public Choice and Public Law*, Daniel Farber and Anne Joseph O'Connell, ed., Edward Elgar.
- Hood, Christopher. 2011. *The Blame Game: Spin, Bureaucracy and Self-Preservation in Government*. Princeton: Princeton University Press.
- Hunter, Kenneth G., Laura Ann Wilson and Gregory G. Brunk. 1991. "Society Complexity and Interest-Group Lobbying in the American States." *Journal of Politics* 53(2): 48-503.
- Jacobs, Lawrence and Benjamin I. Page. 2009. *Class War? What Americans Really Think About Economic Inequality*. Chicago: University of Chicago Press.
- Jacobs, David and Richard Kleban. 2003. "Political Institutions, Minorities and Punishment: A Pooled Cross-National Analysis of Imprisonment Rates." *Social Forces* 80(2): 725-755.
- Johnson, Kimberly. 2007. *Governing the American State: congress and the new federalism, 1877-1929*. Princeton: Princeton University press.
- Johnson, Kimberly. 2010. *Reforming Jim Crow: Southern Politics and State in the Pre-Brown South*. New York: Oxford University Press.
- Jones, Bryan D. and Frank R. Baumgartner. 2005. *The Politics of Attention: How Government Prioritizes Problems*. Chicago: University of Chicago Press.
- Katznelson, Ira. 2005. *When Affirmative Action Was White: An Untold History of Racial Inequality in Twentieth-Century America*. New York: W.W. Norton.
- Kelemen, Daniel. 2004. *The Rules of Federalism: Institutions and Regulatory Politics in the EU and Beyond*. Cambridge: Harvard University Press.
- Key, V.O. 1966. *The Responsible Electorate*. Cambridge: Harvard University Press.

- King, Desmond and Rogers Smith. 2008. "Racial Orders in American Political Development." *American Political Science Review* 99(1): 75-92.
- Klass, Gary. 1985. "Explaining the American and the Welfare State: An alternative theory." *British Journal of Political Science* 15(4): 427-50.
- Krane, Dale, Planton N. Rigos and Melvin B. Hill. 2000. *Home Rule in America: A Fifty-State Handbook*. Washington D.C.: Congressional Quarterly.
- La Pierre, D. Bruce. 1985. "Political Accountability in the National Political Process-The Alternative to Judicial Review of Federalism Issues." 80 *Nw. U.L. REV.* 577.
- Lau, Rick and David Redlawsk, 2006. *How Voters Decide: Information Processing in Election Campaigns*. Cambridge: Cambridge University Press.
- Leon, Sandra. 2010. "Who is responsible for what? Clarity of responsibilities in multilevel states: The case of Spain." *European Journal of Political Research* 50: 80-109.
- Lieberman and Shaw 2000. "Looking Inward, Looking Outward, the politics of State Welfare Innovation under Devolution." *Political Research Quarterly* 53(2): 215-240
- Levy, Jacob T. 2007. "Federalism, Liberalism, and the Separation of Loyalties." *APSR* 101 (3) p. 459-
- Lijphart, Arend. 2008. *Thinking About Democracy: Power Sharing and Majority Rule in Theory and Practice*. New York: Routledge.
- Lipset, Seymour Martin. 1977. "Why No Socialism in the United States?" in *Radicalism in the Contemporary Age*, Seweryn Bialer and Sophie Sluzar, eds. Boulder, CO: Westview.

- Lowery, David and Virginia Gray. 1998. "The Dominance of Institutions in Interest Representation: A Test of Seven Hypotheses." *American Journal of Political Science* 42(1): 231-255.
- Lowery, David, Virginia Gray and Frank Baumgartner. 2010. "Policy Attention in the States: Is Anyone Listening to the Laboratories of Democracy?" *Publius* 41(2): 286-310.
- Lowi, Theodore. 1984. "Why is there no socialism in the United States?: A Federal Analysis." *International Political Science Review* 5: 369.
- McCarthy, Nolan. 2007. "The Policy Effects of Political Polarization." In Paul Pierson and Theda Skocpol. *The Transformation of American Politics: activist government and the rise of conservatism*. Princeton: Princeton University Press.
- McCormick, John P. 2001. "Machiavellian Democracy: Controlling Elites with Ferocious Populism." *American Political Science Review* 95(2): 297-313.
- Miller, Lisa L. 2008. *The Perils of Federalism: Race, Poverty, and the Politics of Crime Control*. New York: Oxford University Press.
- Neumann, Monika T. 1996. "The Environmental Law System of the Federal Republic of Germany." *Annual Survey of International and Comparative Law*. 3(1): 69-110.
- Nugent, John Douglas. 2009. *Safeguarding Federalism: How States Protect Their Interests in National Policy*. Norman: University of Oklahoma Press.
- Olson, Mancur. 1965. *The Logic of Collective Action: Public Goods and the Theory of Groups*. Cambridge, MA: Harvard University Press.
- Peterson, Paul. 1981. *City Limits*. Chicago: University of Chicago Press.
- Pickerill, J. Mitchell and Paul Chen. 2007. "Medical Marijuana Policy and the Virtues of Federalism." *Publius: The Journal of Federalism* 38(1): 22-55.

- Pierson, Paul and Theda Skocpol. 2007. *The Transformation of American Politics: activist government and the rise of conservatism*. Princeton: Princeton University Press.
- Pierson, Paul and Jacob Hacker. 2010. "Winner-Take-All Politics." *Politics and Society* 38(2): 152-204.
- Porter, Roger B. 1977. "John Stuart Mill and Federalism." *Publius* 7(2): 101-124.
- Reckhow, Sarah. 2009. "The Distinct Patterns of Organized and Elected Representation of Racial and Ethnic Groups." *Urban Affairs Review* 45: 188-217.
- Reich, Gary and Jay Barth. 2012. "Immigration Restriction in the States: Contesting the Boundaries of Federalism?" *Publius: The Journal of Federalism* 42(3): 422-448.
- Riker, William. 1964. *Federalism: Origin, Operation, Significance*. Boston: Little, Brown.
- Riverstone-Newell, Lori. 2012. "Bottom-up Activism: A Local Political Strategy for Higher Policy Change." *Publius: The Journal of Federalism* 42(3): 401-421.
- Robertson, David Brian. 1989. "The Bias of American Federalism: The Limits of Welfare-State Development in the Progressive Era." *Journal of Policy History* 1 (3): 261-291.
- Robertson, David Brian. 2005. "Madison's Opponents and Constitutional Design." *American Political Science Review* 99(2): 225-243.
- Robertson, David Brian. 2012. *Federalism and the Making of America*. New York: Routledge.
- Rodden, Jonathan. 2006. *Hamilton's Paradox: The Promise and Peril of Fiscal Federalism*. Cambridge: Cambridge University Press.
- Rubin, Edwin L. and Malcolm Feeley. 1994. "Federalism: Some notes on a national neurosis." 41 *UCLA Law Review* 903-944.
- Salisbury, Robert 1984. "Interest Representation: The dominance of institutions." *American Political Science Review* 78(1): 64-76.

- Schapiro, Robert A. 2009. *Polyphonic Federalism: Towards the protection of fundamental rights*. Chicago: University of Chicago Press.
- Schattschneider, E.E. 1960. *The Semi-Sovereign People: A realist's view of America*. New York: Wadsworth.
- Schlozman, Kay Lerman, Sidney Verba and Henry E. Brady. 2012. *Unheavenly Chorus: Unequal Political Voice and the Broken Promise of American Democracy*. Princeton: Princeton University Press.
- Shapiro, Ian. 1990. "Three Fallacies Concerning Majorities, Minorities and Democratic Politics." In John W. Chapman and Alan Wertheimer, eds. *Majorities and Minorities*. New York: New York University Press, pgs. 79-125.
- Sharp, Elaine B., Dorothy M. Daley and Michael S. Lynch. 2011. "Understanding Local Adoption and Implementation of Climate Mitigation Policy." *Publius* 47: 433-457.
- Skocpol, Theda. 2007. "Government Activism and the Reorganization of American Civic Democracy." In Paul Pierson and Theda Skocpol, eds. *The Transformation of American Politics: Activist Government and the Rise of Conservatism*. Princeton: Princeton University Press.
- Smith, Mark. 2009. "Right Talk: How Conservatives Turned the Great Society into the Economic Society." Princeton University: Princeton University Press.
- Solt, Frederick. 2008. "Economic Inequality and Democratic Political Engagement." *American Journal of Political Science* 52(1): 48-60.
- Sombart, Werner. 1906. "Why No Socialism in the United States?"
- Soss, Joe, Richard C. Fording and Sanford F. Schram. 2008. "The Color of Devolution: Race, Federalism and the Politics of Social Control." *American Journal of Political Science* 52(3): 536-553.

- Steinmo, Sven. 2005. "Why is Government So Small in America?" *Governance: An International Journal of Policy and Administration* 8(3).
- Stepan, Alfred C. 2001. *Arguing Comparative Politics*. New York: Oxford University Press.
- Stepan Alfred. 1999. "Federalism and Democracy: Beyond the U.S. Model." *Journal of Democracy* 10(4): 19-34.
- Strolovitch, Dara. 2007. *Affirmative Advocacy: race, class and gender in interest group politics*.
- Swarts, Heidi. 2008. *Organizing Urban America: Secular and Faith-Based Progressive Movements*. Minneapolis: University of Minnesota Press.
- Tiebout, Charles M. 1956. "A pure theory of local expenditures." *Journal of Political Economy* 64(5), 416-424.
- Whittington, Keith. 1999. *Constitutional Construction: Divided Powers and Constitutional Meaning*. Cambridge, MA: Harvard University Press.
- Wildavsky, Aaron B. 1984. "Federalism Means Inequality: Political Geometry, Political Sociology and Political Culture." In Fesler, James William, Robert T. Golembiewski and Aaron B. Wildavsky, *The costs of federalism*. New Brunswick, NJ: Transaction Press.
- Winthrop, Delba. 1976. "Tocqueville on Federalism." *Publius*, Summer 1976.
- Wlezien, Christopher and Stuart N. Soroka. 2010. "Federalism and Public Responsiveness to Policy." *Publius: The Journal of Federalism* 41(1): 31-52.
- Wolak, Jennifer, Adam Newmark, Todd McNoldy, David Lowery and Virginia Gray. 2002. "Much of Politics is Still Local: Multi-State Lobbying in State Interest Communities." *Legislative Studies Quarterly* 27(4): 527-555.
- Zackin, Emily. 2011. "What's Happened to American Federalism?" *Polity* 43(3): 388-403.