

**POSC 6931:
SEMINAR ON AMERICAN FEDERALISM
AND INTERGOVERNMENTAL RELATIONS**

Spring 2021
Tues. 5–7:40pm
Lalumiere 176

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OH: Thurs: 2–5 pm (via Teams)

A student should enter the field of intergovernmental fiscal relations with modesty and even humility...It is a field mined with explosives; beneath a placid surface lie some very deep emotions ready to burst into flame at the slightest provocation.

Committee on Intergovernmental Fiscal Relations, U.S. Treasury (1943)

A second New York is being built
a little west of the old one.
Why another, no one asks,
just build it, and they do.

David Berman (1999)

One can hardly comprehend American politics today without understanding the field of power constituted by relations among federal, state, local, tribal, and territorial governments. American federalism, the shorthand we use to name these relations, is imbricated in virtually all aspects of current health, economic, and political crises. Yet like all infrastructures, the American federal regime is easily taken for granted as a political force. The title of this course itself often invites an 'eyes-glaze-over' effect among the uninitiated. Further complicating this state of affairs, the literature on federalism resides in not one but multiple canons, spread across the disciplines of political science, public administration, law, geography, economics, and regional planning. New concepts, frameworks, jargon, and adjectives abound. Confronted with this complexity, public discourse over federalism redounds to a mix of warm and fuzzy tributes, fiery jeremiads, or facile pro-cons.

Against this backdrop, our seminar situates American federalism not as a static constitutional arrangement or philosophical commitment but as a fluid field of power populated by human beings clothed with authority. It invites participants to build new knowledge about how the American federal regime actually works today, its relationship to the politics of race, capitalism, and democracy, as well as potential paths for reconstruction. The readings for the

course are organized along the lines of the initial research divisions at the now extinct Advisory Commission on Intergovernmental Relations. Following two introductory sessions, we will investigate the political structures that define American federalism, considering forms of government and intergovernmental dynamics in the states and localities, the co-evolution of federalism and American political parties, and the current state of intergovernmental affairs in Washington, DC. Next, we will consider intergovernmental fiscal relations, paying specific attention to the distribution of revenue and expenditure capacities, potential solutions to emergent fiscal crises, and the political waters in which these solutions might sink or swim. The fourth unit of the course will assess territorial dimensions of American public policy, focusing on the challenges of designing policy to induce intergovernmental cooperation, avoiding cutthroat competition among jurisdictions, and generating regional collaboration. Finally, we will consider the prospects for reform and reconstruction, as well as the consequences of business as usual.

A cautionary note: producing usable knowledge about American federalism is urgent and important work. Participants in this seminar are required to engage critically with a heavy reading load for each session, to keep a close watch on current developments in intergovernmental relations, and to contribute an original analysis of a contemporary issue or dilemma in the field. Naturally, given the conditions of the pandemic – which poses multiple threats to the health of our communities – the instructor will make appropriate accommodations for the safety of all participants. This may include, among other things, altering the course modality. To study the world, all of us must first be able to live in it.

Course requirements

Informed participation in seminar (20%): Participants are expected to have carefully read each week's reading prior to class, to attend each class, and to make a creative contribution to class discussion. Students are also encouraged, though not required, to participate in discussions via the course Slack channels.

Weekly memoranda (20%): All participants will contribute weekly 250-word reading memos to the course D2L site on the evening before seminar. These memos will offer critical commentary on each week's readings. This could take a variety of forms, including an attempt to use one or more readings to answer the week's main questions, an effort to reconcile or distinguish contrasting arguments among the authors, or a discussion of unresolved issues or gaps in the readings.

Intergovernmental monitor (10%): Each participant will be expected to provide – once during the semester – a weekly roundup of at least five (5) news items that pertain to relations among federal, state, local, tribal, and territorial governments. This roundup will be published on D2L the evening before seminar and should include links to relevant articles and a 2-3 sentence description of each story). Items can be drawn from national or local general-interest periodicals, specialty publications such as *Governing*, *Pew Stateline*, *American City and County*, *CQ Roll Call*, *Bond Buyer*, as well as reports or press releases issued by federal agencies, think tanks, or “Big 7” intergovernmental organizations (CSG, GFOA, ICMA, NACo, NCSL, NGA, NLC, USCM) or other relevant publications.

Issue brief (50%): Early in the semester, each participant will identify an issue or dilemma in contemporary intergovernmental relations that will become the focus of a 10-15 page issue brief directed at a nonspecialist audience. In addition to identifying the issue, these briefs will give a brief history or background, discuss the current state of play (e.g. by describing the positions of various actors in the policy debate, options for resolution), and provide some indication of how the issue may evolve in the near future. Potential topics will be discussed during the seminar and participants will, by **March 9**, submit to the instructor a summary of their intended topic via e-mail. Pending instructor approval, participants will consult relevant academic and ‘gray’ literature, as well as news coverage where applicable, and develop a list of readings to be discussed with the instructor during the semester. Participants will submit a final version of their issue briefs by **May 11**.

Course materials

You must obtain a copy of Donald F. Kettl, *The Divided States of America: Why Federalism Doesn't Work* (Princeton University Press, 2020). All other readings will be made available via D2L.

COURSE OUTLINE

(* = optional reading; Readings subject to change at the discretion of the instructor)

PART I: INTRODUCTION

First Session (1/26): Why study American federalism?

1. Rozell, Mark J., and Clyde Wilcox. "Federalism in a time of plague: how federal systems cope with pandemic." *The American Review of Public Administration* 50, no. 6-7 (2020): 519-525.

2. Downey, Davia Cox, and William M. Myers. "Federalism, Intergovernmental Relationships, and Emergency Response: A Comparison of Australia and the United States." *The American Review of Public Administration* 50, no. 6-7 (2020): 526-535.

Second Session (2/2): How should we think about American federalism?

1. Donald F. Kettl, *The Divided States of America* (Princeton University Press, 2020), Chapters 1-10.

2/9: No class -- Mental Health Day

PART II: POLITICAL DEVELOPMENT AND GOVERNMENTAL STRUCTURE

Third Session (2/16): What forms of government exist in the fifty states?

1. Advisory Commission on Intergovernmental Relations, *State Constitutions in the Federal System* (ACIR, 1989), Chapter 3.
2. Carolyn Shapiro, "Democracy, Federalism, and the Guarantee Clause," *Arizona Law Review* 62 (2020):183-240.
3. Philip Rocco, "Laboratories of What? American Federalism and the Politics of Democratic Subversion," in *Democratic Resilience: Can the United States Withstand Rising Polarization?*, eds. Suzanne Mettler, Robert Lieberman, and Ken Roberts (Cambridge University Press, 2021), Chapter 12.
4. Chan S. Suh and Sidney Tarrow, "Repression by Stealth: The Suppression of Protest in State Legislatures," Working paper, Cornell University, 2020.
5. G. Alan Tarr, "Symmetry and asymmetry in American federalism," in *The Federal Idea* (McGill-Queen's University Press, 2011): 169-187.

Fourth Session (2/23): Who or what makes local politics?

1. Paul Peterson, *City Limits* (University of Chicago Press, 1981), Ch. 1.
2. Zoltan L. Hajnal and Jessica Trounstein, "Who or what governs?: The effects of economics, politics, institutions, and needs on local spending," *American Politics Research* 38, no. 6 (2010): 1130-1163.
3. Megan Mullin, "Local Boundaries," in *Oxford Handbook of State and Local Government*, ed. Donald Haider-Markel (Oxford University Press, 2014).

4. Kathryn T. Rice, Leora S. Waldner, and Russell M. Smith. "Why new cities form: An examination into municipal incorporation in the United States 1950–2010," *Journal of Planning Literature* 29, no. 2 (2014): 140-154.
5. Yunji Kim, Austin M. Aldag, and Mildred E. Warner, "Blocking the progressive city: How state pre-emptions undermine labour rights in the USA," *Urban Studies* (2020): 0042098020910337.
6. Peter Eisinger, "City politics in an era of federal devolution," *Urban Affairs Review* 33, no. 3 (1998): 308-325.
7. David P. Carter, Aaron Deslatte, and Tyler A. Scott, "The formation and administration of multipurpose development districts: Private interests through public institutions," *Perspectives on Public Management and Governance* 2, no. 1 (2019): 57-74.*
8. Laura Evans, "Expertise and scale of conflict: Governments as advocates in American Indian politics," *American Political Science Review* (2011): 663-682.*

Fifth Session (3/2): What does the nationalization of politics mean for subnational governance?

1. David Brian Robertson, *Federalism and the Making of America* (Routledge, 2018), Ch. 3.
2. Jacob M. Grubmach, "From backwaters to major policymakers: Policy polarization in the states, 1970–2014," *Perspectives on Politics* 16, no. 2 (2018): 416-435.
3. Jennifer Karas Montez, "US state polarization, policymaking power, and population health," *Milbank Quarterly*, October 20, 2020.
4. Paul Nolette and Colin Provost. "Change and continuity in the role of state attorneys general in the Obama and Trump administrations," *Publius: The Journal of Federalism* 48, no. 3 (2018): 469-494.
5. Raymond LaRaja, Jonathan Rauch, and Samuel VanSant Stoddard, "The state of state parties—and how strengthening them can improve our politics," Brookings Institution Working Paper (2016).
6. Philip Rocco, Ann C. Keller, and Andrew S. Kelly, "State Politics And The Uneven Fate Of Medicaid Expansion," *Health Affairs* 39, no. 3 (2020): 494-501.

Sixth Session (3/9): What does federalism mean in Washington, DC?

1. Ann O'M. Bowman, "Intergovernmental councils in the United States," *Regional & Federal Studies* 27, no. 5 (2017): 623-643.
2. J. Wesley Leckrone, "Trying Not to Lose Ground: State and Local Government Advocacy during Passage of the 2017 Tax Cuts and Jobs Act," *Publius: The Journal of Federalism* 49, no. 3 (2019): 407-436.

3. Frank Thompson, "The rise of executive federalism: Implications for the picket fence and IGM," *The American Review of Public Administration* 43, no. 1 (2013): 3-25.
4. John Dinan, "The US Supreme Court and federalism in the twenty-first century," *State and Local Government Review* 49, no. 3 (2017): 215-228.
5. José Javier Colón-Morera, "US policy toward its Territories: A complex and perhaps intractable problem," *PS, Political Science & Politics* 50, no. 2 (2017): 525.
6. Nathalie Behnke and Sean Mueller. "The purpose of intergovernmental councils: A framework for analysis and comparison," *Regional & Federal Studies* 27, no. 5 (2017): 507-527.*
7. William R Barnes, "Beyond federal urban policy," *Urban Affairs Review* 40, no. 5 (2005): 575-589.*

Seventh Session (3/16): No class: individual student conference with instructor to discuss issue briefs

PART III: FISCAL POLICY IN THE AMERICAN FEDERAL REGIME

Eighth Session (3/23): Who pays for what and how? Why does it matter?

1. Jonathan Rodden and Erik Wibbels, "Fiscal decentralization and the business cycle: An empirical study of seven federations," *Economics & Politics* 22, no. 1 (2010): 37-67.
2. David Reinecke and Philip Rocco, *The Human Costs of Local Fiscal Crises During COVID-19* (National League of Cities, 2020).
3. Jason Hackworth, "Local autonomy, bond-rating agencies and neoliberal urbanism in the United States," *International Journal of Urban and Regional Research* 26, no. 4 (2002): 707-725.
4. Mark Davidson and William Kutz, "Grassroots austerity: Municipal bankruptcy from below in Vallejo, California." *Environment and Planning A: Economy and Space* 47, no. 7 (2015): 1440-1459.

Ninth Session (3/30): What are the alternatives to the regime of austerity?

1. James W. Douglas and Ringa Raudla, "What Is the Remedy for State and Local Fiscal Squeeze During the COVID-19 Recession? More Debt, and That Is Okay," *American Review of Public Administration* 50 (6-7, 2020): 584-589.
2. Nathan Tankus, "Is it Legal for the Federal Reserve to Provide State & Local Governments Unlimited Credit Lines?," *Notes on the Crisis*, September 6, 2020.

3. Jim Saska, "States need money. The Fed has it. Politics may be an obstacle," *Roll Call*, June 26, 2020.
4. Alexander Williams, "Stabilizing State and Local Budgets Through the Pandemic and Beyond," Levy Institute of Economics, Bard College, 2020.
5. Advisory Commission on Intergovernmental Relations, *Countercyclical Aid and Economic Stabilization* (ACIR, 1978), 29–39.
6. Nathan Tankus, "Stanch the Bleeding from Local and State Finances with Local Currencies," *Notes on the Crisis*, April 6, 2020.
7. Loren Gatch, "Tax Anticipation Scrip as a Form of Local Currency in the USA during the 1930s," Working Paper, University of Oklahoma, 2011.*

Tenth Session (4/6): What are the political possibilities for remaking fiscal federalism?

1. Philip Rocco, Daniel Béland, and Alex Waddan. "Stuck in neutral? Federalism, policy instruments, and counter-cyclical responses to COVID-19 in the United States," *Policy and Society* 39, no. 3 (2020): 458-477.
2. Daniel Béland and André Lecours, "Fiscal federalism and American exceptionalism: why is there no federal equalisation system in the United States?," *Journal of Public Policy* (2014): 303-329.
3. Margaret Weir, Harold Wolman, and Todd Swanstrom, "The calculus of coalitions: Cities, suburbs, and the metropolitan agenda," *Urban Affairs Review*, 40, no. 6 (2005): 730-760.
4. Alan Greenblatt, "Unlikely Political Allies: Urban Democrats and GOP Governors," *Governing*, April 2017.
5. Stephanie Murray, "Trump Broke Them. Now the Pandemic is Bringing Them Together," *Politico*, February 10, 2021.
6. Harry Moroz, "Mayors versus Governors," *The Atlantic*, November 2009.

PART IV: TERRITORIAL DIMENSIONS OF U.S. PUBLIC POLICY

Eleventh Session (4/13): What are the policy and political effects of intergovernmental programs?

1. William T. Gormley, "Money and mandates: The politics of intergovernmental conflict," *Publius: The Journal of Federalism* 36, no. 4 (2006): 523-540.
2. Philip Rocco, Andrew S. Kelly, and Ann C. Keller. "Politics at the cutting edge: Intergovernmental policy innovation in the Affordable Care Act," *Publius: The Journal of Federalism* 48, no. 3 (2018): 425-453.

3. Timothy Conlan, "A lifeline to struggling states: the State Fiscal Stabilization Fund," in *Governing Under Stress*, eds. Timothy Conlan, Paul Posner, and Priscilla Regan (Georgetown University Press, 2017), 45–64.*
4. Priscilla Regan, "Oh What a Tangled Web: Implementation of Broadband Assistance Grants," in *Governing Under Stress*, eds. Timothy Conlan, Paul Posner, and Priscilla Regan (Georgetown University Press, 2017), 85–108.
5. Mellie Haider and Manuel P. Teodoro. "Environmental Federalism in Indian Country: Sovereignty, Primacy, and Environmental Protection," *Policy Studies Journal* (2020).
6. Joe Soss, 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.
7. Jamila Michener, "Medicaid and the Policy Feedback Foundations for Universal Healthcare," *The ANNALS of the American Academy of Political and Social Science* 685, no. 1 (2019): 116-134.

4/20: No class - Mental Health Day

Twelfth Session (4/27): Can regional collaboration bring order out of chaos?

1. Ann O'M. Bowman "Horizontal federalism: Exploring interstate interactions," *Journal of Public Administration Research and Theory* 14, no. 4 (2004): 535-546.
2. Naim Kapucu, Maria-Elena Augustin, and Vener Garayev, "Interstate partnerships in emergency management: Emergency management assistance compact in response to catastrophic disasters," *Public Administration Review* 69, no. 2 (2009): 297-313.
3. Daniel J. Mallinson, "Cooperation and conflict in state and local innovation during COVID-19," *The American Review of Public Administration* 50, no. 6-7 (2020): 543-550.
4. Kathryn A. Foster, "Regional impulses," *Journal of Urban Affairs* 19, no. 4 (1997): 375-403.
5. David Miller and Jen Nelles. "Order out of Chaos: The Case for a New Conceptualization of the Cross-Boundary Instruments of American Regionalism." *Urban Affairs Review* 56, no. 1 (2020): 325-359.
6. Kurt Thurmaier and Curtis Wood, "Interlocal Agreements as Overlapping Social Networks: Picket-Fence Regionalism in Metropolitan Kansas City," *Public Administration Review*. 62(5, 2002): 585-59.
7. Todd Swanstrom. "What We Argue About When We Argue About Regionalism," *Journal of Urban Affairs*. 23(5): 479- 496. 2001.

8. Margaret Weir, Jane Rongerude, and Christopher K. Ansell. "Collaboration is not enough: Virtuous cycles of reform in transportation policy." *Urban Affairs Review* 44, no. 4 (2009): 455-489.
9. Ann O'M Bowman, and Neal D. Woods. "Strength in numbers: Why states join interstate compacts." *State Politics & Policy Quarterly* 7, no. 4 (2007): 347-368.*

PART V: ENVOI

Final Session (5/4): Reform, reconstruction, or tragedy?

1. Don Kettl, *The Divided States of America*, Ch. 11.
2. Philip Rocco, "Ending Federalism as We Know It," *Jacobin* 39(2020): 58-64.
3. Danielle Allen, "A More Resilient Union," *Foreign Affairs*, July/August 2020