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DEFEDERALIZED

AFTER THE CONSTITUTIONAL CRISIS



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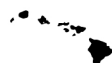
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Book Preview

DEFEDERALIZED
After The Constitutional Crisis

ScenarioExploder.com

- Alexander Moss



Defederalized

After The Constitutional Crisis

Alexander Moss

This book is available at <https://leanpub.com/defederalized>

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Defederalized

Rebuilding After The Constitutional Crisis

Summary

For decades, citizens and politicians have poured their energy, resources, and hopes into federal politics, believing Washington DC is where transformative change must happen. This strategy has yielded increasingly diminishing returns. The federal system, with its numerous veto points and counter-majoritarian structures, has become a graveyard for good governance.

The Structural Problem

Reform-minded Americans face profound structural disadvantages at the federal level:

The Senate: With equal representation for each state regardless of population, the Senate dramatically overrepresents sparsely populated areas. Wyoming (population 580,000) has the same Senate representation as California (population 39 million). This system creates a built-in bias against populous states of approximately 6-7 percentage points.

The Filibuster: The Senate's 60-vote threshold for most legislation means that even when motivated political actors win elections, they cannot govern effectively. The modern filibuster has transformed from a rare procedural tool into a routine requirement for virtually all significant legislation.

The Electoral College: The Electoral College system distorts presidential elections, creating "battleground states" while rendering millions of voters in "safe" states effectively irrelevant. This creates a fundamental disconnect between popular will and electoral outcomes.

The Supreme Court: The lifetime appointment of justices has created a Court increasingly out of step with public opinion. The current 6-3 conservative majority actively dismantles progressive legislation and precedents, regardless of their popular support.

The Gerrymander: Partisan redistricting has created increasingly safe House districts, reducing competition and incentivizing extremism rather than compromise.

Federal Failure vs. State Success

The evidence of this structural paralysis is overwhelming:

- Federal climate legislation has repeatedly failed despite overwhelming scientific consensus and public support
- Universal healthcare remains elusive despite being standard in every other developed nation
- Minimum wage has been stuck at \$7.25/hour since 2009
- Voting rights protections have been systematically weakened
- Immigration reform has been impossible for decades

Meanwhile, states have delivered remarkable progress:

- California and other states have established ambitious climate goals and renewable energy standards
- Washington state recently conducted a groundbreaking study on implementing universal healthcare
- 30 states have minimum wages above the federal level
- 24 states and DC have legalized recreational marijuana
- States like Massachusetts have implemented near-universal health-care coverage
- Colorado, Washington and other states have passed comprehensive voting rights protections

The Case for Defederalization

This book argues that citizens and politicians should systematically redirect their focus, resources, and ambitions to state governance for five key reasons:

1. **Practical Results:** State-level action delivers tangible benefits to citizens now, rather than waiting for federal action that may never come.
2. **Democratic Legitimacy:** State governments, with their smaller scale and closer proximity to voters, often more accurately reflect their constituents' desires.

3. **Innovation Laboratory:** States can experiment with progressive policies that demonstrate success and build momentum for broader adoption.
4. **Defensive Protection:** Strong state institutions provide crucial backstops against federal retrenchment during conservative administrations.
5. **Strategic Advantage:** Strong leaders already govern many of the most populous and economically powerful states. Empowered and held to account, they could deliver on election promises – the fundamental purpose of a democracy.

The Inevitability of Defederalization

Perhaps the most compelling reason to embrace a defederalization strategy is that it appears increasingly inevitable, regardless of political preferences. The current trajectory of American politics points toward one of two outcomes:

1. **Anti-Federal Coalition Defederalization:** Political coalitions unified primarily by antagonism toward the federal government now control federal institutions. Their agenda consistently aims to devolve federal programs to states, slash federal agencies, and reduce Washington's power. This “defederalization from above” is already underway, with systematic efforts to weaken federal regulatory capacity, environmental protection, and social programs.
2. **Strategic Debt Accumulation:** A key component of anti-federal strategy has been to dramatically increase federal debt through massive tax cuts while maintaining minimal social entitlements. This approach deliberately creates fiscal pressure that eventually forces cuts to social programs. As debt service consumes an ever-larger portion of the federal budget, even a best-case scenario leaves the federal government with diminishing capacity to maintain, let alone expand, its social safety net functions.
3. **Federal Authoritarianism:** The alternative path—maintaining strong federal institutions under increasingly anti-democratic leadership—poses even greater dangers. Without significant reforms, the counter-majoritarian features of our system create a real risk that federal power will be wielded as an authoritarian tool against reform-minded states and constituencies.

Given these realities, a proactive reform strategy for defederalization represents the most pragmatic path forward. By leading this transition rather than resisting it, reform advocates can shape the emerging system to preserve crucial protections while maximizing effective governance in the states they lead.

The chapters that follow outline a comprehensive strategy for how reformers can build state power, manage the transformation of major federal programs to state control, create interstate compacts to maintain national scale where needed, and ultimately deliver on governance promises despite federal obstruction.

Book Overview

This book is designed to be accessible from multiple entry points. You don't need to read it straight through—feel free to jump directly to any chapter that addresses your specific interests or concerns. Each chapter is written to stand alone while contributing to the larger argument.

Here's what you'll find in each section:

Part 1: Understanding the Problem

Problem Statement: Explains how the federal government has become structurally hostile territory for meaningful governance due to constitutional design and political evolution.

How Did We Get Here?: Traces the historical developments that led to the current dysfunction in federal politics and progressive governance challenges.

Origins: Examines the evolution of American federal power from the founding to present day, showing how our system transformed into its current state.

Federal Government Today: Analyzes the present dysfunction in Washington DC and why the federal system resists progressive reform despite majority support for many progressive policies.

One Hundred Million: Explores the phenomenon of the “100-million voter” elections where massive turnout still produces political stalemate and limited progress.

Why Civil War Is Structurally Unlikely: Examines why, despite political tensions, structural factors make state-federal armed conflict highly improbable.

Historic Metaphors: Compares current American political dynamics to historical precedents from other nations and time periods to provide perspective.

Empire in Decline: Discusses how America exhibits classic patterns of imperial overextension and decline, and what this means for governance.

Institutional Scale: Analyzes how the sheer size of American institutions creates inherent challenges for democratic responsiveness and effective governance.

Foreign Interference: Examines how foreign actors exploit American political divisions and the implications for state-based governance.

Part 2: A New Framework for American Governance

A New Model: Introduces a two-axis political framework that goes beyond left-right divisions to include a federalized/defederalized dimension.

Constitutional Context: Explores the constitutional foundations for increased state authority and the legal pathways to defederalization.

Progressive Action: Details how progressive policies can be more effectively implemented at the state level with numerous real-world examples.

State-Based Solutions: Outlines practical approaches for implementing progressive priorities through state action rather than federal policy.

Escalation Ladder: Presents a graduated framework for states to assert authority in the face of federal dysfunction or overreach.

Progressive Dilemma: Addresses the difficult choices progressives face when abandoning federal-first strategies and how to manage tradeoffs.

Part 3: Practical Implementation

Transition: Outlines a step-by-step approach for shifting from federal to state governance without disruption to essential services.

All About Money: Tackles the critical financial questions around defederalization, including tax collection, revenue sharing, and funding mechanisms.

New Interstate Guidelines: Provides principles for designing functional, sustainable new interstate agreements between existing states.

New Interstate Clusters: Offers a detailed breakdown of potential new regional nations based on cultural, economic, and political alignment.

Local Action: Presents practical strategies for building political momentum toward defederalization through existing mechanisms.

Allocating Federal Assets: Discuss the complex question of how federal property, military assets, and obligations would be distributed.

Part 4: Long-Term Vision and Strategies

American Union: Explores how independent nations could maintain beneficial cooperation through a reimagined union structure.

Next Steps: Outlines immediate actions readers can take to advance the defederalization strategy in their own communities and states.

Governor Strategy: An example memo for a governor Details how state executives can lead the defederalization process through executive action and interstate coordination.

Congress Strategy: A sample memo for a member of Congress discussing how federal legislators can support the orderly transition to increased state authority.

Military Considerations: Addresses the critical questions around military reorganization, command structures, and defense coordination.

Part 5: Conclusion

Common Questions and Answers: Responds to frequent objections and concerns about the defederalization approach.

Further Reading: Highlights related topics that provide further context to the defederalization strategy.

Closing: Summarizes the case for the defederalized strategy and the path forward for governance.

Whether you're concerned about federal gridlock, interested in specific policy implementation, or curious about the constitutional dimensions of state authority, you'll find relevant analysis in the chapters that address your interests. The book is structured to reward both selective reading and a complete journey through the argument.

Preface to the Second Edition

Defederalized: After The Constitutional Crisis

When I first wrote this book, I approached it as a strategic framework for governance reform within America's existing constitutional order. I believed that with careful analysis and pragmatic solutions, we could address the growing dysfunction of federal institutions while preserving the essential structure of our republic.

That was before the constitutional crisis.

In the months since the first edition, we have witnessed the rapid dissolution of adherence to historic constitutional norms that have governed American democracy for over two centuries. The peaceful transfer of power, judicial independence, legislative deliberation, and the basic premise that institutions exist to serve the public interest - all have been systematically undermined or abandoned entirely.

I majored in political science in college. Unlike many of my peers, I didn't go on to work in government. Instead, I moved to Silicon Valley and spent the next two decades in technology. Everything I learned in college - the pragmatic philosophy, the legal concepts, public speaking, the ability to write decent prose quickly - all of it remains useful today. But my experience in technology taught me something equally valuable: when a system becomes fundamentally broken, sometimes the solution isn't to fix it - it's to architect something entirely new.

What we're witnessing isn't just political polarization or partisan disagreement. It's the collapse of a constitutional framework that can no longer contain the forces tearing at American society. The federal government has become simultaneously too powerful and too weak - capable of authoritarian overreach yet incapable of addressing the fundamental challenges facing our communities.

Consider the jarring contrasts of our current moment:

- Federal agencies are being systematically dismantled while states struggle to maintain basic services

- Constitutional protections are selectively enforced based on political alignment
- The rule of law has become subordinate to partisan advantage
- Legislative processes have been replaced by executive decree and judicial activism
- The federal social contract has been reduced to competing tribal loyalties

This isn't governance - it's institutional collapse in real time.

Yet even as federal institutions crumble, we've seen remarkable innovation at the state and regional level. During the COVID-19 pandemic, when federal leadership failed, states formed regional compacts to coordinate responses.¹ Progressive states have implemented bold policies on climate, healthcare, and economic justice that seemed impossible at the federal level. Conservative states have pioneered their own approaches to education, regulation, and social policy.

The contrast reveals a fundamental truth: authentic governance is happening where it has always happened best - at the level closest to the people being governed.

This second edition reflects that reality. Rather than treating defederalization as one policy option among many, I now recognize it as the inevitable response to constitutional breakdown. When federal institutions become vehicles for authoritarianism rather than democratic governance, the preservation of American values requires their systematic decentralization.

The title change to "Defederalized: After The Constitutional Crisis" reflects this shift in perspective. We are no longer trying to perfect the existing union - we are architecting what comes after its constitutional foundations have been irrevocably damaged.

This is not a partisan argument. Citizens across the political spectrum recognize that federal institutions have failed to serve their basic interests. Rural communities feel abandoned by coastal elites. Urban centers chafe under the political dominance of sparsely populated states. Regional cultures find themselves subject to federal mandates that ignore local values and priorities.

¹AP News, *Governors form compacts to coordinate reopening society*, April 13th, 2020. Also, *Wired*, *State Alliances Are Leading the US Fight Against COVID-19*

The path forward requires acknowledging an uncomfortable truth: the constitutional framework designed for thirteen agricultural states cannot effectively govern a continental democracy of 330 million people with radically different economic systems, cultural values, and political priorities.

This book outlines a framework for managed devolution - transferring federal responsibilities to states and regions that can actually deliver effective governance. It's not secession or disunion, but rather constitutional evolution toward a more authentic federalism.

For Americans exhausted by federal dysfunction and constitutional crisis, it's time to consider where effective governance can actually occur in the 21st century. Sometimes the most patriotic act is to build something new rather than prop up something broken.

The Dilemma: Federal Gridlock vs. State Progress

This book argues that the United States face a fundamental strategic choice.

For decades, the parties (and especially Democrats) have focused their energy, resources, and hopes on federal politics, believing Washington DC is where transformative change must happen. Despite this commitment, the results have been disappointing. Even when progressives win federal elections, they struggle to deliver on their most significant policy promises due to structural barriers that have grown more formidable over time.

Meanwhile, states have been implementing bold policies that the federal government seems incapable of delivering. From climate initiatives to healthcare expansion, from marijuana legalization to voting rights protections, state-level these movements are building functional governance that federal institutions can only promise.

The defederalized strategy proposes a systematic shift in focus, resources, and ambitions toward state governance. This doesn't mean abandoning federal elections, which remain defensively crucial. But it does mean recognizing where citizens and politicians can actually make progress in today's political reality.

In the chapters that follow, we examine why the federal system has become increasingly hostile to reform, how states are already delivering tangible results, how major federal programs could be shifted to state control, and how interstate compacts can provide the necessary coordination between states.

This shift isn't just pragmatic—it's potentially transformative. By building effective governance where it can actually work, politicians can deliver on their promises to voters, demonstrate successful policy models, and ultimately reshape American federalism from the ground up.

The Democratic Party's Federal Dilemma

Before discussing solutions, we must clearly understand the problem: **The federal government has become structurally hostile territory for progressive Democratic policy.**

This is not a temporary setback, a messaging failure, or simply a matter of needing to elect “more Democrats.” It is a fundamental, structural obstacle built into our constitutional system and exacerbated by modern political trends.

The Senate: Small State Bias

The Senate's equal representation of states regardless of population creates a profound anti-democratic bias that systematically disadvantages Democrats:

- Wyoming (population 580,000) has the same Senate representation as California (population 39 million)
- The 26 least populous states—which together can form a Senate majority—contain just 18% of the American population
- Republicans can and do control the Senate while representing far fewer Americans than Democrats
- The small-state bias is growing worse as urban-rural polarization increases

As political scientist Lee Drutman notes, “This isn’t just a minor deviation from the ideal of one person, one vote. It’s a deviation by orders of magnitude.”¹

The problem is compounded by partisan polarization:

¹Drutman, Lee. “The Senate Has Always Favored Smaller States. It Just Didn’t Help Republicans Until Now.” FiveThirtyEight, July 29, 2020. <https://fivethirtyeight.com/>

- Historically, Senate representation didn't perfectly align with party, as both parties had urban and rural constituencies
- Modern partisan sorting has increasingly concentrated Democrats in urban areas and Republicans in rural areas
- This makes the already unrepresentative Senate even more distorted

The Filibuster: Minority Rule

The 60-vote threshold for most Senate legislation has transformed from a rarely-used procedural tool into a routine supermajority requirement:

- Prior to the 1970s, filibusters were extremely rare
- In the 1970s-1980s, an average of 8 filibusters occurred per two-year Congress
- In the 2010s, this exploded to over 100 filibusters per two-year Congress
- Today, virtually all significant legislation requires 60 votes

For Democrats, this creates a brutal math problem:

- Democrats need to win approximately 53-55% of the popular vote just to achieve a simple Senate majority
- To achieve a filibuster-proof 60-vote majority, Democrats would need to win roughly 60-65% of the popular vote nationally
- In modern polarized politics, such a supermajority is essentially impossible
- Historically, such overwhelming electoral mandates have only emerged during periods of profound national crisis—a foundation no responsible person should wish to see in their lifetime

The Supreme Court: Entrenched Conservatism

The current Supreme Court has become increasingly hostile to progressive priorities:

- The 6-3 conservative majority was secured through a combination of structural advantage and procedural manipulations

- When Justice Scalia died in February 2016, Senate Republicans refused to consider President Obama's nominee Merrick Garland
- When Justice Ginsburg died in September 2020, Senate Republicans rushed through Amy Coney Barrett's confirmation
- The average age of the six conservative justices is significantly younger than the three liberal justices
- Without Court expansion (which would require overcoming the filibuster), this conservative majority may last decades

The Court has already:

- Eviscerated voting rights protections (*Shelby County v. Holder*², *Brnovich v. DNC*³)
- Overturned *Roe v. Wade* (*Dobbs v. Jackson Women's Health*⁴)
- Limited environmental regulation (*West Virginia v. EPA*⁵)
- Restricted executive action on student loan forgiveness (*Biden v. Nebraska*⁶)
- Weakened labor rights and unions (*Janus v. AFSCME*⁷)
- Granted unprecedented presidential immunity (*Trump v. United States*⁸)
- Undermined federal agency authority (*SEC v. Jarkesy*⁹, *Loper Bright Enterprises v. Raimondo*¹⁰)

The House: Gerrymandering and Rural Bias

While less systematically biased than the Senate, the House has its own structural challenges:

²*Shelby County v. Holder*, 570 U.S. 529 (2013). <https://supreme.justia.com/>

³*Brnovich v. Democratic National Committee*, 594 U.S. (2021).

<https://www.supremecourt.gov/>

⁴*Dobbs v. Jackson Women's Health Organization*, 597 U.S. (2022).

<https://www.supremecourt.gov/>

⁵*West Virginia v. EPA*, 597 U.S. (2022). <https://www.supremecourt.gov/>

⁶*Biden v. Nebraska*, 599 U.S. (2023). <https://supreme.justia.com/>

⁷*Janus v. American Federation of State, County, and Municipal Employees*, 585 U.S. (2018). <https://www.supremecourt.gov/>

⁸*Trump v. United States*, 600 U.S. (2024). <https://supreme.justia.com/>

⁹*SEC v. Jarkesy*, 598 U.S. (2023). <https://supreme.justia.com/>

¹⁰*Loper Bright Enterprises v. Raimondo*, 601 U.S. (2024). <https://supreme.justia.com/>

- Partisan gerrymandering allows parties to entrench power despite losing the popular vote
- Geographic sorting concentrates Democratic voters in urban districts, creating “wasted” votes
- The requirement that each state have at least one representative slightly overrepresents small states

The Electoral College: Swing State Distortion

The Electoral College creates similar challenges for presidential elections:

- Two of the last four presidential elections resulted in a Republican winning the presidency while losing the popular vote
- Democratic votes in “safe” blue states like California and New York effectively count for less than votes in swing states
- Campaigns focus almost exclusively on a handful of swing states, ignoring the priorities of most Americans

Failed Governing Systems

It's difficult to argue that the current system allows for democratically expressed positions to be turned into action. Consider the process involved for a party to pass any Federal legislation:

1. Win the House

This includes overcoming gerrymandering and geographic disadvantages.

2. Win the Senate

This includes overcoming the small-state bias and getting at least 60 votes to break a filibuster.

3. Win the Presidency

The President can veto any bill and send it back to the House and Senate, requiring both houses to pass the bill with a two-thirds majority.

As a workaround, the President can issue executive orders, subject to court review.

4. Survive Court Challenges

The Supreme Court can choose to strike down or redefine legislation at it sees fit. The only way to remove a Supreme Court justice is via impeachment (which requires 50% of the House and two-thirds of the Senate). Adding judges (packing) or changing the composition of the court requires legislation as described above.

5. Survive Implementation & Regulatory Capture

Once the program is in place, it needs to be funded and reasonably well run. This can be subverted by the executive branch at any time - for example, by defunding. Or it can be subject to regulatory capture - for example, by appointing friendly former industry management to the organization ostensibly responsible for oversight of that same industry.

The bar for passing and successfully implementing legislation has become ludicrously high. This incredibly high bar for passing legislation forces the president to take more and more sweeping executive actions in order to be responsive to the voters. This in turn puts more and more pressure on the Court as a backstop for executive action. This creates a more and more intense set of reinforcing feedback loops.

This loop is extraordinarily bad for democracy. Pressure to respond to a President's base combined with congressional dysfunction forces more executive orders, which puts more pressure on the Court as a backstop, leading to less a less democratic outcome. Everyone becomes increasingly frustrated, demoralized, and pessimistic about the entire endeavor.

It's worth noting that as of 2024, Republicans have effectively found a workaround to many of these constraints: by simply shutting down agencies, defunding programs, ignoring court orders, and blanket-firing civil servants, they have managed to bypass the traditional checks and balances that normally constrain executive action. This creates a profound structural imbalance—the system's barriers work effectively to prevent progressive policy implementation but prove remarkably porous when it comes to conservative dismantling of government functions.

Federal Paralysis vs. State Progress

This structural paralysis explains why even when Democrats win federal elections, they can rarely deliver on their most significant promises:

Federal Failures:

- No significant climate legislation despite multiple attempts
- Universal healthcare repeatedly blocked
- Federal minimum wage frozen at \$7.25 since 2009
- Comprehensive immigration reform stalled for decades
- Voting rights protections weakened by Court decisions and blocked by filibuster
- Gun safety legislation repeatedly blocked
- Student debt relief limited by Court decisions

State Successes:

- California implementing ambitious climate standards and renewable energy targets¹¹
- Massachusetts achieving near-universal healthcare coverage¹²
- Washington state pursuing public option healthcare¹³
- 34 states with minimum wages above the federal level¹⁴
- 24 states and D.C. legalizing recreational marijuana¹⁵
- Progressive states implementing comprehensive voting rights protections¹⁶
- California, New York, and other blue states passing strong gun safety laws¹⁷

The pattern is clear: The federal government is where progressive policy goes to die, while Democratic-controlled states are actively building the society progressive voters want.

¹¹"California Climate Change Programs." California Air Resources Board. <https://ww2.arb.ca.gov/>

¹²"Massachusetts Health Care Reform: Provisions and Impacts." 2025. <https://legalclarity.org/>

¹³"Washington State Public Option." <https://www.hca.wa.gov/> and <https://www.wahbexchange.org/>

¹⁴"State Minimum Wages." National Conference of State Legislatures, January 2024. <https://www.ncsl.org/>

¹⁵"Cannabis Overview." 2024. <https://www.ncsl.org/>

¹⁶"Voting Laws Roundup." Brennan Center for Justice, 2024. <https://www.brennancenter.org/>

¹⁷"Annual Gun Law Scorecard." Giffords Law Center, 2024. <https://giffords.org/>

Recent Developments: Federal Retrenchment

As of 2025, we are witnessing an unprecedented dismantling of the federal government. The Trump administration is systematically shutting down entire sections of the federal bureaucracy, firing career civil servants en masse, and—perhaps most concerning—simply ignoring court orders to reinstate dismissed employees or halt agency restructuring. This reveals a fundamental weakness in our constitutional system: without Congress willing to invoke its impeachment powers, the judiciary has no effective mechanism to enforce its rulings against an executive branch that chooses to ignore them. These are not minor policy adjustments but a wholesale erasure of decades of federal infrastructure and a direct challenge to the separation of powers doctrine.

This rapid federal retrenchment makes state-level governance not just preferable for advancing progressive policies, but increasingly necessary for defending existing programs and protections.

The Progressive Catch-22

Democrats face a painful dilemma:

1. **Reform the system:** Eliminating the filibuster, expanding the Supreme Court, granting statehood to D.C. and Puerto Rico, and implementing other structural reforms could level the playing field—but these reforms would require overcoming the very obstacles they aim to fix.
2. **Continue the status quo:** Pouring resources into federal elections that, even when won, yield minimal policy returns while leaving Democratic voters demoralized and progressive policy goals unmet.
3. **Defederalize democracy:** Shift focus, resources, and ambitions to state governance where structural barriers are less severe and progressive policies can actually be implemented.

This book makes the case for the third option: a strategic pivot toward state power as the primary vehicle for progressive governance in America.

It's not that federal elections don't matter—they absolutely do, especially defensively. But the path to actually building the progressive society Democrats envision increasingly runs through state capitals, not Washington D.C.

Not A Miracle Solution

A common rhetorical device to oppose a new idea or plan is sometimes referred to as “opposition to an insufficient miracle.” In other words, if an idea does not solve *all* problems it is deemed insufficient.

The strategy proposed in this book will not solve all problems. It will not (in and of itself) eliminate climate change, authoritarianism, or racism. But it does provide a pragmatic path forward for Democrats to actually deliver on their policy promises rather than continuing to bang their heads against the structural barriers of the federal system.

The goals are to increase and invigorate democracy, deliver tangible benefits to citizens, and protect progressive values and populations from the worst impacts of federal retrenchment, all while building momentum for a potential longer-term rebalancing of our federal system.

This strategy isn't about retreating from national ambitions—it's about finding new paths to achieve them. As states become laboratories of successful progressive governance, they create models that can spread, building momentum toward the more just society we envision.

As Justice Louis Brandeis wrote in 1932, “It is one of the happy incidents of the federal system that a single courageous state may, if its citizens choose, serve as a laboratory; and try novel social and economic experiments without risk to the rest of the country.”¹⁸ Today, that wisdom points the way forward.

¹⁸New State Ice Co. v. Liebmann, 285 U.S. 262 (1932). <https://supreme.justia.com/>

How Democrats Lost Federal Power

For decades, Democrats have staked their political fortunes on control of the federal government. Yet despite numerous presidential and congressional victories, the progressive agenda has stalled. How did we reach this point of federal gridlock?

Democratic-Federal Alignment

The Democratic Party's relationship with federal power has deep historical roots:

- **The New Deal** established the federal government as the primary vehicle for economic security and social welfare
- **The Civil Rights Movement** relied on federal power to overcome state-level discrimination
- **Great Society programs** expanded the federal role in healthcare, education, and poverty reduction
- **Environmental protection** was nationalized through federal agencies and legislation

These successes created a natural progressive orientation toward federal solutions. The logic was straightforward: to enact bold, universal programs, you need the scale and authority of the federal government.

The Republican Counter-Strategy

Beginning in the 1980s, Republicans developed a sophisticated, multi-pronged approach to limiting progressive federal action. For a comprehensive account of this evolution, see Tim Alberta's *American Carnage*, which documents the Republican Party's transformation from Reagan through Trump.¹

¹Alberta, Tim. *American Carnage: On the Front Lines of the Republican Civil War and the Rise of President Trump*. Harper, 2019. <https://www.harpercollins.com/>

1. The Small-State Advantage

Republicans recognized the Senate's structural bias toward rural, conservative states and deliberately cultivated it:

- Focusing party resources on smaller states with outsized Senate representation
- Developing messaging emphasizing urban-rural divides
- Building durable electoral coalitions in low-population states

2. Judiciary Capture

Conservative legal organizations like the Federalist Society² developed a decades-long strategy to reshape the federal courts, as extensively documented in a landmark 2018 NPR investigation.³

- Creating a pipeline of ideologically vetted judicial candidates
- Focusing resources on lifetime federal appointments
- Building legal theories to limit federal regulatory power
- Strategic timing of retirements to maximize ideological continuity

3. Procedural Obstruction

Republicans transformed Senate norms and procedures to limit Democratic governance:

- Transforming the filibuster from rare exception to routine requirement
- Blocking Democratic appointments to create leverage
- Refusing to consider Supreme Court nominees during election years (when nominated by Democrats)
- Using debt ceiling votes and government shutdown threats as bargaining chips

²"The Federalist Society for Law and Public Policy Studies." <https://fedsoc.org/>

³Totenberg, Nina. "What Is The Federalist Society And How Does It Affect Supreme Court Picks?" NPR, June 28, 2018. <https://www.npr.org/>

4. Anti-Institutional Messaging

Republicans successfully undermined public trust in federal institutions:

- Portraying federal agencies as inefficient and corrupt
- Highlighting real and perceived government failures
- Promoting narratives of federal overreach and bureaucratic excess
- Recruiting candidates openly hostile to the agencies they would lead

This is an especially challenging area, as Democrats also indulge in significant anti-federal messaging, particularly around globalism, militarism, corporate influence, and surveillance. An anti-federal stance on these topics has been a long-standing liberal trope, especially since Vietnam. Progressive critiques of military spending, intelligence agencies, corporate regulatory capture, and trade agreements have contributed to the same erosion of institutional trust that Republicans have pursued more systematically.

When citizens consistently hear campaigns focused *against* federal institutions from both sides—albeit targeting different agencies and policies—the cumulative effect is a broad societal distrust of government itself. If both parties primarily define themselves by what they oppose rather than what they want to build, declining faith in democratic institutions becomes a predictable outcome.

The Democratic Response: Doubling Down

As federal governance became increasingly difficult, Democrats largely responded by doubling down on federal strategies:

- Focusing resources on presidential and Senate races
- Seeking grand federal legislative packages
- Relying on executive actions that proved temporary and vulnerable to court challenges
- Attempting structural reforms (like eliminating the filibuster) that never materialized

The Results: A Policy Graveyard

The consequences of this federal fixation have been devastating for progressive priorities:

- **Healthcare reform:** Despite controlling Congress and the presidency multiple times, Democrats achieved only the ACA—a compromise bill that has been under constant attack⁴
- **Climate legislation:** Major climate bills failed in 2009, 2010, and again in 2021-22. The Inflation Reduction Act, which did contain extensive climate support, was poorly marketed and is currently under attack by the new administration⁵
- **Voting rights:** The Voting Rights Act was gutted by the Supreme Court,⁶ and federal voting rights legislation has repeatedly failed⁷
- **Immigration reform:** Comprehensive reform has been blocked for decades,⁸ while executive actions proved temporary⁹
- **Economic inequality:** Attempts at progressive tax reform, minimum wage increases, and labor law reform have repeatedly failed¹⁰

The Reality of Progressive Federalism

While progressives fought losing battles in Washington, a different dynamic emerged in Democratic-controlled states:

- **Massachusetts** implemented near-universal healthcare coverage
- **California** established ambitious climate targets and a cap-and-trade system¹¹

⁴Keith, Katie. “Supreme Court Declines To Hear Yet Another Challenge To The Affordable Care Act.” Health Affairs, January 2021. <https://www.healthaffairs.org/>

⁵Rebecca Lebel. “Biden’s historic climate law has a problem.” Vox, August 2023. <https://www.vox.com/>

⁶Shelby County v. Holder, 570 U.S. 529 (2013). <https://www.supremecourt.gov/>

⁷Cochrane, Emily. “Republicans Block Voting Rights Bill, Dealing Blow to Biden and Democrats.” The New York Times, June 2021. <https://www.nytimes.com/>

⁸William A. Galston “The collapse of bipartisan immigration reform: A guide for the perplexed” <https://www.brookings.edu/> and <https://www.npr.org/>

⁹Department of Homeland Security v. Regents of the University of California, 591 U.S. ____ (2020). <https://www.supremecourt.gov/>

¹⁰<https://www.minimum-wage.org/> and <https://www.fisherphillips.com/>

¹¹“California’s Climate Policy Fact Sheet.” <https://www.law.berkeley.edu/>

- **Washington** created public option healthcare and comprehensive paid family leave
- **Illinois, Connecticut, and other blue states** raised minimum wages far above the federal level¹²
- **Oregon, Colorado, and others** implemented automatic voter registration and vote-by-mail¹³

These state-level successes weren't anomalies—they reflected a fundamental truth about where progressive governance is currently possible in America.

The Structural Challenge for Democrats

The Democratic Party now faces a stark reality: the federal system is structurally biased against the party's demographic coalition and policy agenda.

- Democrats increasingly represent dense urban areas concentrated in a limited number of states
- The party's core constituencies (young voters, people of color, educated professionals) are clustered in ways that minimize their impact in the Senate and Electoral College
- The Supreme Court is likely to remain conservative for a generation
- Even when Democrats win federal elections, institutional barriers make meaningful change difficult

This doesn't mean federal elections aren't important—they absolutely are, especially defensively. But it does mean that continuing to focus primarily on federal politics while neglecting state power is a strategic error that has cost Democrats real policy victories.

The Path Forward: Democratic Federalism

The solution isn't to abandon federal politics entirely, but to fundamentally rebalance the Democratic strategy toward state power. This means:

¹²"State Minimum Wages." National Conference of State Legislatures, January 2024. <https://www.ncsl.org/>

¹³"Automatic Voter Registration." National Conference of State Legislatures, February 2023. <https://www.ncsl.org/>

1. Recognizing where progressive governance is currently possible
2. Investing resources accordingly
3. Building models of successful state-level policy that can be replicated
4. Creating interstate coordination mechanisms to achieve necessary scale
5. Developing a new vision of progressive federalism that isn't dependent on federal breakthroughs

This strategic pivot isn't an admission of defeat—it's a recognition of reality. It's about meeting voters where they are and delivering on progressive promises through whatever constitutional means are available.

Pick Your Historic Metaphor: Lessons from Imperial Transitions

When contemplating America's political future, it's natural to seek historical parallels that might offer guidance. Various commentators have invoked different historical analogies—from the Civil War to the Soviet collapse—to support their predictions or prescriptions. This chapter examines major imperial and national transitions throughout history to identify useful insights while recognizing the limitations of historical comparison.

The Limited Sample Size Problem

Before examining specific historical cases, it's worth acknowledging a fundamental limitation: the sample size of political entities exceeding 100 million people that have undergone significant structural transformation is remarkably small. This statistical reality means all historical analogies should be approached with caution—each case contains unique elements that may not translate to the American context.

Nevertheless, these transitions offer valuable lessons about patterns, pitfalls, and possibilities that might inform American choices.

The American Civil War: Internal Fracture and Violent Reunification

The American Civil War (1861-1865) represents the most direct historical precedent for American political fracture, with several instructive parallels and differences.

Similarities:

- **Regional Cultural Divergence:** Both the 1860s and today feature profound regional differences in values, economies, and visions of American identity

- **Constitutional Disputes:** Both periods involve fundamental disagreements about constitutional interpretation and federal-state power balance
- **Demographic Transitions:** Both eras experienced significant demographic changes altering political coalitions
- **Elite Polarization:** Political and cultural elites in both periods increasingly viewed compromise as betrayal
- **Moralized Politics:** Core political disputes became framed as existential moral struggles rather than practical policy disagreements

Critical Differences:

- **Institutionalized Slavery:** The Civil War centered on chattel slavery—a uniquely immoral institution with no modern parallel in scope or severity
- **Military Geography:** The geographic distribution of military power today is vastly more complex than the clearer North-South division of 1861
- **Economic Integration:** Modern interstate economic interdependence greatly exceeds the more self-contained regional economies of the 1860s
- **Communication Technology:** Today's instant communications create fundamentally different dynamics than the slower information spread of the 19th century
- **Nuclear Weapons:** The existence of nuclear weapons introduces deterrence factors entirely absent in previous civil conflicts

Lesson: The Path Not Taken

Perhaps the most useful Civil War lesson lies in the path not taken. Significant voices—including Horace Greeley's *New York Tribune*—initially advocated allowing peaceful separation rather than war. The decision to pursue military reunification at enormous cost (over 750,000 deaths in a nation of 31 million) represented a specific choice, not an inevitability.

The question for today is whether similar political divergence might be channeled through institutional reform rather than either violent conflict or permanent rupture.

The Soviet Collapse: Rapid Imperial Dissolution

The Soviet Union's dissolution in 1991 offers another potential parallel, particularly in how a seemingly stable superpower can experience surprisingly rapid structural transformation.

Similarities:

- **Imperial Overstretch:** Both the USSR and modern America face(d) the challenge of maintaining costly global military commitments amid domestic economic challenges
- **Legitimacy Crisis:** Both systems experienced declining public trust in central government institutions
- **Identity Conflicts:** Both struggled/struggle with managing diverse cultural and regional identities within a unified political framework
- **Elite Fragmentation:** In both cases, unity among governing elites fractured as system maintenance became more difficult
- **Economic Stagnation:** Both faced/face periods of economic underperformance affecting ordinary citizens while elites remained insulated

Critical Differences:

- **Democratic Tradition:** Unlike the Soviet system, America has a deep democratic tradition with established mechanisms for peaceful power transfers
- **Economic System:** The Soviet command economy's fundamental failures differ from America's market economic challenges
- **Federation Structure:** The USSR was formally organized as a union of republics with theoretical rights to secession; the US has no such constitutional provision
- **Historical Longevity:** The Soviet system existed for only 74 years compared to the American republic's 235+ years
- **External Pressure:** The Soviet Union faced coordinated external pressure aimed at its dissolution; the US does not

Lesson: The Stability Illusion

The Soviet experience demonstrates how seemingly permanent political arrangements can dissolve with surprising speed once certain tipping points are reached. Institutional inertia and the appearance of stability can mask underlying fragility, particularly when systems lose adaptability.

The relative peace of the Soviet dissolution also demonstrates that imperial transformation doesn't necessarily require violence—given the right leadership choices and institutional mechanisms.

Nazi Germany: Democratic Backsliding to Authoritarianism

Concerns about democratic backsliding in America have prompted comparisons to the Weimar Republic's collapse and the Nazi rise to power—a cautionary tale about democracy's vulnerability.

Similarities:

- **Polarization and Extremism:** Both feature(d) the normalization of previously extreme political rhetoric
- **Economic Insecurity:** Significant portions of the population in both contexts experienced economic displacement and status anxiety
- **Institutional Attacks:** Both involve(d) attacks on independent institutions like courts, media, and civil service
- **Demographic Scapegoating:** Both feature(d) political mobilization through blaming societal problems on minority groups
- **Elite Accommodation:** Both periods saw traditional elites attempting to accommodate or use extremist elements

Critical Differences:

- **Historical Democratic Experience:** Weimar was Germany's first democratic experiment, whereas American democracy has over two centuries of continuity
- **Economic Conditions:** Weimar faced hyperinflation and depression far more severe than anything in modern America

- **Military Culture:** The German military maintained aristocratic traditions hostile to democracy; the US military has strong democratic norms
- **Constitutional Design:** American federalism creates multiple power centers resistant to centralized capture
- **Civil Society Strength:** America has more robust non-governmental institutions and civil society organizations than 1930s Germany

Lesson: Institutional Resilience Matters

The Weimar comparison highlights the importance of institutional resilience against authoritarian pressure. The most relevant insight may be how federalism and dispersed power centers can serve as bulwarks against centralized authoritarian control—precisely why state-level governance deserves renewed emphasis.

The British Empire to Commonwealth: Managed Imperial Transition

Perhaps the most instructive historical parallel—and certainly the most optimistic—is the British Empire’s largely peaceful transformation into the Commonwealth of Nations.

Similarities:

- **Imperial Scale:** Both the British Empire and American federal system govern(ed) vast territories with diverse populations
- **Cultural Divergence:** Both manage(d) regions with increasingly distinct cultural and political identities
- **Relative Decline:** Both face(d) relative decline in global power requiring strategic adaptation
- **Democratic Values:** Both profess(ed) commitment to democratic values while managing internal contradictions
- **Pragmatic Adaptation:** Both political systems have demonstrated capacity for pragmatic evolution

Critical Differences:

- **Colonial Versus Federal:** The British Empire was explicitly colonial; American states are constitutional participants in a federal republic
- **Geographic Continuity:** Most American states share contiguous borders, unlike the geographically dispersed British Empire
- **Power Transition Timeline:** Britain's imperial dissolution occurred over decades; American federal restructuring would likely happen faster
- **Constitutional Structure:** The British system's parliamentary flexibility differs from America's more rigid constitutional structure
- **External Pressure:** British decolonization occurred partly due to external pressure; US federal reform would be primarily internally driven

Lesson: Peaceful Power Devolution Is Possible

The Commonwealth transition demonstrates that imperial structures can evolve into voluntary associations of sovereign entities while maintaining beneficial cooperation. Britain managed to preserve significant influence and relationships despite relinquishing direct control—transitioning from empire to partnership in ways that benefited both former rulers and the newly independent.

This model of managed devolution with continued cooperation offers the most promising historical template for American federal restructuring.

Unique Modern Factors

While historical analogies provide useful context, several factors make the current American situation unique:

1. Information Technology

The speed, volume, and penetration of information today creates fundamentally different dynamics than any previous imperial transition. Social media can accelerate both consensus-building and polarization in ways previous generations couldn't imagine.

2. Economic Complexity

The intricate global supply chains, financial interdependence, and service-based economies of today create different constraints and opportunities than previous eras dominated by agricultural or industrial production.

3. Climate Change

No previous imperial transition occurred against the backdrop of global climate change, which introduces unique pressures, timelines, and cooperation imperatives.

4. Nuclear Weapons

The presence of nuclear weapons fundamentally alters security calculations in ways that constrain certain types of conflict while potentially magnifying others.

5. Demographic Awareness

Modern societies possess unprecedented demographic data and projections, allowing more sophisticated planning for population changes than was possible in previous transitions.

6. Global Institutions

The existence of developed global institutions provides frameworks for cooperation that weren't available during previous imperial transformations.

The Commonwealth Model: A Promising Template

Of all historical analogies, the British Commonwealth transition offers the most promising template for American federal restructuring. Its key advantages include:

- **Peaceful Transition:** Avoided major violence despite centuries of imperial control
- **Continued Cooperation:** Maintained beneficial relationships despite fundamental power restructuring

- **Flexible Association:** Created a framework for cooperation that accommodated diverse member needs
- **Shared Values:** Preserved core democratic values while allowing significant policy divergence
- **Symbolic Unity:** Retained meaningful symbolic connections without imposing unworkable uniformity
- **Pragmatic Evolution:** Demonstrated capacity for continuous adaptation to changing circumstances

The Commonwealth model suggests that political entities with deep historical connections can transition from hierarchical control to voluntary association while preserving beneficial relationships. This framework—sovereignty with cooperation—offers a constructive template for reimagining American federalism.

Additional Historical Parallels

Beyond the major examples explored above, several other historical transitions offer valuable insights for the American situation.

The Habsburg Empire: Multinational Dissolution

The dissolution of the Austro-Hungarian Empire following World War I provides another instructive case of imperial transformation.

Similarities:

- **Multinational Character:** Both the Habsburg Empire and contemporary America encompass diverse ethnic, linguistic, and cultural groups
- **Federal Evolution:** The Dual Monarchy system represented an attempt at federalism to accommodate diversity
- **Regional Economic Disparities:** Both featured significant economic development gaps between regions
- **Identity Politics:** Both struggled with balancing national/imperial identity against regional/ethnic identities
- **External Pressures:** Both faced/face significant external pressures affecting internal stability

Critical Differences:

- **Democratic Foundations:** America's democratic traditions contrast with the Habsburg monarchy's imperial structure
- **Geographic Contiguity:** American states share continuous borders unlike the more scattered Habsburg domains
- **Power Legitimacy:** American federal power derives from democratic legitimacy rather than dynastic claims
- **Historical Development:** The Habsburg domains had distinct histories before imperial incorporation; American states developed largely within the federal framework

Lesson: Institutional Adaptation

The Habsburg experience illustrates how institutional adaptations (like the 1867 Compromise creating the Dual Monarchy) can temporarily accommodate diversity, but may prove insufficient without continuous evolution. When institutions fail to adapt to changing identity demands, dissolution becomes increasingly likely.

The Velvet Divorce: Negotiated Separation

The peaceful separation of Czechoslovakia into the Czech Republic and Slovakia in 1993 represents one of history's most amicable national divorces.

Similarities:

- **Functional Democracy:** Both Czechoslovakia and America faced/face the challenge of managing separation within democratic frameworks
- **Federal Structure:** Both had/have federal systems attempting to balance central and regional authority
- **Cultural Differences:** Both contained/contain regions with distinct cultural identities and histories
- **Economic Disparities:** Both featured/feature significant economic differences between regions

Critical Differences:

- **Scale:** Czechoslovakia's population of 15 million represents a fraction of America's 330+ million
- **Temporal Duration:** Czechoslovakia existed as a unified state for only 75 years compared to America's 240+
- **Homogeneity Within Units:** The Czech and Slovak regions were each relatively culturally homogeneous, unlike American states
- **External Context:** Czechoslovakia's split occurred amid broader post-Communist transitions throughout Eastern Europe

Lesson: Negotiated Process

The Velvet Divorce demonstrates how political elites committed to peaceful transition can manage separation through negotiation rather than conflict. The separation process included detailed property division, currency arrangements, and citizenship provisions—creating a template for managed political divorce that minimized disruption to citizens' lives.

The European Union: Integration with Sovereignty

The formation and evolution of the European Union provides a unique counterexample of independent nations creating supranational structures while preserving sovereignty.

Similarities:

- **Diverse Member States:** Both the EU and US federal system encompass diverse regions with distinct histories and identities
- **Multilevel Governance:** Both feature governance at multiple levels with complex jurisdictional questions
- **Economic Integration:** Both created integrated economic spaces across previously separate markets
- **Democratic Values:** Both profess commitment to democratic governance and individual rights
- **Continuous Tension:** Both experience ongoing tension between centralization and regional autonomy

Critical Differences:

- **Historical Direction:** The EU represents “coming together” federalism versus America’s “holding together” federalism
- **Historical Context:** EU member states have centuries of independent history; American states developed within the union
- **Sovereignty Baseline:** EU integration begins from full sovereignty; American federalism begins from constitutional union
- **Decision Process:** EU decisions require far more consensus than American federal decision-making
- **Identity Hierarchy:** National identities remain primary in Europe; American national identity often trumps state identity

Lesson: Subsidiarity and Flexibility

The EU demonstrates how principles of subsidiarity (decisions made at the lowest practical level) and variable geometry (allowing different levels of integration for different members) can accommodate diversity within a unified framework. These principles might offer America alternative approaches to managing regional differences without requiring uniformity.

Ming Dynasty Administration: Imperial Scale Management

Chinese imperial governance, particularly during the Ming Dynasty (1368–1644), offers insights into managing continental-scale governance with limited technology.

Similarities:

- **Continental Scale:** Both governed/govern vast territories with diverse conditions
- **Population Size:** Both reached populations exceeding 100 million
- **Regional Diversity:** Both managed/manage regions with distinct economic and cultural characteristics
- **Central-Local Tensions:** Both developed systems balancing central control with local administration

Critical Differences:

- **Democratic Versus Imperial:** America's democratic system contrasts with Ming imperial autocracy
- **Technology Context:** Ming administration functioned with premodern communications and transportation
- **Cultural Framework:** Ming China operated within relative cultural homogeneity compared to American diversity
- **Legitimacy Source:** Imperial authority derived from different sources than democratic mandate

Lesson: Institutional Pragmatism

The Ming developed practical governance systems that recognized the impossibility of micromanaging a continental empire. Their six ministries system with provincial administration represents an early example of creating standardized, replicable governance structures that could function across vast distances while maintaining imperial cohesion.

India's Linguistic Federalism: Managing Diversity

India's post-independence reorganization along linguistic lines offers insights into managing diversity through federal arrangements.

Similarities:

- **Population Scale:** Both India and the US govern populations well beyond 100 million
- **Democratic Federalism:** Both operate as democratic federal systems with divided powers
- **Cultural Diversity:** Both contain significant cultural, linguistic, and regional diversity
- **Post-Imperial Identity:** Both formed their current identities partly in opposition to British imperialism
- **Constant Negotiation:** Both systems require ongoing negotiation between central and regional authorities

Critical Differences:

- **Cultural Range:** India's diversity (22 official languages) exceeds America's cultural variation
- **Colonial Legacy:** India's federal system emerged from colonial structures rather than self-organization
- **Economic Development:** India began its federal experiment at a much lower economic development level
- **Age of System:** India's federal system is much younger (75 years versus 230+)
- **Constitutional Flexibility:** India's constitution has been amended much more frequently than America's

Lesson: Flexible Federalism

India demonstrates how federal systems can accommodate profound diversity through asymmetric arrangements that recognize different regions' unique needs. The successful reorganization of states along linguistic lines in the 1950s-60s shows how federalism can adapt to identity demands without threatening national unity.

Conclusion: Learning Without Determinism

Historical analogies should inform rather than determine our approach to current challenges. None of these historical examples perfectly matches America's situation, yet each contains valuable insights:

- The Civil War reminds us of the catastrophic costs of failed compromise
- The Soviet collapse demonstrates how quickly seemingly stable systems can transform
- The Weimar Republic highlights democracy's vulnerabilities to authoritarian pressure
- The Commonwealth transition offers hope for peaceful imperial evolution
- The Habsburg dissolution shows the consequences of institutional rigidity
- The Velvet Divorce illustrates how separation can be negotiated without conflict

- The European Union demonstrates how sovereignty can be pooled while maintaining distinct identities
- The Ming Dynasty exemplifies pragmatic governance at continental scale
- India's linguistic federalism shows how diversity can be accommodated through flexible arrangements

Perhaps the most important historical lesson is that outcomes are not predetermined. Leadership choices, institutional design, and citizen engagement significantly influence whether political transitions lead to violence or peaceful evolution. By studying history's warnings and inspirations without being trapped by deterministic thinking, Americans can chart a path that builds on past wisdom while addressing present realities.

A New Model for Thinking About US Politics

The traditional left-right political spectrum has dominated American political discourse for generations. This one-dimensional model places progressives on the left, conservatives on the right, and moderates somewhere in the middle. While this framework captures certain aspects of our political divisions, it increasingly fails to explain the complexity of American political attitudes—particularly regarding the proper distribution of power between federal and state governments.

This chapter introduces a more nuanced two-axis model that better reflects the full spectrum of American political thought and offers a potential path forward through our current gridlock.

The Two-Axis Political Model

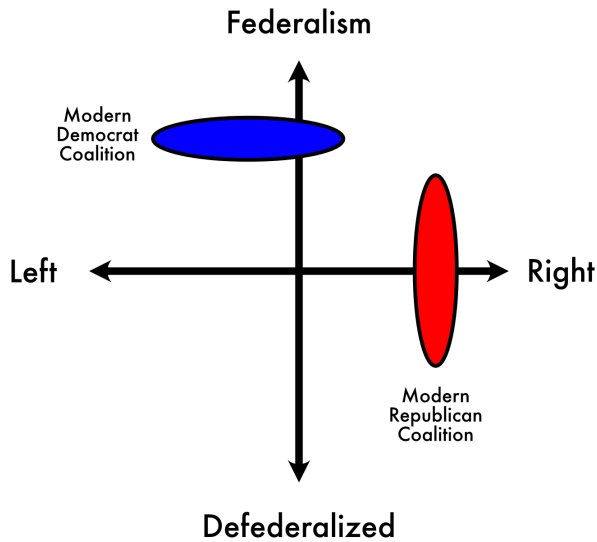


Figure 12.1. Two-Axis Political Model

The Horizontal Axis: Cultural Values

The familiar horizontal axis represents cultural and social values:

- **Right/Traditional:** Emphasizes traditional social structures, religious values, cultural continuity, and established hierarchies
- **Left/Progressive:** Prioritizes social change, equity, cultural evolution, and challenging established power structures

This dimension captures the “culture war” aspect of American politics—disagreements over social issues like gender roles, religious expression, racial justice, and family structure.

The Vertical Axis: Power Distribution

The less-discussed but equally important vertical axis represents beliefs about where governing power should reside:

- **Federalized (Top):** Favors strong central government with nationwide policies and standards
- **Defederalized (Bottom):** Prefers decentralized governance with state and local policy control

This axis is distinct from the horizontal cultural axis. One can be culturally progressive while preferring state-level implementation (defederalized left) or culturally conservative while supporting strong federal authority (federalized right).

The Four Quadrants

This model creates four distinct political orientations:

1. **Federalized Progressive:** Traditional liberal position favoring federal programs, nationwide standards, and centralized solutions to social and economic challenges
 - Example policies: Federal healthcare system, national environmental standards
2. **Federalized Conservative:** Favors using federal power to enforce traditional values and national security
 - Example policies: Federal abortion restrictions, strong national defense, federal immigration enforcement
3. **Defederalized Conservative:** Traditional conservative/libertarian position emphasizing state autonomy and limited federal government
 - Example policies: State control of education, minimal federal regulation, strong 10th Amendment interpretation
4. **Defederalized Progressive:** Supports progressive values but implemented primarily through state and local action
 - Example policies: State-level universal healthcare, regional climate initiatives, progressive state tax systems

This fourth quadrant—the Defederalized Progressive—represents an underexplored political position with significant potential for breaking through our current impasse.

The Defederalized Approach

The defederalized position argues that progressive goals can often be better achieved through state action rather than federal mandates. This approach recognizes that:

1. States can move faster than the gridlocked federal government
2. Regional policies can be tailored to local needs and values
3. Successful state programs can serve as models for other states
4. State-level implementation reduces the winner-take-all nature of federal politics
5. Multiple approaches allow for policy experimentation and improvement

A key structural advantage is that this approach is administratively straightforward to implement. With 91% of federal revenue coming from individual income taxes, corporate taxes, and payroll taxes—all of which are already calculated based on taxpayer location—shifting tax collection to states represents a feasible administrative change rather than a radical restructuring.

This position isn't anti-government—it's pro-effective government at the appropriate level. It acknowledges that one-size-fits-all federal solutions often create as many problems as they solve in a diverse continental nation.

The Democracy Dilemma

One of the most troubling trends in American governance is the paradoxical relationship between federalization and democratic health. As more issues become federalized:

1. **State politics becomes increasingly nationalized**
 - State elections focus on federal issues rather than local concerns
 - Candidates run more against Washington than on state governance
 - Voters choose based on national party loyalty rather than state performance

2. Single-party dominance increases at the state level

- 39 states now have “trifectas” where one party controls the governorship and both legislative chambers
- This reduces competitive elections and political accountability
- Policy debates narrow as opposition becomes merely symbolic

3. Accountability diminishes

- State politicians blame federal policy for local problems
- Voters focus on national issues while ignoring state governance
- Media coverage prioritizes federal drama over state substance

The Responsibility Evasion Strategy

This federalization has created a perverse incentive structure where state politicians can propose policies while expecting (or even hoping for) federal intervention to block implementation. This strategy allows them to:

1. Take symbolic stands without practical responsibility
2. Blame federal courts or agencies when popular but impractical promises aren't fulfilled
3. Avoid accountability for the actual outcomes of their proposals

Examples abound across the political spectrum:

- Republican legislatures passing abortion restrictions pre-Dobbs, knowing they would be struck down by federal courts
- Reform-minded states passing gun control measures expected to face Second Amendment challenges
- States proposing sweeping healthcare reforms while knowing federal regulations would prevent implementation

This pattern undermines democratic accountability by severing the connection between campaign promises and governance outcomes.

The Democracy Crisis in Numbers

The erosion of democratic accountability correlates strongly with increased federalization:

Americans' Trust in Levels of Government vs. 2020 and Historical Average			
% A great deal/fair amount of trust			
	1997-2021 average	2020	2021
	%	%	%
Federal government:			
Federal government handling international problems	59	48	39
Federal government handling domestic problems	53	41	39
Federal government branches:			
Judicial branch	68	67	54
Executive branch	52	43	44
Legislative branch	47	33	37
State and local governments:			
State government handling state problems	62	60	57
Local government handling local problems	70	71	66
GALLUP			

Figure 12.2. Public Trust in Government

- **Trust in government:** Only 20% of Americans trust the federal government to do what is right, down from 77% in the 1960s
- **Congressional approval:** Hovers around 22%, despite 95% of incumbents typically winning reelection
- **Voter turnout:** Typically 10-15% higher in presidential elections than in state-only elections
- **Policy responsiveness:** Studies show federal policy corresponds poorly with majority public opinion
- **Media coverage:** Over 70% of political news coverage focuses on federal rather than state politics

These numbers reflect a democracy increasingly disconnected from citizen priorities and lacking accountability mechanisms.

Revitalizing Democracy Through Defederalization

The defederalized approach offers a potential remedy to this democratic deficit by:

1. Restoring meaningful state elections

- When states control more policy areas, state elections become more consequential
- Voters have reason to evaluate state performance rather than national symbolism
- Candidates must run on deliverable promises rather than symbolic opposition

2. Increasing accountability

- Politicians who must implement their own policies face direct consequences for outcomes
- Voters can more easily connect policy choices to tangible results
- The feedback loop between governance and electoral consequences tightens

3. Permitting greater policy diversity

- Different approaches can be tested across states
- Citizens can vote with their feet by relocating to states with preferred policies
- Competition between states creates innovation incentives

4. Reducing stakes of national elections

- Less apocalyptic rhetoric when federal elections don't determine all policy
- Reduced incentive for anti-democratic tactics to maintain federal power
- More room for compromise when losses aren't perceived as existential

Case Studies in Defederalized Progress

Several policy areas already demonstrate the potential of the defederalized approach:

Climate Policy

While federal climate legislation stalled for decades, states like California, Washington, and New York implemented ambitious climate policies that:

- Reduced emissions significantly
- Created economic benefits within their borders
- Influenced private sector behavior nationwide
- Formed interstate climate compacts with meaningful impact

Minimum Wage

Despite federal minimum wage remaining at \$7.25 since 2009:

- 30 states have established higher minimum wages
- Several states have implemented \$15+ minimum wages
- These state policies have improved living standards while allowing regional economic differences

Cannabis Reform

State-level marijuana legalization has:

- Progressed rapidly despite federal prohibition
- Created varied regulatory approaches tailored to local preferences
- Generated data on different policy models' effectiveness
- Eventually shifted federal policy through state momentum

Healthcare Innovation

States have pioneered healthcare approaches that would be politically impossible at the federal level:

- Vermont's healthcare reform efforts
- Massachusetts' universal healthcare predecessor to the ACA
- Various Medicaid expansion approaches with different designs

The Path Forward

The two-axis model reveals that Americans need not choose between progressive values and decentralized governance. By rethinking political identity through this framework, we can:

1. Reduce the temperature of national politics by devolving many issues to states
2. Create more meaningful democracy at the state level
3. Allow greater policy experimentation and regional customization
4. Find common ground between traditional opponents
5. Break through the paralyzing gridlock of federal politics

This isn't a call to abandon core values—it's a strategic approach to achieving those values through more responsive, democratic governance structures better suited to our diverse nation.

The defederalized approach recognizes a fundamental truth: in a continental nation of 330+ million people with profound regional differences, one-size-fits-all policies imposed from Washington will inevitably create resistance, regardless of their merit. By shifting the locus of many policy decisions closer to the people they affect, we can create a more functional democracy while still pursuing progressive goals.

For progressives especially, this approach offers a pathway to actual policy implementation rather than perpetual federal gridlock. The question isn't whether we support healthcare, climate action, or economic justice—it's whether we're willing to pursue these goals through state action when federal action is blocked.

The defederalized approach stands for both progressive values and democratic renewal—a combination that may represent America's best hope for breaking through our current impasse.

About the Author

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Book Preview

DEFEDERALIZED
After The Constitutional Crisis

ScenarioExploder.com

- Alexander Moss

