Federalism

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Abstract and Keywords
This chapter examines public attitudes about the allocation of powers within the American federalist system. Previous research has shown that public perceptions of the responsibilities and performance of specific levels of government are weakly held and often inconsistent. To the extent that people have an opinion about federalism, the literature suggests that it influenced by persistent attitudes about race and political trust. This analysis focuses on beliefs about the strength of the federal government in order to disentangle the influence of these long-term, generalized attitudes from more immediate responses to political institutions. In sum, Americans' perceptions of federal power are largely determined by their orientation toward government itself. Short-term assessments of political leaders also help to shape opinion about the scope of federal authority, and assessments of the Supreme Court have as much influence as opinion about the president and Congress.

Keywords: federalism, Supreme Court, Congress, government performance, trust
Federalism has occupied a large portion of the Supreme Court's caseload in recent years, but unlike other issues addressed in this book, it has remained off the public agenda. The Court's federalism decisions lack three elements that would prompt a public opinion response: high levels of salience, strong reaction from elites, and an impact that is discernible from other political activities with respect to federalism. Federalism is about the process of governance more than the substance of policy, and questions about the reach of federal power and the appropriate allocation of responsibilities among levels of government have little salience for most of the public. As Samuel Beer has observed, federalism "is an instrumental, not a consummatory value."

Court decisions addressing questions about the bounds of federal authority typically provoke little reaction from political elites, and the Court is just one of multiple venues in which these boundaries are subject to ongoing negotiation and readjustment. Political efforts to devolve responsibility to the states, such as those under Presidents Reagan and Nixon, are likely to be more visible and more comprehensible than Court rulings defining interstate commerce or preemption.

An additional reason for the public's inattention to federalism jurisprudence is the abundance and complexity of the decisions themselves. The case history for federalism does not consist of a few discrete, visible decisions. Instead, the Court has acted incrementally through frequent rulings on a broad set of constitutional questions. Many of the Court's decisions address issues related to the reach of federal power, even as they involve other legal questions as well. Melnick (2003) estimates that half to two thirds of the full (p.210) opinions issued by the Court each term involve federalism issues. The decisions that are most significant for federalism jurisprudence often receive little public attention because of the substance of the policy question; for example, some of the most important recent decisions relate to state employment practices, a policy area that is unlikely to capture public attention. At the same time, Americans may not perceive high-profile cases about the regulation of abortion, medical marijuana, and assisted suicide as questions of federalism. Moreover, the constitutional questions underlying federalism jurisprudence are multifaceted and complex. The Court has used a wide range of constitutional grounds to interpret the
scope of congressional power and define the rights of states, resulting in a highly technical set of opinions that is the subject of ongoing scholarly debate.

Thus for reasons related to both the nature of public opinion about federalism and the content of decisions themselves, Court activity on federalism attracts little public attention. If the Court is not shaping public opinion on this issue, then what is? Does coherent public opinion about the division of governmental responsibilities even exist? This chapter examines public attitudes about the allocation of powers within the American federalist system. Previous research has shown that public perceptions of the responsibilities and performance of specific levels of government are weakly held and often inconsistent. To the extent that people have an opinion about federalism, the literature suggests that it is influenced by persistent attitudes about race and political trust. This analysis focuses on beliefs about the strength of the federal government in order to disentangle the influence of these long-term, generalized attitudes from more immediate responses to political institutions. On the whole, I find that Americans’ perceptions of federal power are largely determined by their orientation toward government itself. Short-term assessments of political leaders also help to shape opinion about the scope of federal authority, and assessments of the Supreme Court have as much influence as opinion about the president and Congress. People are less critical of federal power when they have a positive affect toward current political leaders.
Federalism

The idea underlying federalism as a system of governance is the division of political authority between a central government and constituent units; disputes over federalism involve how that power should be divided. Federalism is promoted as a means for advancing any number of values—individual liberty, economic efficiency, policy innovation, and governmental responsiveness, among others—and upholding federalism is widely perceived as protecting states’ rights against the nationalistic tendencies of the federal government.

Both the courts and the political branches have acted to limit the reach of federal authority and to protect state autonomy. Neither set of institutions offered much resistance to the federal government’s rapid expansion beginning (p.211) in the 1930s. In a series of decisions during the early stages of the New Deal, the Court attempted to rein in federal power to address the economic and social consequences of the Great Depression. After Franklin Roosevelt famously threatened to “pack the Court” with new members to guarantee himself a nationalist majority, the Court began to issue opinions allowing expansion of federal power to regulate the economy. That trend culminated in the 1942 decision of Wickard v. Filburn, which interpreted Congress’s power to regulate interstate commerce as including even the amount of wheat a farmer grew for his own consumption. Over subsequent decades, the Court’s liberal view of federal government authority grew to include a broader set of doctrinal elements, and its willingness to defer to congressional interpretation of Congress’s own enumerated powers facilitated the growth of federal activity in areas such as civil rights protection, welfare state expansion, and regulatory policy through the 1970s.

Political institutions acted earlier than the Court in attempting to rein in this expansion of federal authority and shift some power back to the states. As part of his New Federalism initiative, President Nixon instituted revenue-sharing programs intended to give state and local governments more autonomy in decisions about spending federal dollars. Nixon convinced Congress to pass the State and Local Assistance Act, which delivered billions in undedicated funds to state and local governments, and he consolidated dozens of categorical grant programs into block grants to encourage states and municipalities to design their own programs. A decade later, President Reagan promoted further devolution of grant-
making authority to the states and called for dramatic reductions in federal regulatory activity and social spending. The Nixon and Reagan initiatives differed in their policy goals, but both administrations explicitly framed their efforts in terms of federalism. Nixon believed that states and localities would be more efficient and responsive to local preferences if given authority over spending decisions, and the Reagan administration argued more generally for a reduction in the scope of federal power. Attention to federalism came principally from political venues through the 1970s and 1980s, as the Burger Court largely continued its predecessors’ tolerance for expansion of national government powers. The most notable exception to this nationalist approach came in the Court’s 1976 decision in National League of Cities v. Usery, holding that Congress lacks the authority to regulate states in areas of traditional state government functions. The Court reversed itself less than a decade later, though, in Garcia v. San Antonio Metropolitan Transit Authority (1985).

Justice William Rehnquist, who wrote the majority opinion in National League of Cities, had long had an interest in protecting states’ rights. With the appointment of Clarence Thomas in 1991, Rehnquist—then Chief Justice—obtained a five-vote majority that would support him at least to some degree in scaling back the power of the national government. Over the next fourteen years, the Rehnquist Court conducted what many have called a “federalism revolution,” reasserting a strong role for the judiciary in carving out areas of state sovereignty and placing limits on congressional authority. This revolution occurred across a range of constitutional domains, including a revival of Tenth Amendment protections of state sovereignty, restrictions on federal court jurisdiction under the Eleventh Amendment, and narrowing constructions of congressional authority under the commerce clause and Section Five of the Fourteenth Amendment.

The federalism revolution is likely to be remembered as the core legacy of the Rehnquist Court. But despite its significance for legal doctrine, its impact on the public’s view of states' rights and the power of the federal government is unclear. One reason is the low salience of the policy questions addressed in most of the cases in the Rehnquist Court’s federalism jurisprudence. The structural relationship among levels of government does not capture public attention on its own, and...
many of the cases the Court used to redefine the scope of national authority involved complex policy issues such as state employment practices, intellectual property, and the management of low-level radioactive waste. The exception is a set of cases that struck down some highly visible laws related to crime policy—the Gun Free School Zones Act (United States v. Lopez (1995)), the Violence against Women Act (United States v. Morrison (2000)), and the Brady Handgun Violence Prevention Act (Printz v. United States (1997))—but the Court's rulings in these cases had only marginal substantive impact. Moreover, as Whittington (2001) points out, the public tends to attribute responsibility for fighting crime to local and state governments and is unlikely to punish the Court for impeding federal efforts on this issue.

In general, the Rehnquist Court's federalism decisions did not take on fundamental issues about the relationship between the national government and private citizens. Melnick (2003) describes: “The bottom line is that the Court has placed very few constitutional restrictions on Congress's power to regulate private conduct, to tax private citizens, and to spend for the 'public welfare.' The New Deal and most of the Great Society are perfectly safe” (113–14).

The Rehnquist Court's federalism jurisprudence not only addressed relatively obscure policy questions; the doctrinal foundation of the opinions themselves was complex and difficult to decipher. The overall trend was to limit the authority of the federal government, but the Court did not rule consistently in favor of the states, as members of the five-vote majority would peel off based on the merits of a particular case. Taken as a whole, the Court's record on federalism is mixed. Although careful Court-watchers would agree that the Rehnquist Court made important steps in limiting congressional authority, that larger trend may not have been evident to the mass public.

Another reason that the public might not have paid attention to the Court's federalism decisions is the lack of response from policy elites. The Court's leadership did not spark a broad public debate over the proper allocation of powers among levels of government. Indeed, the topic of federalism received little attention outside scholarly communities while the
Rehnquist revolution was taking place. When the Court started overturning congressional (p.213) statutes on federalism grounds after sixty years of deference, policy makers largely looked the other way. With the exception of Lopez, Congress did not recraft legislation to achieve the original policy goals within constitutional constraints set by the Court, even though in many cases it would have been feasible to do so (Dinan 2002). Media coverage also did not signal to the public that an important change was taking place in the balance of governmental authority. Figure 9.1 shows coverage of federalism issues in the New York Times and the Washington Post from 1981 through 2005. The top line shows the total number of articles in both newspapers mentioning “federalism” or “states’ rights,” culled to include only articles about the United States. The lower line shows the percentage of those articles that mention “Supreme Court.” The graph illustrates that during this period, and especially after 1995, courts increasingly became the focus for activity related to federalism. In the early 1980s, just one in every five articles about federalism mentioned the Court, rising to more than half the articles in 2005. But while the Court’s efforts to set constraints on national power have received greater attention in hindsight than did the Reagan administration’s devolution policies, the public received less information about the Court’s activities. Overall media attention to federalism reached its peak in 1982, when President Reagan proposed in his State of the Union speech to turn over more than forty federal programs to state and local governments. The Times and the Post featured nearly four times as many articles about
federalism that year than their average through the rest of the period. The level of coverage after (p.214) 1982 remained fairly constant, with annual fluctuations. Indeed, the papers wrote less about federalism during the early 1990s, as the Court began its federalism charge, than during the years immediately prior. Coverage picked up somewhat beginning in 2000 but remained far less extensive than during President Reagan’s devolution efforts. With the media dedicating little attention to the Court’s efforts to protect and expand state sovereignty, Americans had few clear signals upon which to form opinions about the allocation of power under federalism.

Consistency and Contradiction In Public Opinion About Federalism
Given the low level of attention that Americans dedicate to politics, we would not expect to see evidence of strongly held attitudes about the distribution of responsibilities and authority among levels of government. Indeed, one reasonably might ask whether the public makes distinctions at all among federal, state, and local jurisdictions in assessing governmental performance.

Results from previous research are mixed. It does appear that people make distinctions in their affect toward different levels of government. Although trust in the federal government has declined since the 1960s, attitudes toward subnational governments have held steady or even improved (Cole & Kincaid 2006; Conlan 1988; Hetherington & Nugent 2001; Reeves & Glendening 1976; Roeder 1994). State and local governments historically inspired little public confidence, but surveys conducted in recent decades reveal rising public support relative to feelings toward Washington. Given a choice among levels of government, survey respondents are increasingly likely to express faith and confidence in states and localities (Hetherington & Nugent 2001) and to perceive them as being closer to the people (Conlan 1988) and giving more for the public’s money (Cole & Kincaid 2006).

A few studies have attempted to explain support for states. Using data from a 1995 survey on trust in government conducted by the Washington Post, the Kaiser Family Foundation, and Harvard University, Uslaner (2001) shows that trust in government is highly correlated across institutions; respondents are consistent in expressing trust or lack of trust in both state and federal governments. In a forced
choice, white, conservative, and more highly educated respondents were more likely to prefer states over the federal government. Hetherington and Nugent (2001) examine whether support for states can be explained by attitudes toward the federal government. In a multivariate analysis using the 1996 ANES survey, they find that low levels of trust in Washington make it more likely that a respondent will express more faith and confidence in state and local governments, rather than the federal government, in a forced choice. Republican partisanship and conservative ideology also predict support for subnational governments in their analysis, but measures of actual state capacity and effectiveness do not. Historically, race has played an important role in public opinion about federalism because of the framing of slavery and segregationist policies as issues of states' rights (Jennings & Zeigler 1970; Riker 1964), but analyses of more recent surveys have revealed no evidence of greater support for the federal government among African Americans (Hetherington & Nugent 2001; Schneider & Jacoby 2003).

Generalized support for subnational governments does not necessarily translate into calls for devolution of policy responsibility, however. Public attitudes about the proper allocation of governmental authority are weakly held and inconsistent. As Cantril and Cantril (1999) describe, “Clear and abiding preferences are hard to find in public opinion regarding which level of government should take the lead in dealing with different issues. Questions along these lines have been included in polls for years and frequently have produced widely varying results” (37). In their own 1997 national survey, respondents expressed a preference for reduced federal activity in broad terms but supported a larger federal role when asked about specific government functions. A survey of Michigan residents produced the same result: respondents supported devolution in the abstract but endorsed federal involvement in nearly all the specific functions the survey named (Thompson & Elling 1999). Although Schneider and Jacoby (2003) find a latent attitude dimension that predisposes individuals to support or oppose national over state policy leadership, the relationship between people's general beliefs and their specific attitudes about federal power and responsibilities is weak.
Some of the inconsistency evident in attitudes about policy responsibility may arise from question wording, which often asks about broad policy domains that are in fact shared responsibilities among multiple levels of government. These questions suggest a dual federalism model in which federal and state powers are clearly specified and well defined. The public may prefer a marble cake federalism model that rests more on intergovernmental cooperation rather than divided powers (Grodzins 1966; Thompson & Elling 1999). It is difficult to discern whether inconsistency in responses is evidence of nonopinion or an indication that the question wording in surveys is not capturing the public's true preference for shared policy responsibility among governments (Reeves 1987).

Perceptions of government performance also may contribute to attitudes about the allocation of authority. Using data from national surveys conducted between 1987 and 1989, Roeder (1994) finds a relationship between people's assessments of the levels of government and their preference about who should have responsibility for specific policies. Arceneaux (2005) shows that individuals make determinations about the level of government that has the greatest policy responsibility, and if they are satisfied with that government's performance, then they favor giving it more responsibility. Opinions about who should have power are based in large part on perceptions of who does have power, whether or not those perceptions are correct. Thus it is possible that how people perceive the existing distribution of government power explains some of the inconsistency in opinion about policy responsibility.

(p.216) In short, much remains unknown regarding public opinion about federalism. The states do not appear to have experienced the sharp decline in public confidence that the federal government has suffered in recent decades, but the improved stature of subnational governments may be attributable in part to survey question wording that often requires respondents to make a choice among levels of government. Increased pessimism about politics in Washington may produce higher estimations of state and local governments by default. The public seems to form opinions about the allocation of power and responsibility based on perceptions of governmental performance, but the resulting
opinions are weakly held and may be contradictory. We know little about public assessments of the power of the federal government.

The analysis that follows makes several contributions to the state of knowledge on public opinion about federalism. First, it assembles data from dozens of surveys in order to track public opinion over time and detect trends that correspond with political and legal efforts to change the balance of power between national and state governments. It compares trends across poll questions to evaluate the relationship between trust in different levels of government and assessments of their performance. The analysis then directs attention to perceptions of federal government power, an important element of public opinion about federalism and one that has received little previous attention in the literature. Finally, I examine the role of race in contemporary political attitudes about federalism and show that race is no longer decisive in determining support for states' rights.

PublicAttitudesAboutTrustAndGovernmentPerformance
Measurement issues are critical in analyzing public opinion about federalism. The public's affection for an institution is not necessarily consistent with its assessment of that institution's performance, and it is not clear what relationship either of those opinions has with attitudes about the abstract principle related to the division of power.

In general, Americans' support for state government has grown over time. Figure 9.2 shows the change in attitudes over sixty years about where power should be located in the American system. In a 1995 survey conducted by the Council for Excellence in Government (CEG), 64% of respondents reported favoring a theory of government that concentrates power in state government rather than in the federal government. Preference for state over federal power had risen from a 56% majority responding to the same question in a 1981 Gallup poll. When Gallup asked the question during the New Deal, respondents expressed greater support for a division of power that favored Washington. As shown in the figure, in 1937 a plurality (46%) preferred federal to state authority. Support for concentrating power in the states has thus grown by a remarkable 30 percentage points since the New Deal.
Consistent with the more widely shared preference for state power in the abstract, the public expects that shifting policy responsibility to the states will lead to better performance. In 1995, 50% of CEG respondents thought that shifting responsibility for some domestic programs from federal to state government would improve the quality of those programs. Only 9% predicted that quality would decline, and 34% anticipated no change. This poll was conducted in the midst of the debate over welfare reform, a period when the media regularly featured stories about successful state welfare programs. Nine years earlier, Cambridge Reports/Research International asked a similar question but included the possibility of shifting programs to state and local governments. Respondents to that survey were less optimistic about the capacity of subnational governments: a plurality of 34% expected program quality to decline, and just 27% anticipated an improvement.

This is a surprisingly low level of support for devolution during Reagan’s second term, so the result may reveal more about Americans’ confidence in local governments than their attitudes toward federalism. But a question wording effect also would be surprising, because the public typically gives high scores on the performance of local governments. When respondents have to make a forced choice about the level of government that does the best job in dealing with the...
problems it faces, they are most likely to name local governments.\(^9\) States also perform well, but over the course of three surveys (p.218) conducted between 1981 and 1997, a plurality always gave the highest performance assessment to local governments. The gap between subnational and national governments expanded during that period, and by 1997 just 14% of respondents thought the federal government did the best job among the three levels of government. Previous studies have focused on trust in state governments as a measure of public support for federalism (Hetherington & Nugent 2001; Uslaner 2001). States have not suffered the sharp declines in public trust that affected attitudes toward the federal government in recent decades. The topmost three lines in Figure 9.3 show the percentage of respondents in a series of polls conducted between 1987 and 2004 who reported having “a great deal” or “a fair amount” of trust and confidence in each level of government to carry out its responsibilities.\(^{10}\) The general trend is the same for all levels of government: a decline in trust in the early 1990s, rebounding later that decade with a continued rise through 2004. The dip in support is much larger for the federal government, however, and smallest for local governments. Confidence in states fell between federal and local governments in 1992, but by 1999 states ranked nearly as high as local governments. The one departure from the trend is the sharp increase in trust in the federal government reported in 2002, likely stemming from a rally effect following

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Figure 9.3. Trust in Local, State, and Federal Governments, 1972–2005. Question wording: see text.

the September 11 attacks. By 2004, the federal government again ranked lowest among levels of government but enjoyed higher levels of trust than during the 1990s.

(p.219) The other sets of lines in Figure 9.3 depict trust data during two shorter time periods, in this case as responses to a forced-choice question asking survey respondents which level of government inspires the most faith and trust. The lines on the left display data from three ANES surveys conducted in the 1970s, and those on the right illustrate responses from two more recent surveys conducted in 1996 and 2000. As the Watergate scandal was just beginning to unfold in 1972, nearly half of all ANES respondents expressed the most faith and confidence in the federal government. Two years later, faith in the federal government had dropped off sharply, mostly to the benefit of local government, and it changed little by 1976. Trust in Washington suffered another decline over the next twenty years, however, and opinion expressed in the two more recent surveys has a pattern similar to the longer series on political trust. The federal government ranked well below states and localities in the public's esteem, but its scores showed some improvement between 1996 and 2000.

On the whole, it appears that public attitudes toward states and localities respond to some of the same forces that affect opinion about the federal government but that the federal government is more susceptible to strong opinion shifts. The most dramatic shifts that occurred in recent decades are attributable at least in part to Watergate and the September 11 attacks, highly salient political events. But those events cannot explain the steady decline in public support for the federal government through the 1980s and early 1990s. State governments suffered some loss of public trust during this period, but to a much lesser extent. And if we focus on government performance, assessments of the federal government showed no signs of rebounding as of the late 1990s, while opinion about the states was rising.

How do these attitudes toward individual levels of government affect public opinion about federalism? Does distrust in the federal government make it more likely that people will view the federal government as too strong? And do perceptions of federal power respond to political and judicial efforts to change the scope of that power? Whittington (2001) argues that increased confidence in states during a period of
declining trust in the federal government helped create a favorable environment for the Rehnquist Court's federalism revolution. It is not clear that the causal relationship operates in reverse: trust in states and the federal government have moved in parallel since the late 1970s, and it is difficult to say whether the Court's protection of state sovereignty contributed to the continued decline in perceptions of federal government performance in the 1990s. To assess the influence of politics, trust, and the Court on public opinion about federalism, it is necessary to focus on a survey question that directly measures attitudes about federal power.
PublicOpinionAboutFederalPower

The small body of literature on public opinion about federalism has focused on measures of affect toward different levels of government and judgments (p.220) about the allocation of specific policy responsibilities. These attitudes have only a loose connection to political and judicial efforts to scale back the scope of national authority. Survey respondents might express low confidence in the federal government but still prefer centralization of power to the variable policy outcomes that would arise under state sovereignty. They might support state funding and administration of education or welfare policy but still see an important role for the federal government in protecting individual liberties and civil rights in all policy areas. Questions that specifically address the scope of federal authority should reveal more about public response to changes in the balance of power under federalism.

Citizens seem to have taken note of the expansion of federal power over the latter half of the twentieth century. In a 1964 survey sponsored by the Institute for International Social Research, the 40% of respondents who said the federal government was interfering too much with state and local matters were outnumbered by the 48% who disagreed.\textsuperscript{13} A 1997 Pew Research Center survey showed a 53% majority agreeing that interference was excessive. The majority opinion was weakly held, however, with just 12% of respondents reporting that they “completely agree” instead of “mostly agree.”\textsuperscript{14}

The overall rise in perceptions of national supremacy that is evident in these questions about federal interference conceals important fluctuations in opinion during this period. Figure 9.4 shows the percentage of respondents agreeing that the federal government is too powerful in polls conducted by seven different survey houses between 1970 and 2005, accompanied by a smoothed trend line.\textsuperscript{15} The survey houses employed different versions of the question, but the trend in responses is consistent. Just after Watergate in the early 1970s, the percentage of Americans saying that the federal government was too strong sharply increased, reaching nearly half the respondents in the 1980 ANES survey. Concern about federal government power dropped off during the Reagan administration and then rose again through the 1990s to reach
its peak during President Clinton's second term. It had already begun to recede prior to the September 11 attacks that galvanized support for strong national action, support that seemed to be in decline by the mid-2000s.

The trend in perceptions of federal government power during this period suggests that the public may be more attentive to political efforts regarding federalism than to judicial efforts. Concern about federal power reached a low during the 1980s, when President Reagan cut federal domestic spending and devolved grant-making authority to the states. Intense media coverage raised public awareness about these activities. In contrast, perceptions of excessive federal power were widespread during the period when the Rehnquist Court focused its attention on federalism. These perceptions eased in the early 2000s following a set of important Court rulings, but the rulings probably had less influence than a new presidential administration and heightened public concern about national security.

Few survey questions tap attitudes about the role of different institutions in safeguarding federalism. Polls conducted in 1982 showed strong support—topping 60% for most question wordings—for the Reagan administration's (p.221)
ambitious devolution proposals. But the public also seems to support a role for the Supreme Court in guarding the interests of states. Anticipating retirements from the Rehnquist Court, in 2003 ABC News asked whether the next nominee should favor giving state governments more authority than the federal government or the reverse. Fifty-seven percent of respondents hoped for a nominee who would endorse the authority of states.\footnote{16}

The public seems to accept a role for both political and judicial institutions in negotiating the boundaries of federal government power. It is possible that people’s attitudes about federal power derive from their assessments of current political and judicial leaders. Another factor may be an individual’s generalized feelings of trust toward the political system as a whole. Trust and affect toward political institutions are probably correlated with one another, however, and other factors such as partisanship and political ideology are also likely to have an influence on opinion about the power of the federal government. The following section introduces multivariate analysis in order to disentangle these relationships and measure the impact of both long-term, generalized attitudes and contemporary political assessments on perceptions of federal power.

The Structure of Public Opinion About Federal Power

The models employ data from ANES surveys conducted around the 1980, 1988, and 2000 elections to examine the structure of public opinion regarding federal power. This set of surveys allows comparison of opinion at three points in time: the beginning and end of the Reagan administration and the conclusion of Clinton’s presidency. Intervening and later years are not included because relevant questions did not appear on ANES surveys in those years. The dependent variable is a dichotomous measure indicating agreement with the proposition that the government in Washington is getting too powerful for the good of the country and the individual person. The analysis includes only respondents who indicated in a filtering question that they have an opinion on this issue; excluding nonresponses removes between a third and half of the ANES sample in each of the three years. Across the three surveys, 69\% of those responding consider federal power to be excessive.

The probit models regress perception of federal power on three sets of independent variables. The first set includes demographic characteristics of individuals, including race,
residence in the South, gender, income, education, and age. The model also interacts race with residence in the South to fully assess the role of race and region in contemporary attitudes about states' rights. The second set of variables contains political and social attitudes. Party identification is a 7-point scale with strong Republicans scored at the highest value. Political ideology is measured using a liberal-conservative index constructed from group feeling thermometer scores that survey respondents assign to liberals and conservatives. It ranges from 0 for the most liberal respondents to 97 for the strongest conservatives. Racial affect is an indicator of negative attitudes toward African Americans, again to evaluate the legacy of federal civil rights legislation in influencing attitudes about federalism. It is measured as the difference in the group feeling thermometer scores assigned to whites and blacks. Also included among political and social attitudes is an index constructed from four questions measuring trust in government. The trust index is scored from 0 (least trusting) to 100 (most trusting). The final set of variables measures affect toward political institutions, as measured with feeling thermometer questions that ask respondents to rate the president, Congress, and the Supreme Court on a scale of 0 (cold) to 97 (warm).

Table 9.1 presents the structure of public opinion about federal power for each survey year, as well as estimates from an analysis using pooled data across all three survey years. Results are shown as first differences, or differences in the predicted probability of agreeing that the government in Washington is too powerful associated with a shift from the minimum to the maximum value of each independent variable, holding all other variables at their mean values.

Holding constant political and social attitudes and affect toward national institutions, the demographic characteristics of individual survey respondents exercise very little direct effect on perceptions of federal power. Only two of the variables have coefficients that are statistically significant in any of the models. Gender is the most important of the demographic variables, with an effect that is significant at the 95% confidence level in 1988 and in the pooled model. Across all survey years, women are 4 percentage points less likely than men (p.223)

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Cell entries show the difference in predicted probability of agreeing that the government in Washington is too powerful associated with a shift from the minimum to the maximum value of each independent variable, holding all other variables at their mean values. Probabilities are based on estimates from probit models. Estimates are significant at *p < .05, **p < .01, ***p < .001.

Question wording: Some people are afraid the government in Washington is getting too powerful for the good of the country and the individual person. Others feel that the government in Washington is not getting too strong. Do you have an opinion on this, or not?

Source: American National Election Studies.
to perceive the federal government as too powerful, controlling for political attitudes. Education has a powerful effect in 2000 only, when college graduates were 25 percentage points less likely to express concern about national power than people who had completed grade school or less. That effect is not evident in other survey years or in the pooled model. Confirming the results of other recent studies, the effect of race on attitudes about federal power is not significant in any of these models, nor is region, age, or income. These variables may indirectly affect opinion about federal power through their influence on political orientation and assessments of political leaders, however, a possibility that will be explored in more detail later.

Political and social attitudes are more powerful in explaining opinion about federalism. The most important political predispositions are ideology and trust, which have large and highly significant effects in all years. In the pooled model, the most conservative respondents are 58 percentage points more likely than those furthest on the left to perceive the government in Washington as too strong, even with partisan orientation and other political attitudes held constant. The influence of ideology varies over time, and its importance reaches a peak at the close of the Clinton administration in 2000. Party identification is less important; its influence is restricted to 1980, when strong Republicans were 18 points more likely to express concern about government power than strong Democrats. In 1988 and 2000, partisanship does not exercise an independent effect on opinion about federalism. Generalized trust toward government makes it less likely that an individual will perceive the federal government as too strong. This relationship holds across all survey years but is least powerful in 1980, when perceptions of excess federal power were widely held. Consistent with the results on race, racial affect demonstrates no direct effect in any model, and moreover the direction of the relationship between racial affect and attitudes about federal power are counter to expectation.

Finally, the models estimate the relationship between Americans’ feelings toward national political institutions and their attitudes about national power. These contemporary assessments have less influence than long-held political beliefs, but opinion about the leadership in Washington helps to shape perceptions of the power of the federal government. In the pooled model, “warm” feelings toward each branch of federal government directly reduce the likelihood of
Federalism

perceiving federal power as excessive. A shift from 0 to 97 on the feeling thermometer score for the president or Congress is associated with a decline of approximately 16 percentage points in the likelihood of saying that the government in Washington is too strong. Affect toward the Supreme Court is somewhat more influential, with respondents who are most supportive of the Court being 20 points less likely to express concern about federal power.

These results offer evidence that public perceptions of federal power reflect both long-term, generalized attitudes toward the political system and more immediate assessments of national institutions. However, to the extent that Americans consider the performance of current political leaders when evaluating the state of federalism, they do not appear to respond directly to the efforts of those leaders to alter the balance of power between the national government and the states. If those efforts directly influenced attitudes about federalism, we should see stronger relationships between affect toward an institution and perception of national power subsequent to action by the institution. For example, if the Rehnquist Court's federalism revolution changed public perceptions of federal power, then people who view the Court in a positive light would be most likely to respond. We should see a relationship between esteem for the Court and concern about the strength of the national government—either a positive relationship if the Court's actions heightened concern about federal power or a negative relationship if the public felt that the Court's actions had solved the problem. In fact, affect toward the Supreme Court has its strongest relationship with perception of federal power prior to (p.225) the Rehnquist Court's initial decisions broadening state sovereignty. Moreover, warm feelings toward the president have no relationship with opinion about federal strength at the start and close of the Reagan administration, before and after a period of executive activity to address the size and scope of the federal government, but they do in 2000. Assessments of political leaders help shape opinion about the scope of federal authority, but not in response to the efforts of those leaders to change federal authority.

In sum, these results suggest that perceptions of the scope of national power have little connection to specific government activities—Court decisions or policy changes—that actually alter the reach of federal authority. Instead, these perceptions
are a product of relatively stable political and social beliefs. Holding other factors constant, the relationship between trust in government and satisfaction with federal power is strong. More variable opinions about specific institutions also play a role in explaining perceptions of federal authority, but not in a pattern that would indicate responsiveness to the actions of those institutions on issues related to federalism. Without panel data measuring individuals' perceptions of federal power over time, it is impossible to unravel the causal direction in many of these relationships. Moreover, with the exception of the model analyzing data from 2000, the overall fit of these models is fairly weak, with the pseudo-$R^2$ for each model falling between.09 and.25. However, the models do shed light on the role of political attitudes and affect toward political institutions in explaining public opinion regarding the scope of national power.

The Role of Race In Contemporary Public Opinion About Federalism

Given the importance of civil rights policy in structuring discussions about federalism over much of the twentieth century, it is worthwhile to consider more carefully the role of race in explaining contemporary attitudes about federal power. While the federal government and the Supreme Court were leading the way in protecting the rights of African Americans in the South during the 1950s and 1960s, advocating for the rights of states was viewed as a statement of racial intolerance. Indeed, Riker (1964) viewed racial considerations as so essential to the operation of federalism in the United States that it prompted him to question whether the costs of state autonomy might outweigh its many benefits. As he famously concluded his study of federalism, “[I]f in the United States one approves of Southern white racists, one should approve of American federalism. ... [I]f in the United States one disapproves of racism, one should disapprove of federalism” (155).

The analysis presented in the previous section suggests that the importance of race in shaping opinion about federalism has diminished with time. Opposition to a strong national government no longer seems to be equivalent to endorsement of Jim Crow laws or other discriminatory public policies.
African American respondents in the samples analyzed here were no less likely than respondents of other races to agree that the federal government is too powerful, regardless of whether they lived in the South or elsewhere. Respondents expressing more favorable opinion toward whites than blacks were no more likely to demonstrate concern about federal encroachment.

Is race no longer relevant in conversations about federalism? A few recent studies have indicated that race does not have a direct effect on differences in trust across levels of government (Hetherington & Nugent 2001) or opinion about the division of responsibilities between governments (Schneider & Jacoby 2003). But important differences might still exist between members of different racial groups or people with varying levels of racial prejudice because of the influence of racial considerations on intervening variables such as ideology or opinion about national leaders. These recent studies and the models presented earlier both estimate only the direct effects of race, holding constant political attitudes that develop after the determination of an individual's race. To fully understand how race structures contemporary public opinion about federalism, we must consider the indirect effects of race as it operates through intervening variables, as well as its direct effect on attitudes about federal power.

To measure the total effect of race on opinion about federal power, the following analysis employs a block recursive approach that estimates the effects of each set of variables described earlier in causal order. The data set for this analysis is the pooled ANES data from the 1980, 1988, and 2000 elections. The first regression in this model includes only a respondent's demographic characteristics, including race, residence in the South, and an interaction between them. This equation estimates the total effect of each characteristic on perceptions of federal power. The second equation adds in long-term political and social attitudes, and the third equation introduces affect toward national institutions. The complete equation including all three sets of variables measures the direct effect of each variable, and it produces the pooled sample results that appeared in Table 9.1.
Table 9.2 presents first differences in the predicted probability of agreeing that the government in Washington is too strong as each independent variable changes from its lowest to highest value, holding values of the other variables in the equation constant at their mean. The total effect of each variable appears in bold. Subtracting the direct effect that appears in the final column from the variable’s total effect produces an estimate of the indirect effect of that variable as it operates through intervening attitudes and/or assessments of political institutions.

The model indicates that race continues to play a role in opinion formation about federalism but racial prejudice does not. African Americans are 18 percentage points less likely to perceive the federal government as too strong, 20 points if they live in the South. The effect of race is mediated through intervening variables, however, primarily political ideology. Blacks tend to be more liberal and therefore more likely to support a strong and active national (p.227)


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Federalism

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**Affect toward Political Institutions**

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<td>Congress</td>
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<tr>
<td>Supreme Court</td>
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</table>

N: 2,101

Log likelihood: -1294.41, -1152.09, -1124.17

Pseudo $R^2$: .01, .12, .14

Cell entries show the difference in predicted probability of agreeing that the government in Washington is too powerful associated with a shift from the minimum to the maximum value of each independent variable, holding all other variables at their mean values. Probabilities are based on estimates from probit models using pooled data from the 1980, 1988, and 2000 ANES surveys. Estimates are significant at *$p < .05$, **$p < .01$, ***$p < .001$.

Question wording: see Table 9.1

government. Controlling for ideology and other political and social orientations, the effect of race declines for all respondents and loses significance among Southerners. African Americans in the rest of the country remain less critical of the strength of the federal government, even holding ideology constant, but the effect of race loses significance after introducing controls for attitudes about political institutions. The positive feelings that African Americans have for Congress and the Court mediate the effect of race on perceptions of federal power. Thus although race does not appear to have a direct influence on opinion about federalism, it is an important factor in the development of political attitudes that help explain opinion about the strength of Washington. The same does not hold true for racial prejudice. Riker’s (1964) assessment of the importance of racism in shaping opinion about federalism no longer seems (p.228) to hold true: using a simple measure of
Federalism

racial prejudice, the total effect of viewing whites more favorably than blacks is insignificant.23
Conclusion
As the size and scope of the federal government expanded over the latter half of the twentieth century, more Americans began to perceive federal power as excessive and to support a concept of federalism that favors concentrating power with the states. Within this long-term trend, opinion about federal power fluctuated periodically. The sharpest changes in opinion occurred after Watergate and after the September 11 attacks, but polling data provide some evidence to suggest that public opinion responded to real shifts in the balance of power between federal and state governments when those shifts received public attention. Americans reacted favorably to President Reagan's initial proposals for devolving federal power to the states, and over the course of the Reagan administration, perceptions that the federal government was too powerful declined markedly. A similar trend is not evident in response to the Rehnquist Court's federalism decisions, which received far less attention from Congress and the media.

Much remains unexplained by an account that focuses only on national political events, however. In this chapter, I have considered individual-level factors that contribute to the structure of public opinion on issues of federalism. In particular, I have compared the relative influence of long-held political attitudes and short-term assessments of national institutions. People's stable orientations toward government matter the most in explaining their assessment of federal government power; liberal ideology and high levels of political trust contribute to lower levels of concern about the strength of the government in Washington. Affect toward political institutions matters as well. Although the relationships between opinion about federal power and perceptions of each branch of government vary over time, overall the president, Congress, and the Court have nearly equal importance in helping to shape attitudes about federal power.

Thus the performance of the Supreme Court does have an influence on how Americans perceive issues of federalism, even if the public does not respond specifically to the Court's federalism decisions. And while public opinion about federalism is often inconsistent and weakly held, the Court appears to be in step with the general mood of Americans regarding the scope of federal power. When the public expressed little concern about the strength of the national
government, the Court largely deferred to Congress's efforts to expand its own authority. The Court then allowed the executive branch to take the lead in scaling back federal activity and devolving more policy responsibility to the states. Watergate interfered with President Nixon's efforts in this area, but the public responded favorably to the Reagan administration's devolution agenda, at least as originally conceived. The Court did not take its own action to rein in federal authority until the 1990s, when public concern about the power of the national government began to rise once more. It is unlikely that the Court took signals from public opinion as it reached into this complex area of constitutional law, but the Court nonetheless acted in a manner that was consistent with the latent views of the mass public.

At the time of this writing, it is unclear whether the Roberts Court will continue to use its power to protect the states from federal intrusions, return to the nationalist approach of Rehnquist's predecessors, or simply turn its attention to other constitutional matters. If it attempts to continue the legacy of the federalism revolution, its actions would probably receive the quiet consent of a public that supports the states.

Notes
I am grateful to Bill Draper for tracking down polling data on federalism and to Yphtach Lelkes for valuable research assistance. This chapter benefited from helpful comments by the editors.


(3.) College Savings Bank v. Florida Prepaid Postsecondary Education Expense Board (1999).


(5.) It is notable that in a political landscape littered with charges of judicial activism, the Court's leadership on federalism also did not prompt questions about whether the Court should be determining the allocation of powers between national and state governments. The Court itself questioned
that role in *Garcia*. The majority endorsed the political safeguards approach to federalism (Kramer 2000; Wechsler 1954) in arguing that the limitation on federal authority is the participation of states in the political process: “State sovereign interests ... are more properly protected by procedural safeguards inherent in the structure of the federal system than by judicially created limitations on federal power” (*Garcia v. SAMTA*). The pro-federalism majority on the Rehnquist Court clearly rejected that view.

(6.) Question wording: “Which theory of government do you favor—concentration of power in the federal government or concentration of power in state government?”

(7.) Not shown in the figure are results from a 1936 Gallup poll that posed the same question but apparently did not offer respondents a “no opinion” option. In that poll, Americans favored federal authority to state authority by 56% to 44%.

(8.) Question wording in 1995: “If responsibility for some domestic programs were shifted from the federal to state government, do you think the quality of the programs shifted to the state would get better, get worse, or stay about the same?” In 1986: “As some services and programs are shifted from the federal government to state and local governments, do you think the quality of those services and programs will get better, get worse, or will the quality of those services and programs stay about the same?”


**(p.230)**

(10.) Data from 1987 and 1992 were collected by the U.S. Advisory Commission on Intergovernmental Relations (ACIR), which ceased operations in 1996. Later surveys were conducted by Cole, Kincaid, and their colleagues (Cole & Kincaid 2000; Cole, Kincaid, & Parkin 2002; Cole, Kincaid, & Rodriguez 2004; Kincaid & Cole 2005) using the ACIR instrument. The question asked, “Overall, how much trust and confidence do you have in the federal government, your state
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(11.) Data from 1972, 1974, and 1976 are from an American National Election Studies (ANES) question asking, “We find that people differ in how much faith and confidence they have in various levels of government in this country. In your case, do you have more faith and confidence in the national government, the government of this state, or in the local government around here?” Data sources and question wording for the remaining years:

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(12.) Two methodological factors might contribute volatility to public opinion about the federal government. First, most of the questions that survey organizations have repeated over time require respondents to choose which level of government they trust the most or which does the best job. If these questions in fact measure approval of the federal government rather than independent assessments of each level of government, then states and local governments both become default categories. As support for the federal government declines, the esteem expressed for both states and localities rises, but the change for each is smaller as they share the respondents who do not favor Washington. Alternatively, if responses do reflect separate assessments of each government level, scores for the federal government should be most volatile because the object of assessment is constant across respondents. Opinion about the fifty states and thousands of localities should average out, based on the varied performance of those governments. A good year in Sacramento might produce high trust scores for state government from California respondents, while stalemate in Richmond prompts Virginians to lose confidence in their state leadership. In the national samples for the surveys discussed here, there is good reason to expect sharper
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(13.) Question wording: “Here are several statements that people critical of the government sometimes make. Just tell me whether, in general, you agree or disagree. The federal government is interfering too much in state and local matters. Do you agree or disagree?”

(14.) Question wording: “I’m going to read you a few statements some people have made about government. The federal government is interfering too much in state and local matters. Do you completely agree, mostly agree, mostly disagree, or completely disagree?”

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- CBS (CBS News/New York Times): “Think about the relationship between the states and the federal government. Does the federal government have too much power, do the states have too much power, or is the balance about right?”

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not? ... What is your feeling, do you think the government is getting too powerful or do you think the government is not getting too strong?”

• NORC (National Opinion Research Center), 1974: “Some people are afraid the government in Washington is getting too powerful for the good of the country and the individual person. Others feel that the government in Washington is not getting too strong for the good of the country. Have you been interested in this enough to favor one side over the other? ... What is your feeling, do you think the government is getting too powerful or do you think the government is not getting too strong?”

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• PEW (Pew Research Center): “The federal government is too powerful. Do you completely agree, mostly agree, mostly disagree, or completely disagree?”

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(17.) I rely on the liberal-conservative thermometer index rather than self-reported ideology because there is less missing data for the index variable. This is especially true for 2000, when the NES administered its traditional 7-point scale question on ideology to only half its respondents; the other half of the sample received a branching series of questions to measure ideology. The main results reported here are consistent using either the index or the 7-point scale.

(18.) The racial affect measure is a simple indicator of racial prejudice (Sears et al. 1997), but unlike some alternative measures, it avoids confounding the analysis by introducing
preferences about whether the government should act to ameliorate the effects of racial discrimination.

(19.) Four items comprise the trust index: (1) “How much of the time do you think you can trust the government in Washington to do what is right—just about always, most of the time or only some of the time?”; (2) “Would you say the government is pretty much run by a few big interests looking out for themselves or that it is run for the benefit of all the people?”; (3) “Do you think that people in the government waste a lot of money we pay in taxes, waste some of it, or don't waste very much of it?”; and (4) “Do you think that quite a few of the people running the government are crooked, not very many are, or do you think hardly any of them are crooked?” Scale reliability (Cronbach’s) for the index is .66.

(20.) Predicted probabilities are based on a probit model estimated using the CLARIFY routine in STATA (King, Tomz, & Wittenberg 2000; Tomz, Wittenberg, & King 2001).

(21.) In fact, Schneider and Jacoby (2003) produce the unexpected result that blacks in South Carolina are more likely to prefer state government leadership in a variety of policy areas.

(22.) For more detail on this approach, see chapter 10.

(23.) This result remains after introducing a fourth stage to the analysis and treating racial affect as causally prior to party identification, political ideology, and trust. Racial affect continues to have no effect.

References


Notes:


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(5.) It is notable that in a political landscape littered with charges of judicial activism, the Court's leadership on federalism also did not prompt questions about whether the Court should be determining the allocation of powers between national and state governments. The Court itself questioned that role in Garcia. The majority endorsed the political safeguards approach to federalism (Kramer 2000; Wechsler 1954) in arguing that the limitation on federal authority is the participation of states in the political process: “State sovereign interests ... are more properly protected by procedural safeguards inherent in the structure of the federal system than by judicially created limitations on federal power” (Garcia v. SAMTA). The pro-federalism majority on the Rehnquist Court clearly rejected that view.

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Federalism

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consistent using either the index or the 7-point scale.

(18.) The racial affect measure is a simple indicator of racial
prejudice (Sears et al. 1997), but unlike some alternative
measures, it avoids confounding the analysis by introducing
preferences about whether the government should act to
ameliorate the effects of racial discrimination.

(19.) Four items comprise the trust index: (1) “How much of
the time do you think you can trust the government in
Washington to do what is right—just about always, most of the
time or only some of the time?”; (2) “Would you say the
government is pretty much run by a few big interests looking
out for themselves or that it is run for the benefit of all the
people?”; (3) “Do you think that people in the government
waste a lot of money we pay in taxes, waste some of it, or don’t
waste very much of it?”; and (4) “Do you think that quite a few
of the people running the government are crooked, not very
many are, or do you think hardly any of them are crooked?”
Scale reliability (Cronbach’s ) for the index is.66.

(20.) Predicted probabilities are based on a probit model
estimated using the CLARIFY routine in STATA (King, Tomz, &
Wittenberg 2000; Tomz, Wittenberg, & King 2001).
(21.) In fact, Schneider and Jacoby (2003) produce the unexpected result that blacks in South Carolina are more likely to prefer state government leadership in a variety of policy areas.

(22.) For more detail on this approach, see chapter 10.

(23.) This result remains after introducing a fourth stage to the analysis and treating racial affect as causally prior to party identification, political ideology, and trust. Racial affect continues to have no effect.