

Federalism Salience and Federal Policy Support: Pre-Analysis Plan

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Abstract

The United States's federal system of government makes the level of government at which public policy is proposed an available objection for those who oppose the policy but feel they may be in the minority on its merits. Throughout history, this form of argumentation has been most notable in conservative opposition to civil rights – first for racial minorities, and more recently for LGBT citizens. However, while there has been some research regarding citizens' preferences for different policies at different levels of government, there has yet to be an experimental test of whether and, if so, for whom federalism is a potentially persuasive objection. Using a survey on a variety of public policies with varying ideological directions and degrees of racialization, manipulating whether federalism is made salient, I plan to test a series of hypotheses regarding the public's sensitivity to federalism as a policy consideration.

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Introduction

Debates over national policy in the United States frequently involved debates over whether the federal government is the proper level at which to implement particular programs. The United States government was set up under a principle in which powers were divided between national, state, and local governments, and citizens retain intuitions as to which level is appropriate for different sorts of public policy (Schneider and Jacoby 2013; Samples and Ekins 2014). However, the neutral principle of separation of powers between the federal government and the states in particular is often differentially applied in practice. As historians frequently point out (McRae 2018), those who have sought to preserve racial hierarchy and discrimination have often turned to justifications rooted in federalism to argue against the federal extension of civil rights to marginalized groups.

In general, there is not a wide range of literature on public opinion toward the principle of federalism. Furthermore, the political science scholarship that does exist on the subject has not engaged with historical accounts of how federalism has been articulated in the mass public. Political scientists have found that citizens view different levels of government to be responsible for different policy domains (Reeves 1987; Konisky 2011), and variation in these views are related to both citizens perceptions of competence at each level of government (Arceneaux 2005) and the actual allocation of policy responsibilities between levels of government (Schneider, Jacoby, and Lewis 2011). A separate strand in the literature has tracked in very general terms citizens attitudes toward national, state, and local governments in comparison (Cole and Kincaid 1999; Shaw and Reinhart 2001). However, none have yet tested the hypothesis that attitudes about group inequality – particularly racial inequality – moderate sensitivity to federalism as a policy consideration.

A handful of experimental studies test the causal role federalism considerations may play in overriding citizens baseline policy preferences. Federalism can be considered an *overriding consideration* when a citizen who is generally in favor of or opposed to a policy proposal moves from that position when the policy would involve the federal government implementing

it over the objection of state governments. To the extent to which this has been shown, it has been in limited policy domains. For instance, Kam and Mikos (2007) found that support for banning physician assisted suicide was lower when the ban was explicitly presented as being proposed at the national level.

This relatively sparse experimental literature on federalism as a public policy consideration invites further extensions. In particular, while the historical literature frequently describes federalism as a racialized consideration being strategically deployed as a colorblind argument in favor of racially discriminatory policies when overtly racist arguments would not be as persuasive. None of the experimental or observational work on public attitudes toward federalism tests for this possibility. Jacobs (2017), arguably the most comprehensive experimental work on federalism attitudes to date, finds generally null effects across a broader range of policy proposals when respondents were randomly assigned to evaluate them at either the national, state, or municipal level. However, Jacobs does not include racial attitudes as a possible moderator of sensitivity toward federalism. Moreover, while their experiment does include a wider variety of policy proposals than Kam and Mikos (2007), none of them point in an obviously conservative direction. This could reduce the likelihood of finding significant effects among conservative respondents who may be the most sensitive to federalism, as they are the most likely to oppose liberal policies in general. Finally, Jacobs (2017) manipulates the level of government at which policymaking would take place, which is not quite the same as manipulating whether federalism is a salient consideration relative to whether the policy is being considered in the abstract.

Given that opponents of equality for marginalized groups have at times leveraged arguments grounded in federalism to justify their opposition to legislation that would advance said equality, and that federalism can also exist as a justification independent from concerns rooted in the protection of established social hierarchy, it is important to examine when and for whom federalism is an overriding consideration across a broader range of issue areas than have been covered by the existing literature. And it is important to pay particular attention

to racial considerations as a possible moderator of attitudes regarding federalism.

As such, I plan on conducting a survey that asks respondents for their opinions on a variety of public policy proposals across a variety of issue dimensions that point in different ideological directions. Policy items will be asked two ways: whether the respondent thinks that things would, in general, be better if the policy were enacted; and how the respondent thinks the federal government should handle the policy. The result will be estimates of how opinions vary when public policy is proposed in general terms versus when respondents are forced to consider policy in terms of action on the part of the federal government.

Survey Design and Hypotheses

Participants will be recruited via Lucid, an online survey research firm. We will recruit 1,500 participants for the study, which will include a consent form on the first page.

Each wave in the survey will ask participants whether they support or oppose each of the following policies:

- Raising the minimum wage to \$12 per hour
- Legalizing marijuana for recreational use
- Requiring photo identification in order to vote
- Prohibiting discrimination on the basis of sexual orientation or gender identity in housing, employment, and public accommodation
- Requiring applicants for public assistance programs to pass a drug test in order to qualify for them
- Teaching religious alternatives to the theory of evolution in public school biology classes
- Raising fuel efficiency standards for all motor vehicles
- Banning abortion except in the cases of rape, incest, or if the health of the mother is at risk
- Prohibiting the sale of high-capacity magazines for semi-automatic weapons
- Prohibiting colleges from considering applicants race in their admissions policies

Some of these proposals would move policy in a liberal direction, while others would move policy in a conservative direction. Additionally, some of the conservative policy proposals are racialized (affirmative action, e.g.) while others are not (teaching religious alternatives to evolution, e.g.). Each policy will be asked to ways. In one block, the respondent will report whether they agree or disagree that “In general, things would be better if...” the policy were enacted. In the other block, the respondent will report how they think the federal government should handle the policy – prevent states and local governments from enacting it, allow states and local governments to enact it, or enact the policy nationwide. The order in which these blocks are asked will be randomized, and respondents will answer a series of distractor batteries (relating to economic distress, need for cognition, need for affect, and social desirability) in between.

After answering all policy and distractor batteries, respondents will then be asked a series of additional items, including:

- Whether the federal government has mostly intervened in state affairs to protect the civil rights of marginalized groups, or to unnecessarily exert its influence.
- Opinions regarding the cause of the Civil War (whether the Confederate States of America seceded to preserve “slavery” or “states’ rights”).
- The FIRE battery of racial attitudes questions (DeSante and Smith 2017).
- Whether the United Nations generally makes life better or worse for U.S. citizens.
- Whether respondents would support a constitutional amendment requiring a two-thirds majority of state governments to approve of international treaties in order for them to be ratified.
- Whether it is more important to have a strong military deterrent or to work out international disagreements diplomatically.
- What the respondent thinks about common normative claims for and against the federal system of government (open-ended).

Lucid has demographic information for their panelists, but there are also a handful of demographic items they do not have available (such as ideological identity, geographic context, and importance of religion) that I will include as well.

Taken together, this survey experiment will allow me to test the following hypotheses:

- **Hypothesis 1:** For each policy, general support will be higher than support for federal implementation. For some people, federalism is an overriding consideration.
- **Hypothesis 2:** For policies that are racialized, racial attitudes will predict sensitivity to federalism.

In plain English, I expect that for any given policy, there will be some subset of respondents who support it in general, but are not willing to use the federal government to carry out their policy preference (H1). And furthermore, I expect that *who* falls into this subset of respondents will depend on the content of the issue – particularly its degree of racialization (H2). In some contexts, federalism is linked with racial considerations; in other contexts, it is not, but this variation should be systematic and based on the degree to which the issues are racialized in public discourse. There should be an interactive relationship between racial attitudes, the salience of federalism, and policy support.

If federalism is a purely overriding consideration, the difference in policy support between the treatment and control condition will not be related to respondents' racial attitudes or whether the policies are themselves racialized. While I certainly expect this to be true for some respondents (H1), I also expect federalism to be a racialized consideration for some respondents some of the time (H2).

Quality Control

Responses will be checked both for repetitive response patterns and implausibly fast response times, and such responses will be removed prior to analysis.

In order to check that my distractor items were sufficient to guard against order effects, I will check for differences in mean responses across policy blocks depending on the order in which blocks were presented.

Outcomes of Interest and Planned Analyses

In all cases, the variables that generate outcomes are measures of policy support. One is on a scale from -2 to 2, with -2 being strongly disagree and 2 being strongly agree, regarding whether the respondent thinks things would generally be better if a particular public policy proposal were enacted? The second is on a scale from -1 to 1, with -1 being federal prohibition, 1 being federal enactment, and 0 being state/local discretion.

While these scales are not directly comparable, within-subject responses can be combined into a measure of conditional policy preference. A respondent who somewhat or strongly disagrees (agrees) that things would be better if a policy were enacted *and* supports having the federal government prohibit (enact) the policy nationally would be seen as taking an unconditional position against (in favor of) the policy. A respondent who somewhat or strongly disagrees (agrees) that things would be better if a policy were enacted *but does not* support having the federal government prohibit (enact) the policy nationally would be seen as taking a conditional position against (in favor of) the policy. Finally, a respondent who neither agrees nor disagrees that things would be better if a policy were enacted would be seen as taking a neutral position.

Testing H1 is relatively straightforward. For each policy, I will measure the proportion of the sample that takes conditional positions – for the policy in general but opposing federal implementation, or against the policy in general but opposing federal prohibition.

Analyses that test H2 can proceed in two different ways. First, for each policy, I can simply model policy preference in the federal government block as a function of policy preference in the general block, racial attitudes, and demographic controls. Second, for each policy, I can model whether the respondent is unconditionally for or against, conditionally for or against, or neutral toward the policy – as defined by the combination of preferences in the two policy blocks – as a function of racial attitudes and demographic controls.

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