Does Federalism Matter?
Political Choice in a Federal Republic

Susan Rose-Ackerman
Yale University

This paper builds upon some well-known facts about state government to generate new conclusions about social choice on the national level of a federal republic. Citizens vote against national laws that restrict their state's ability to export costs but support laws that reduce the costs imposed on them. Individuals may seek to extend the laws passed in some states to the entire nation or may oppose preemptive laws because they benefit from variety. Since these motivations are absent in a unitary system, national support for a law will depend upon whether a unitary or a federal structure prevails.

I. Introduction

This paper builds upon some well-known facts about state government to generate new conclusions about social choice on the national level of a federal republic. The central feature of state government behavior I shall exploit is the incentive each state has to improve its own position by imposing costs on the residents of other states. This search for local advantage takes many forms. On the one hand, states may impose taxes and regulations which are borne by out-of-state residents; on the other hand, they may try to attract investment from other states by providing tax breaks and special public services.¹

¹These incentives are stressed by Walker (1969, p. 890) and Posner (1977, chap. 26). McLure (1967) estimates that about one-quarter of all state taxes are exported. Externalities such as air and water pollution are emphasized by Breton (1965), Olson (1969), Tullock (1969), Rothenberg (1970), and Oates (1972). These authors discuss how a federal system can trade off interjurisdictional variety against the internalization of externalities through boundary definition, the assignment of functions to levels of government, and intergovernmental grants.
Whatever their particular character, these interstate spill-ins and spill-outs can alter the substance of national legislation. Citizens will vote against laws that restrict their state’s ability to export costs but will support laws that reduce the costs imposed on them by their own and other states’ choices. Since these strategic motivations are absent in a unitary system, national support for particular laws will depend upon whether a unitary or a federal structure prevails.

Despite its potential importance, the impact of federalism on the strategic position of voters has been largely ignored by social scientists. In his excellent review of the literature, for example, William Riker (1975) argues that federalism has no important influence on substantive national outcomes, suggesting that it does no more than delay the passage of national legislation opposed by a substantial minority of state legislatures.\(^2\) Although Riker’s conclusion is partly an empirical proposition, it is also based on an implicit model of how government systems behave. Riker argues (1975, pp. 155–56) that the underlying distribution of tastes in the population determines political outcomes. Since federalism per se has no impact on tastes, it will not, therefore, affect national political choices in the long run. The present paper challenges these theoretical underpinnings.

Since I am concerned not with an exhaustive taxonomy but with the relationship between political power and political structure, I concentrate on simple models. The system I discuss has only two “layers”—national and state.\(^3\) States have fixed boundaries and cover the nation’s entire geographical area so that every citizen lives in only one state. I will contrast the legislative choices of a unitary government with those of a “hierarchical” federal system where higher-level governments can always preempt the legislative choices of lower-level governments. If the superior government has taken no affirmative action, however, the statutes of inferior governments are binding.\(^4\) I

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\(^2\) Riker (1975) proposes an imaginary experiment in which matched pairs of unitary and federal systems are examined to discover if there are important public policy differences. He hypothesizes that public policy within each pair will be “remarkably similar regardless of federalism” (p. 144). Furthermore, he argues that in the United States federalism delayed national regulation of business (p. 154) and helped perpetuate racist acts (pp. 154–56) but had no long-run impact on the character of national legislation.

\(^3\) For an attempt to justify a three-layered system, see Ylvisaker (1959). With the exception of Wechsler (1963), Posner (1977), and Winter (1977), legal commentators have all but ignored the issues discussed in this paper and have instead concentrated on the relationship between state and federal courts. For a recent article in this tradition, see Cover and Aleinikoff (1977).

\(^4\) This model should be contrasted with others which have a strict division of functions between high- and low-level governments. For example, see Wheare (1953, pp. 32–33). Recently, concern for a strict division of authority has given way to scholarship which recognizes the importance of interactions between levels of government. See, for example, Grodzins (1960, 1966) and Elazar (1962).
assume that both state and national governments are direct democracies where the only political actors are individuals and where all decisions are made by majority vote. Political issues are separable and well defined, and they appear to voters as simple dichotomous choices between maintenance of the status quo and a change. The analysis concentrates on legislative choices. I do not discuss administrative or judicial issues or the possibility that the national government will seek to administer programs through state government agencies.

Section II shows that federalism “matters” in a political system where capital can move but people cannot. Section III considers the impact of permitting interstate migration of voters, and Section IV shows that federalism can matter even in the long run when states respond to the legislative choices of other states.

II. Federalism Does Matter

The major difference between a unitary system and a hierarchical federal structure is the characterization of the status quo. Let y = the status quo in a unitary system, and let x = a proposed, exogenously defined, legislative change. Suppose, for example, that in the status quo casino gambling is illegal. The federal government, however, proposes to make such gambling legal and to levy a tax on the profits.

In a hierarchical federal system, some states have passed legislation that is similar to x. Others have a status quo that is similar to y. Let us call the former x-type states and the latter y-type states. Continuing the example, x-type states permit casino gambling and levy a tax on earnings, while casino gambling is illegal in y-type states. Assume that if all states are x-type states, then the state laws taken together would have the same impact as x. Similarly, assume that if no states have passed the x-type law, the status quo is the same as in a unitary system. Thus, in my example the state gambling laws are duplicates of x and y, respectively. This assumption is not essential to the analysis, but it simplifies the exposition considerably.

Because of interstate spillovers of costs and benefits, individuals' preferences over x and y will not necessarily be the same as their preferences for alternative state legal regimes. In the gambling example, some people may favor a statewide gambling law and vote

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5 These assumptions permit me to look at the vote on a single issue and to avoid voting cycles in which majority rule does not produce a determinant outcome (Sen 1970, p. 38). The actual relationship between state statutes and federal law in the same area is, of course, considerably more complex. In reality, the relationship is seldom obvious and federal courts are frequently called upon to sort out the overlapping authority of state and federal statutes (see Tribe 1978, pp. 378–86).
against $x$ at the national level. A state’s residents gain when out-of-staters come to gamble and consume tourist services. The state would lose this advantage if gambling were legal in every state. In a unitary system, however, these same individuals might favor $x$ over $y$ since they would have no special advantage to protect.

A voter’s preference for $x$ over a system with a variety of state laws will often depend upon the number and location of $x$-type states. The economic advantages of permitting gambling in one’s state of residence are larger the smaller the number of other states which also permit gambling. The benefits are also higher the more geographically distant are the other jurisdictions with legalized gambling. Let $g_i = z_i$ if state $i$ has passed an $x$-type law, $g_i = w_i$ if state $i$ is a $y$-type state, and let $H = \text{total number of states}$. Then, the status quo in a federal system is a vector $G = (g_1, \ldots, g_i, \ldots, g_H)$ where $g_i = z_i$ or $w_i$.

Thus we can summarize the situation of those living in $x$-type states as $z(G)$ and the situation of those in $y$-type states as $w(G)$.

In this portion of the analysis, I assume that migration across state lines is impossible, so that the only way individuals can affect the legal regime under which they live is to vote for new state or federal laws. Capital, however, is free to move between jurisdictions. Given these assumptions, we can now compare the way voters with different preferences will cast their ballots in federal and unitary republics. Turning first to a unitary system, individual preferences can be straightforwardly translated in a social choice. Law $x$ passes if and only if:

$$N(xRy) > N(yRx), \quad (1)$$

where $R$ is the binary relation of “weak preference” (“at least as good as”). Then $N(aRb)$ is the number of people for whom $aRb$ where $R_j$ is the weak preference relation for individual $j$ and $R_j$ is reflexive, transitive, and complete.\(^6\)

In a hierarchical federal system, under the assumption that only the current level of $G$ is relevant, $x$ passes at the national level if and only if:

$$N_1[xR_z(G)] + N_2[xR_w(G)] \geq N_1[z(G)Rx] + N_2[w(G)Rx], \quad (2)$$

where $N_1(aRb)$ is the number of people living in $x$-type states for whom $aRb$ and $N_2(aRb)$ is the number of people living in $y$-type states for whom $aRb$.

Expressions (1) and (2) need not yield the same results. Individuals who would prefer $x$ to $y$ need not also prefer $x$ to $z(G)$ or $w(G)$. If a

\(^6\) In Sen’s terminology (1970, p. 9), $R_j$ is an ordering. The notation in (1) follows Sen (1970, p. 71).
state is able to export the costs of a program, then its citizens are likely to oppose preemptive federal laws even though they favor x-type legislation in their own state and would favor x over y in a unitary system. Similarly, if citizens can benefit from the legislative initiatives of other states then they may vote against x although they have xRy with a unitary government. The gambling example falls in the first category. Public health or pollution control laws in neighboring states may produce the second voting pattern. In fact, individual preferences may produce any of the possible rankings of x, y, and z(G) and x, y, and w(G); and one can thus divide the population into groups depending upon their preferences and the states in which they live. For a given G, let A(G) = set of people in x-type states and let B(G) = everyone else.

People living in x-type states have xRz(G) or (G)Rx or both. Those in set B(G) have xRw(G) or w(G)Rx or both. In a unitary system voters have xRy or yRy or both. Table 1 is a matrix of the possible taste combinations. The entries in the matrix are the sets of people in each taste class. Thus \( A(G) = A_1(G) \cup A_2(G) \cup A_3(G) \cup A_4(G) \) and \( B(G) = B_1(G) \cup B_2(G) \cup B_3(G) \cup B_4(G) \). In expression (1), \( N(xRy) = N(A_1 \cup A_3 \cup B_1 \cup B_3) \). In expression (2), \( N_1[xRz(G)] = N_1(A_1 \cup A_2) \) and \( N_2[xRw(G)] = N_2(B_1 \cup B_2) \). Thus given G, the vote for x in a unitary system, \( N(xRy) \), is greater than, equal to, or less than the vote in a hierarchical system, \( N_1[xRz(G)] + N_2[xRw(G)] \), as:

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N(A_3 \cup B_3) \leq N(A_2 \cup B_2). \quad (3)
\]

Expression (3) shows that federalism “matters.” The size of the vote in favor of the national law may be higher or lower in a hierarchical federal system than in a unitary system. A law which passes in one system may be defeated in another. The practical importance of this result, however, depends upon whether sets \( A_3, B_3 \) and \( A_2, B_2 \) represent common preference configurations. Sets \( A_3 \) and \( B_3 \) include indi-

\[7\] The symbol \( \cup \) stands for the union of sets, i.e., the set of people belonging to either set.
voters. The possibility of migration has implications for national programs which seek to redistribute income from high-income to low-income families. Economic analyses of multiple government systems (e.g., Olson 1969; Oates 1972) conclude that interjurisdictional mobility

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8 It also, of course, includes those who are indifferent between any of these alternatives. Only people who are indifferent to all three alternatives are in both \( A_2 \) and \( A_3 \) or in both \( B_2 \) and \( B_3 \).
makes serious redistribution impossible at the state level. Progressive
tax and spending policies must be carried out by preemptive laws at
the national level. Interstate migration, however, also lowers the
prospects for passage of national redistributive laws. If voters are
mobile, support for a national preemptive law which redistributes
income from the rich to the poor may be less than the support such
legislation would obtain in a unitary system or in a federal system with
no migration. Many who would support a particular progressive tax
and spending program in a unitary system may oppose it in hierarchi-
cal federalism if the law preempts state “beggar-my-neighbor” laws
which benefit these citizens. Selfishness will dominate altruism if the
opportunity cost of altruism is too high.

IV. Does Federalism Matter in the Long Run?
The result in (3) applies when the number of x-type and y-type states
is held constant (i.e., for a given G). One student of federalism (Riker
1975), however, argues that in the long run a federal system and a
unitary one will converge to the same pattern of national laws. The
view that federalism does not matter in the long run is based either on
a hypothesis about how tastes change over time\(^9\) or on a model that
makes particular assumptions about the way votes change in response
to new information and new circumstances (i.e., changes in G). The
cases where federalism does not matter are contingent upon these
assumptions. This section shows that it is possible to impose other
plausible conditions on tastes, opportunities, and government struc-
ture and produce an equilibrium where x- and y-type states coexist in
spite of majority support for x over y.

My analysis of state legislative choices challenges the idea that states
are “lighthouses” that show the way to the federal government by
enacting innovative laws. In my model, a law may spread to many
states, not because it has been “tested” and found useful,\(^10\) but rather

\(^9\) Riker’s argument turns on the overriding importance of individual tastes in deter-
mining political outcomes. He uses the example of white racism. “As long as whites
strongly prefer racist institutions, one can expect institutions to be racist regardless of
whether the country is federal or unitary. But when the preference for racist institu-
tions weakens, then federalism helps racism by rendering difficult the enforcement of
an anti-racist policy on the minority of white racists. So we can say that the beneficiaries
of federalism get only marginal benefits on policy, but marginal or not, they are
undoubtedly real” (1975, p. 156).

that early adopters of laws are progressive. He calls them “pioneers” (1969, p. 881). A
glance at Walker’s list of laws should warn anyone against this inference. Many involve
the licensing of occupations such as barbers or real estate brokers. Others simply
mandate the establishment of state agencies, many of which are required as a condition
for receiving federal grants. For a different perspective on the same issue which
emphasizes politicians’ incentives to take risks, see Rose-Ackerman (1980).
because voters in y-type states want to avoid damage at the expense of others. Similarly, a national law may eventually pass in a federal system, not because a new initiative has been tested in the states, but rather because voters want to override the costs of spillovers and inconsistent laws.

Since a fully general analysis would be difficult to interpret, I concentrate on three special cases that capture the essential features of many actual situations. In these examples, I assume that tastes do not change over time, that voters have similar initial information, and that benefits that spill over to people in one group of states are costs to people in the other. In case 1, voters in x-type states receive positive spill-ins from out-of-state residents, and voters in y-type states bear costs. In case 2, voters in x-type states receive negative spill-ins from y-type states, and voters in y-type states benefit at the others’ expense. Finally, in case 3, voters’ beliefs in “states’ rights” may conflict with their substantive position on other issues.

Case 1: Positive Spill-ins to x-Type States

Examples of case 1 are casino gambling or state-run lotteries in states where voters are concerned only with tax revenues and jobs. Taxes imposed on products sold to out-of-state consumers also fall into case 1. In these situations, $A_2$ and $B_3$ are empty sets. Thus (3) becomes $N(A_3) \equiv N(B_2)$.

Since an x-type law leads to positive spill-ins, it is plausible to suppose that over time more and more states pass x-type laws (i.e., the set $G$ changes). A few states institute lotteries, for example, and eventually many more follow their example. If this happens, people in set $B$ now join set $A$. Many who favored a national lottery (i.e., those in $B_1$ and $B_2$) may now oppose it as a way of preserving their newly acquired positive spillovers (i.e., they move to $A_3$ and $A_4$, respectively).

As more states pass x-type laws, however, the level of net positive spillovers to each x-type state falls. In the case of casino gambling and lotteries, a state’s consumers are less likely to gamble in other states if their own state has an x-type law. In addition, negative spillovers to y-type states increase as more and more states export costs to them. The decline in net benefits and the increase in net costs as $G$ changes

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*11* Voters in $A_2$ favor preemption but oppose x in a unitary system. Voters in $B_3$ oppose preemption but favor policy x in a unitary system. Both of these preference patterns seem to be implausible if x-type states benefit at the expense of y-type states. This case would not hold if some people think that gambling brings costs (i.e., crowds, corruption).

*12* Similarly, tax incentives to encourage industry to locate in a jurisdiction provide few benefits to taxpayers if most states provide equivalent incentives. For an attempt to show the costs of interstate competition for business investment, see Jacobs (1979).
will raise the vote for a national preemptive law in individual $x$- and $y$-type states. Thus, a federal structure generates two influences that operate in opposite directions. A person whose state institutes a lottery is more likely to oppose federal preemption. However, as the number of states with lotteries increases, the benefits of multiplicity fall. If the first factor dominates the second, federalism will continue to matter even in the long run.

Case 2: Positive Spillovers to $y$-Type States

Examples of case 2 are minimum wage laws\textsuperscript{13} or fair labor statutes that increase job opportunities in states without such laws and state pollution control laws where water and air cross state lines. Since in case 2 federalism permits $y$-type states to gain at the expense of $x$-type states, $A_3$ and $B_2$ are implausible preference patterns. Thus (3) becomes $N(B_3) \equiv N(A_2)$.

The majority of voters in $x$-type states have decided that, in spite of the costs, the law is worth having. Suppose that as time passes, voters in $y$-type states learn from the experience of those who have $x$-type (e.g., minimum wage) laws. If the benefits are greater than expected, then eventually more states pass minimum wage laws. People whose states enact such laws are now more likely to favor federal preemption. They no longer obtain the benefits of spillovers from other states, and they might like to prevent other states from benefiting at their expense. However, as the number of $x$-type states increases ($G$ changes), the costs imposed on each $x$-type state fall and the benefits to each $y$-type state rise. This shift in costs and benefits should reduce support for a preemptive law in individual $x$- and $y$-type states. If the second (change in $G$) effect outweighs the first (change from $B$ to $A$) effect, a national minimum wage law may not pass in a federal system even though many states have passed their own laws and $N(xRy) > N(yRx)$. Historical research, however, has stressed the cases where state initiatives led eventually to a federal statute,\textsuperscript{14} leaving unanalyzed the many situations where the adoption of a law by many states has not been followed by a preemptive federal initiative.\textsuperscript{15}

\textsuperscript{13} Riker (1964, p. 146) uses the example of minimum wage laws that differ across states: “There is then much likelihood of capital flow from the high-wage localities to the low-wage localities for all those industries in which labor represents a high proportion of the cost. Aside from the imposition of a nationally uniform minimum wage, the only way that high-wage localities may counter this capital flow is by reducing the minimum wage level.”

\textsuperscript{14} See Fine (1956, pp. 353–85), who discusses the examples of antitrust laws, pure food and drug laws, protective labor legislation, social security, and welfare.

\textsuperscript{15} Many of the laws studied by Walker (1969) have spread across many states but have never been adopted nationally. It is possible that some of these statutes might have majority support in a unitary system.
**Case 3: States’ Rights**

In this case, some people put their belief in states’ rights above their position on $x$ (e.g., the abolition of slavery) and are in $A_3$ and $B_3$. Thus, no one favors imposing $x$ on all states if they also oppose $x$ in a unitary system (i.e., $A_2$ and $B_2$ are empty sets). Therefore, (3) becomes $N(A_3 \cup B_3) > 0$.

The vote for $x$ in a federal system is certain to be less than the vote in a unitary system, and federalism may continue to matter so long as preferences remain constant. Assume, however, that people with a substantive preference for $x$ over $y$ favor states’ rights only if the results of independent state choices are not too far away from their position on $x$. Then, it is easy to tell a simple story where an unanticipated change leads to convergence of a federal and a unitary system. If the number of $y$-type states (e.g., slave states) increases exogenously, people who are opposed to slavery may now choose federal preemption over states’ rights (i.e., some of those in $A_3$ and $B_3$ move to $A_1$ and $B_1$). Therefore, $x$ may now pass at the national level. An exogenous change that seemed to favor $y$ leads in fact to its repudiation by the nation. Thus, it may not be necessary to assume a growth in Northern antislavery sentiment to explain the evolution of pre–Civil War politics. As slavery spread across the South after the invention of the cotton gin, even people whose antipathy to slavery was constant might have supported a national policy of abolition if they thought that more and more states would permit slavery (i.e., they might shift from

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16 For symmetry, we could include a fourth case that appears to be of less empirical importance. In this final case, people believe in uniformity or in a strong central government and are willing to support a national law even when they would oppose the law in a unitary system. Thus, $A_3$ and $B_3$ are empty sets, (3) becomes $0 < N(A_2 \cup B_2)$, and the vote for $x$ is always larger in a federal system than in a unitary system. If $y$ is a status quo which permits the private market to operate with a minimum of government interference, then case 4 is illustrated by business managers who favor laissez-faire (yRx) but if faced with a mixture of differing state laws would rather have a uniform federal regulatory statute because it permits them to reduce costs. Employers who sell their products in many states often fit this preference pattern. They would rather not be regulated at all, but being regulated in some states is worse than a uniform national standard. For example, sellers of bottled mineral water are beginning to face a variety of labeling laws enacted by different states. According to Business Week: “Most bottlers say they would not oppose reasonable, uniform regulations. . . . Industry executives shudder at the prospect of trying to comply with rules that could vary widely among states” (“Mineral Water Could Drown in Regulation,” Business Week [June 11, 1979]). State trucking regulations are sometimes inconsistent and costly for truckers. Thus, state regulations of the mudguards required on interstate trucks were inconsistent, and an Illinois law was overturned by the Supreme Court as interfering with interstate commerce (Bibb v. Navajo Freight Lines, Inc., 359 U.S. 520 [1959], discussed in Tribe [1978, p. 339]). Similarly, the Supreme Court ruled that Wisconsin’s prohibition against twin trailers on interstate highways was an unconstitutional interference with interstate commerce (“Breaking a Bottleneck in Long-Haul Trucking,” Business Week [March 7, 1978]).
When slavery looked as if it might expand into the western states, people who had favored a federal solution might begin to support abolition.\footnote{Potter (1976), in a history of the period from 1848 to 1861, stresses the difficult trade-offs faced by many people. He writes that "the problem for Americans, who, in the age of Lincoln, wanted slaves to be free was not simply that Southerners wanted the opposite, but that they themselves cherished a conflicting value: they wanted the Constitution, which protected slavery to be honored, and the Union, which was a fellowship with slaveholders to be preserved" (pp. 44–45). The Northern public "placed their antislavery feelings in a context of state action, accepting personal responsibility for slavery within their own particular states" (p. 46). In contrasting the position of Stephen Douglas in 1854 with that of his opponents, Potter shows how these trade-offs were resolved in different people. "Douglas was a vigorous believer in the democratic principle of local autonomy, but his opponents were equally vigorous believers in the moral primacy of freedom. . . . Douglas cared more about the Union than about the eradication of slavery and would never push the slavery issue to a point where it imposed too much strain upon the Union. Many antislavery men thought the Union hardly worth preserving so long as it had slavery in it" (pp. 172–73).}

V. Conclusions

Political economists have generally recognized that realistic political systems must include some interjurisdictional spillovers as a cost of providing citizens with a choice of public service levels. Intergovernmental grants may reduce these interjurisdictional costs (Breton 1965) but will not eliminate them. Because both the dispersion of tastes across the population and the level of externalities differ for different public services, some analysts have argued that a federal system is the best way to accommodate these conflicting tendencies (e.g., Oates 1972). In making this recommendation, however, these authors fail to make clear an important idealization inherent in their analysis. They assume that it is possible to assign functions unambiguously to levels of governments so that constitutional structure only has an impact on spillovers and on the position of minorities. In fact, it will often be impossible to assign responsibilities neatly to a particular political level. Indeed, this overlap is the characteristic feature of contemporary "cooperative" federalism. Given this fact, the present paper has shown that, when authority is divided, the choices of lower-level governments can have important consequences for the decisions of higher-level governments. Even when the central government has the power to preempt state and local laws, its democratic choices will depend upon the strategic position of citizens living under alternative state legal regimes. The essential difference between a hierarchical federalism and a unitary system is the difference in the status quo. This difference affects the vote on national legislation and the bargaining power of individuals. Individuals may vote against the extension of a state law to the nation as a whole even though they
would favor the law in a system with only one government. They may wish to extend a state law to all citizens although they would oppose the law in a unitary system.

The analysis suggests a promising area for future empirical research. Congressional votes on particular issues might be associated with existing state laws, and the timing of federal passage of laws in several areas could be related to the patterns of state adoptions of similar laws. Empirical work is also needed on specific policy areas. For example, one might study the impact of local power over schools on state and federal education policy or see how federal efforts to reduce poverty have been conditioned by prior state and local efforts.

My discussion of federalism also suggests that, at the point of constitutional choice, people are more likely to support a federal system with strong lower-level governments, the fewer the strategic possibilities open to individual states. Strong low-level governments will be attractive if people are grouped geographically by their taste for public services and if it is difficult to impose costs on other jurisdictions. This implies that many people would support constitutional constraints on state governments that limit the states’ strategic behavior while retaining many of the benefits of variety and experimentation. I would also expect that, if interjurisdictional migration is possible, then those who favor aid to currently disadvantaged groups at the expense of mobile capital and labor resources will favor a strong central government. It is a commonplace in economic analyses of federalism to note that low-level governments cannot carry out redistributive policies (e.g., Oates 1972). My point, however, goes beyond this conclusion to the observation that if states try to gain at the expense of other states, then interstate redistribution can occur that bears little relation to anyone’s notion of social justice and may end up making all households worse off. The end result depends upon each state’s strategic position, that is, its ability to export taxes and import benefits.

References


18 McLure (1967, p. 72), in a study of the export of state taxes, recognizes that “states with the largest export rates can be expected to favor state or local assumption of governmental activities while those with low export rates might reasonably favor federal action.”

19 Thus, Dye (1973, p. 62) writes that “urban interests, low-income groups, blacks, ethnic groups and labor organizations frequently turn to the national government for help. States’ rights arguments have little appeal to those groups, which are important in the national electorate, but do not constitute majorities in the large number of sparsely settled states.”
