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COVID-19 in the Age of American Federalism

Since the birth of our nation, the Founding Fathers had a crystal clear idea of what they envisioned our country to be. Fearing that the newly formed country would resemble what many disliked of Britain, they opted for the creation of a federalist government after the Articles of Confederation failed to solidify the country. A government in which the separation of powers was embedded in the core values of the nation. With those ideas in mind, many hoped the different levels of government would work with one another and attend their mandated duties. Since then, several things have occurred and federalism has evolved into different stages. Most recently, due to the ongoing Coronavirus (COVID-19) pandemic, efforts among federal and state governments have been more noticeable than ever. In this essay, I plan to address how the current pandemic has affected federalism in modern America. It is also my intent to highlight the ways states have stepped up in the noticeable absence of the federal government. Moreover, I will also examine whether the virus has forced the country to establish itself in a new stage of federalism.

To begin, let's start by defining federalism and its many stages. Federalism is described as a political system in which "national and regional governments share powers and are considered independent equals" (Smith and Greenblatt, 23). From 1789 to 1933, we saw the surge in dual federalism. This stage means that state and federal governments have separate and

different jurisdictions and responsibilities. Simply put, this means that within this sphere of authority, “each level of government is sovereign and free to operate without interference from the other” (Smith and Greenblatt, 34). Kevin B. Smith and Alan Greenblatt, the authors of *Governing: State and Localities*, state that dual federalism represents what the Founders envisioned for the country. It is the middle ground among governments. Personally, I like to think of dual federalism in the context of a classic Latinx dessert: tres leches. The dessert has two to three different layers and not one of them touches one another. Each layer has a strong consistency in it of itself. Furthermore, dual federalism champions states’ rights. It allows states (with the provisions found in the Tenth Amendment) to freely govern within their borders. In regards to states stepping up during the pandemic, this has been more evident than ever. When the Trump administration has turned blind, several states jumped to fight the virus head-on. The second stage of federalism is cooperative federalism (1933-1964). This stage is described as the notion that it is nearly impossible for state and local governments to “have separate and distinct jurisdictions and that both levels of government must work together” (Smith and Greenblatt, 36). This stage is best described as a marble cake. Here, we see nearly all levels of government working and getting along with one another; all layers blend and sort of becoming one big mix.

The third stage of federalism is centralized federalism. This stage happened from 1964 to 1980. It’s described as a time in which the federal government should take “the leading role in setting national policy, with state and local governments helping implement policies” (Smith and Greenblatt, 38). Centralized federalism is visualized as a picket fence, meaning that in this stage, all levels of government can address issues (such as education, healthcare, and welfare) simultaneously. Moreover, this stage is relatively important for states because it revolves around

money, more specifically, federal grants-in-aid. Simply put, these grants are money given by the federal government to the states to implement national initiatives. President Lyndon B. Johnson utilized these grants to help implement many national initiatives, such as the War on Poverty (Smith and Greenblatt, 38). The following stage is called new federalism and it occurred from 1980 to 2002. Smith and Greenblatt describe it as the belief that states should “receive more power and authority and less money from the federal government” (39). This stage highlights the fears of states’ rights advocates, who viewed “the growing influence of the national government with alarm” (Smith and Greenblatt, 39). President Ronald Reagan was a fan of this concept and pushed to reverse the course of centralized federalism. President Reagan believed that the federal government had overreached its boundaries and as a result, wanted to give back the power to the states (Smith and Greenblatt, 39). Although President Reagan’s vision meant more power to the states, he did not foresee the shortcomings it would have on budget deficits. Lastly, the fifth stage of federalism is ad hoc federalism. This is the current stage and it expands from 2002 to today. It is best described as the process of choosing a “state-centered or nation-centered view of federalism on the basis of political or partisan convenience” (Smith and Greenblatt, 41). In other words, the actions taken in this stage are determined by specific issues rather than “core philosophical commitment” (Smith and Greenblatt, 41). Moreover, in this stage, unlike in any other, particular issues are what determines a policymaker’s “commitment to state or federal supremacy” (Smith and Greenblatt, 41).

Subsequently, in light of the recent health pandemic, federalism has been the core problem for federal and state governments. The Coronavirus (COVID-19) is an illness caused by a virus that can spread from person to person (“CDC”). The virus has spread out throughout the

world but in the past few weeks, it has affected the United States population heavily with nearly eighty-five thousand deaths (“CDC”). As a result, governmental response has varied, leaving political interests and powers at war. Taking a step back, some argue that over the past few years, under the Obama administration, federalism was nearly dead. A majority of policies under President Barack Obama derived from the executive branch, making the role of the federal government hard to ignore. President Obama legalized gay marriage on all fifty states and expanded health insurance. Some argued that during his presidency, many states faced restrictions. Moreover, it’s said that during those years, states saw “federalism as their fighting flag” (Metzger, *Federalism Under Obama*). However, the shift of power and response under the current Trump administration has been different. While the federal response to COVID-19 is not surprising, a pattern is noticeable. Nearly the same lack of effort from the federal government was noticeable in Puerto Rico back in 2017. To this day, the island has not recovered from Hurricane Maria. Carmen Yulín Cruz, the mayor of San Juan, Puerto Rico, has called the federal response to aid the island, “slow and inadequate” (Gamboa, *Dems slam Trump on PR*). In fact, many would argue that the federal government’s response to the Coronavirus pandemic is equally as weak and ineffective as the one to Hurricane Maria.

Furthermore, interactions between the federal government and states have been noticeably minimal. As a matter of fact, President Trump has pushed for states to handle the pandemic efforts on their own. He has claimed that bailouts for blue states are unfair to red states. President Trump also argues that relief aid should not go to Democrat states because they “have been mismanaged over a long period of time” and it is not his responsibility to fix them (Bowen et al, *Coronavirus Bailouts Are Unfair*). The president’s rhetoric and apparent favoritism

for Republican states has forced and allowed several governors to take the matter into their own hands. As a result, COVID-19 regulations and stay-at-home orders vary from state to state. Democrat states, for example, are “more likely than Republicans to see the coronavirus in the most serious terms,” according to the Pew Research Center. Additionally, while federalism gives autonomy to states, this often creates a clash between federal and state governments' view on particular issues. A few weeks ago, the federal government sent stimulus payments to legal residents to provide financial relief (“IRS”). This, however, excluded undocumented residents, many of whom are taxpayers (Fernández Campbell, *Undocumented Immigrants Pay Taxes*). As a result of the lack of inclusion for the undocumented community, the Governor of California, Gavin Newsom, stepped up. It’s no surprise that Governor Newsom set up a disaster relief fund of \$125 million for the undocumented community of his state (Holcombe and Shoichet, *CA giving its own stimulus checks*). After all, many cities in California are sanctuary cities, meaning that these cities “limit its cooperation with federal immigration enforcement agents” in order to protect low-priority immigrants from deportation (“America’s Voice”). Consequently, this caused the President to suggest that future aid for states should depend on sanctuary city policies. The president’s suggestion further implies the usage of federalism as a bargaining chip (Hansen, *Trump on Sanctuary Cities*).

After having discussed the stages of federalism and the current battle among states and the federal government, it is my belief that the United States is under a new stage of federalism. A state of federalism where several states are stepping up (just like California and Nevada) to the plate and doing what is so needed to avoid more deaths. Moreover, as a result of the COVID-19 pandemic, states have realized their potential to act and extend their Constitutional given powers.

Meanwhile, the federal government is under a kind of federalism that lacks accountability and interest of the general will. The federal government is willingly not taking enough preventive actions to avoid losing more American lives. As a result, I would name this so-called new stage Post Hoc Federalism. In philosophy, “post hoc” means believing that because one event follows another, the first event must have been caused by the second (Moore and Parker). In this context, the first event would be the poor response the United States has had in regards to the pandemic, and the second event would be President Trump leading the nation. An individual with no previous experience in public office (or having the required leadership to lead a country) is a clear example of how federal action resembles the person in charge of the country. To provide more context, the Obama administration’s response to the Ebola outbreak in 2013 was much more different. President Obama was praised for a rapid response both abroad and at home (Singh, *Obama’s Handling of Ebola*). The Obama administration’s efforts and pandemic response team (which President Trump later dissolved) stopped Ebola from becoming a pandemic like COVID-19.

As far as personal experience goes, the global pandemic affected both my academic and personal life. State regulations set forth by Steve Sisolak, the Governor of Nevada, stopped nearly every aspect of my day-to-day life. The Governor’s stay-at-home order shut down nearly every establishment in the city, including my family’s small business. This meant only businesses and establishments labeled as essential (such as hospitals, grocery stores, banks, and gas stations) would remain open. Accordingly, the Governor’s decision later aligned with UNLV’s president Marta Meana, who informed via e-mail that the remaining classes of the Spring semester would transition to online. On the other hand, while Las Vegas had been

temporarily shut down, as were most parts of the country, President Trump claimed he had the presidential authority to re-open the country back to business. While that was not the case, several governors reassured their residents that there was nothing to worry about, claiming that states would open up when the virus was relatively under control. Moreover, the mayor Las Vegas, Carolyn Goodman, went on national television to demand that our city be open to tourists, citing fears of an economic crash for the city (LeBlanc, *Las Vegas Mayor*). Later, Governor Sisolak went on CNN and said that our state, with the help of health officials, will keep putting lives over profit. Hence, ignoring Mayor Goodman's demands. In the end, this experience taught me that while federalism is dealt with among states and the federal government, local governments can, too, behave in unexpected manners as a means of trying to gain some autonomy.

In conclusion, I find that federalism has made it nearly impossible to tackle COVID-19 at a national level. In light of the lack of interest by the federal government, the efforts to control the spread of the virus have been left solely to the states. This, in part, caused some states to be better equipped to deal with the high death tolls. Moreover, the current pandemic also brought out many of the weaknesses in federalism. Particularly the fact that many states are unable to provide adequate assistance to their residents because of a lack of funding. In short, I believe that federalism weakens national efforts during highly needed times, as different levels of governments demand different needs.

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