

SHOULD STATES BE GIVEN GREATER FREEDOM TO EXPERIMENT WITH PUBLIC POLICY?

In 1932, Supreme Court Justice Louis Brandeis wrote that states should be “laboratories of democracy.” Denying states’ ability to fulfill this role, he argued, “may be fraught with serious consequences to the nation. It is one of the happy incidents of the federal system that a single courageous state may, if its citizens choose, serve as a laboratory; and try novel social and economic experiments without risk to the rest of the country.”

Indeed, the federal government has learned a great deal from the experiments of the states. The No Child Left Behind Act, for example, was modeled after standards and choice-based education programs enacted by the states of Texas and Florida in the 1990s. The recent federal healthcare reform bill was, at least in part, inspired by efforts in states such as Hawaii and Massachusetts to provide insurance to all citizens. Several states also provided prescription drug benefits or discount programs for senior citizens before the federal government enacted Medicare Part D.

But, some commentators note that allowing states such broad authority to experiment with public policy leads to a patchwork of standards that pose costly compliance issues. They may also lead citizens to go “shopping” for a state that has particular public policies, increasing the burden on these state governments and encouraging other states to ignore pressing policy problems. Should these potential side effects limit states’ ability to experiment with public policy? Should the federal government become more involved in a wider range of public policy programs? Or, should states have broad latitude to experiment with public policy, particularly in issue areas traditionally reserved to the states under the Tenth Amendment?

To develop an ARGUMENT FOR giving states greater freedom to experiment with public policy making, think about how:

- **State governments are more familiar than the federal government with the unique needs of their citizens.** How might the needs of citizens in Mississippi or Alabama differ from the needs of citizens in New York or Connecticut? What geographic, political, and demographic factors contribute to these differences?
- **Fifty states can develop and test a greater diversity of solutions to public policy problems than one national government.** How might the national government learn from states’ successes and failures in policy making? What benefits might this policy learning have for the national government?
- **The federal government may not act decisively enough to address pressing state policy needs.** How does the recent debate over the Arizona immigration law demonstrate the ways states fill policy voids left by the national government? In what other areas have states addressed their own needs in the face of national inaction? How does such action help to set the national agenda?

To develop an ARGUMENT AGAINST giving states greater freedom to experiment with public policy making, think about how:

- **The federal government has greater financial resources than the state governments and, as a result, is more able to solve policy problems.** Why can the federal government raise and spend more money than state governments? Why might funding be necessary to public policy implementation?
- **Having unified national standards is sometimes necessary.** How might having fifty different policies in an area such as environmental protection or healthcare be inefficient and costly? In what other policy areas might a unified national front be necessary?
- **Inconsistent state standards can pose more problems than they solve.** How does the recent debate over gay marriage illustrate the problems that may result from a patchwork of state standards? In what other policy areas might citizens and the government face similar problems?