



**Alexander Hertel-Fernandez**

***State capture: how conservative activists, big businesses, and wealthy donors reshaped the American States—and the nation* Oxford University Press, New York, 2019, 384 pp. ISBN: 9780190870799**

**Matt Grossmann**

***Red State Blues: How the Conservative Revolution Stalled in the States* Cambridge University Press, New York, 2019, 194 pp. ISBN: 9781108569187**

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Two new books, Alexander Hertel-Fernandez' *State Capture* and Matt Grossmann's *Red State Blues*, make competing claims about the policy direction of state governments and the role of interest groups in the past 30 years in the USA. Using interviews, archival sources, text analysis, and investigative journalism, Hertel-Fernandez argues that state-level interest groups have stealthily implemented conservative reforms in state capitals, a success story for the conservative movement. Using an extensive database of state policies and the results of other studies, Grossmann finds that Republicans and their organizational allies have only slowed down the rate of liberal reforms, as likely to fail as succeed in their policy ambitions.

Though *State Capture* is primarily about interest groups and *Red State Blues* is primarily about parties, *Red State Blues* helps us to evaluate *State Capture*'s claim about conservative interest group success and debate what kinds of policies count as conservative victories. Hertel-Fernandez explains what conservative interest groups have done, and Grossmann shows what results they have to show for it.

At its core, *State Capture* investigates the activities of three conservative interest groups—the American Legislative Exchange Council (ALEC, founded in 1973), the State Policy Network (SPN, 1992), and Americans For Prosperity (AFP, 2004). Hertel-Fernandez dubs them a “troika” for working to pass similar policies, often using interlocking strategies. Public inattention to state legislatures relative to Congress

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provides the troika with more avenues to change state-level policy than they have to influence national policy, which is more heavily scrutinized by both professional politicians and the news media. Hertel-Fernandez also finds that the resource constraints on state legislators render them more dependent on interest groups, especially for policy research. With smaller staffs and less spare time, volunteer/part-time state legislators are easier to persuade than members of Congress or the President. Groups like ALEC offer ready-made bills that do the work of legislators and staffs for them, allowing them to submit bills word-for-word for consideration by the chamber. In one memorable example of what Hertel-Fernandez calls “policy plagiarism,” a state legislator submitted an ALEC bill without even correcting the typos.

The consequence of this is more than simple plagiarism. *State Capture* shows that states with full-time legislatures and legislative staffs pass far fewer policies endorsed by the troika, suggesting an institutional barrier to the troika, specifically, and to the power of interest groups, more generally.

And these troika-backed policies are in fact substantive, affecting both concrete policy benefits and election outcomes. Among other issue areas, Hertel-Fernandez shows the profound effect the troika has had on health care, tobacco, labor unions, voting rights, and energy regulation. Voter ID laws supported by ALEC are intended to lower turnout among Democratic leaning constituencies that are less likely to have IDs. By weakening public-sector labor unions, the troika has also undermined liberal interest groups and the Democratic Party. As I argued in my own research, unions expose workers to political messages that they might not otherwise encounter (Baylor 2017). Public-sector unions have partly offset the decline of private manufacturing unions. Where collective bargaining has been curtailed for public-sector unions in states like Wisconsin, labor unions have had to spend their resources maintaining worker benefits instead of other kinds of political activity.

To this point, a striking finding in *State Capture* is the asymmetry between state-level conservative and liberal interest groups. Liberal counterparts have yet to rival the influence of ALEC, SPN, or AFP. In part, Hertel-Fernandez attributes the difference to ideology; conservatives are ideologically more sympathetic to state-level policy variation, and fund state interest groups consistently even when conservatives gain power at the national level. While liberal interest groups have sounded the alarm about conservative state-level victories, Hertel-Fernandez shows liberal donors reduce contributions when Democrats control national offices, sometimes leading groups to close and start from scratch in the future.

Overall, *State Capture* suggests that conservative interest groups have won a series of state-level battles and can claim victory in the competition to control state politics and policy.

This competition between groups debating state policy is also the central question of *Red State Blues*, though it focuses more on the consequences of change in state party control than interest groups activity directly. Nonetheless, it directly engages with *State Capture* claims about the direction of state policies from 1990 to the present. Grossmann takes limited government policies on taxes, spending, and regulation as the fundamental goal of conservative reformers, rather than social issues. Think tanks, interest group leaders, and state legislatures announced these



priorities on the verge of Republican state takeover in the 1990s, following in the footsteps of Newt Gingrich's Contract with America. Even though Republicans consistently gained more influence in state governments since that time, public opinion, legal constraints, and countervailing interest groups have thwarted attempts to reduce the size of state governments. By a variety of measures—the size of state budgets, the number of state employees, and the passage of liberal policies—state governments have, paradoxically, become more liberal during the time of increased Republican control. Fiscal realities, court decisions, federal mandates, and constituencies for government programs have prevented tax cuts and led to growing state budgets. Most states, for example, have expanded Medicaid, renewable energy, and early childhood education. Minimum wages have also increased, though less than the amount supported by voters in surveys. While volunteer and understaffed legislatures may be susceptible to the influence of the troika, state governments have overwhelmingly become more professional over time.

Grossmann suggests other factors have more influence at the state level. Public opinion, the media, and courts are more significant than interest groups and politicians at the state level, relative to the federal level. In the states where public opinion is most receptive to small government, state budgets are already small, and there is little left to cut. The few states that have reduced the size of government have had such policies reversed by subsequent legislation because the cuts were unpopular. The one exception, Wisconsin, had long passed policies that were more liberal than state public opinion. There, the troika only succeeded in enacting lasting policy change by enabling public opinion rather than exploiting voter inattention, an interesting finding for scholars of organized groups interested in linking inside and outside lobbying strategies.

Both Grossmann and Hertel-Fernandez agree that Republicans have been successful in passing laws less directly related to government's economic role, like voting rights, crime, guns, and abortion. But both the tough-on-crime policies of the 1990s and the recent criminal justice reforms have been bipartisan efforts. The most recent wave of antiabortion legislation occurred mostly in states that already have lower rates of abortion. Republicans could only pass charter schools with assistance from some liberal groups and Democratic politicians. States have also moved significantly in a liberal direction on gay rights and drug decriminalization.

The most consistent difference between Democratic and Republican states, Grossmann finds, is that Republican states adopt liberal reforms more slowly. Grossmann writes, "full Republican control leads to two fewer net liberal policies than full Democratic control...Even assuming Republican states could reverse liberalizing trends over time, the model suggests it would take a half-century of Republican control to move Oregon to Alabama's level of policy liberalism" (64). Republican Gerrymandering is designed to help elect Republicans in subsequent elections, but shifts in state party control from Democrat to Republican have failed to achieve smaller budgets, lower taxes, or less regulation.

Therefore, according to *Red State Blues*, the conservative revolution has arguably "stalled in the states," a hard-fought truce between opposing groups and parties on the direction of politics and policy.

By comparison, and viewed with the backdrop of Grossmann's thorough evidence, *State Capture's* claims come across as exaggerated. Critical to contrast,



these books, however, is the benchmark for a conservative interest group's victory. If one sees conservative goals as a positive set of conservative policy demands rather than blocking liberal policy demands, one can easily see state Republican takeovers as a story of conservative votes and liberal economic victories. Grossmann shows that the size of state governments has increased over time; conservative economic ideology embraces less government, not just slower growth.

But *State Capture* has evidence that state policy changes still fall short of what public opinion wants on measures such as progressive taxation, minimum wages, and health care spending. Surveys have long shown that the public opposes conservative economic ideology on specific spending measures, even when they agree with it in the abstract.

Hertel-Fernandez also has a different benchmark because he expects state governments to compensate for conservatism and inaction at the national level. Considering policies in the country as a whole, states need to grow at a faster rate in order to maintain the rate of national policy liberalism the federal government provided in less gridlocked times. When the federal minimum wage does not keep pace with inflation, maintaining state minimum wages means cutting minimum wages. As climate trends persist, states need to increase regulations to maintain the existing ecological balance. To the extent that the troika blocked Medicaid expansion, it effectively downsized the Affordable Care Act.

Differences in policy outcomes are even harder to find than differences in the passage of legislation. While both books look at the passage of statewide policies, *Red State Blues* digs deeper into the outcomes the policies seek to promote, such as economic growth and public safety. According to other studies, inequality has been increasing at similar rates across states controlled by both parties. Medicaid expansion has changed insurance rates but not health outcomes. Democratic states have passed more stringent renewable energy requirements, but carbon emissions are similar across states.

However, many of the studies Grossmann reviewed provide evidence that slower adoption of liberal policies has real consequences. A number of studies find that liberal gun control policies result in small reductions in homicides and suicides, though not mass shootings. Another shows that failure to change regressive taxation policies results in more premature deaths. In both cases, states were adopting liberal reforms more slowly rather than passing conservative laws, but the results of state Republican control were still significant.

In the end, the most important difference is that Hertel-Fernandez describes the strategies of conservative interest groups and the results they intended to achieve. Grossmann demonstrates how far groups have gotten with both the passage of legislation and the desired policy outcomes, in combination with other political actors and institution constraints. Grossmann's conclusion provides several measures by which readers could evaluate the magnitude of conservative victory, while Hertel-Fernandez has a specific threshold for conservative success that the troika has achieved. Readers who synthesize their books will be able to offer more precise claims about the ability of state-level groups to achieve the outcomes they want.



## Compliance with ethical standards

**Conflict of interest** On behalf of all authors, the corresponding author states that there is no conflict of interest.

## Reference

Baylor, Christopher. 2017. *First to the Party: The Group Origins of Political Transformation*. Philadelphia: University of Pennsylvania Press.

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