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THE NEW WAR BETWEEN THE STATES

by Charles R. Kesler

AMONG DONALD TRUMP'S OPPONENTS IN THE DEMOCRATIC Party and the media, many questioned the legitimacy of his 2016 election and hence of his presidency. They were not alone. As confirmed by Special Counsel John Durham's long-gestating report into the FBI's role in "Russiagate," many officials within his own administration not only doubted Trump's legitimacy and loyalty but also were eager to prevent him from governing.

He was impeached—twice. This would have destroyed any normal politician but elicited from Trump only the unsinkable riposte that he was proud to be "the most acquitted president in American history."

Forced to spend enormous time and energy defending its right to make policy, however, the Trump Administration ended up making less policy overall, or at least left less of a policy imprint, than its loyal supporters might have expected. Its own internal derangements contributed to the shortfall. Denied a second term, Trumpian ambitions and policies might have been expected to languish in Mar-a-Lago along with Trump himself.

Instead, something rather unexpected happened. Trumpism enjoyed a second life, indeed a vigorous resurgence and development, at the state level. Red states, led by Florida, refined and enlarged the Trumpist agenda by applying it to their own circumstances. With the assistance of solid, sometimes overwhelming, Republican majorities in the state legislatures, Republican governors pushed to keep taxes low, to resist excessive COVID-19 lockdowns of schools and businesses, to counter higher education's and Big Business's woke devotion to diversity, equity, and inclusion, and to implement the *Dobbs* decision, which restored state governments' right to deliberate on their own abortion laws.

Some red states went further than others, but the result was a wave of moral arguments and political experiments that will demand attention on all these questions. Even on abortion: Florida made most abortions illegal, for example, after the unborn child is six weeks old; North Carolina (its GOP legislators overriding a Democratic governor's veto) after 12 weeks. Some states embraced exceptions for cases involving rape, incest, and the life of the mother; others declined to. The debate will continue about the moral implications of overturning *Roe v. Wade* and what the political implications ought to be.

Despite some differences within the red states, however, the overall effect was to widen disagreements between the red and blue states. Governor Ron DeSantis became the standard-bearer for this contrast. He hailed Florida's low taxes, light touch on COVID-19 mandates, and other policies as reasons propelling its strong population growth, both in absolute and relative terms, among the states. Americans are

voting with their feet as well as with their ballots. Florida is "where woke goes to die," he likes to say; but it's also where normal folks increasingly go to live.

DEEP-BLUE CALIFORNIA'S GOVERNOR GAVIN NEWSOM APPARENTLY took that as a personal, and collective, insult. He is desperate to run for president, of course, but cannot say so. He rose to this peculiar challenge by buying ads in Florida to encourage its inhabitants to emigrate to California (a state that is losing population absolutely and relatively, for the first time ever). He pitches California as an asylum state for, among others, women who want legal, readily available abortions, illegal immigrants who want free medical care, and progressives who can't get enough of wokeness.

Newsom parachuted behind enemy lines recently to encourage discontented Florida undergraduates to resist DeSantis's reforms, especially to higher education, encouraging them not to mistake their governor's "weakness masquerading as strength" for the real "moral authority" that comes from being "on the right side of history."

Newsom didn't mention that his own claim to represent the future is looking a little threadbare. The American Redistricting Project proposes that California is on track to lose five congressional seats by 2030, while Texas and Florida are each on track to gain four. Perhaps not coincidentally, Newsom has encouraged a California effort to demand "reparations" for slavery, for example, only to have to oppose the resulting bill as utterly unaffordable. Something similar happened to his "moral" support for a California single-payer health care system, which died when he and state Democratic leaders realized it, too, was an unaffordable dream. Nor did he emphasize to his young listeners that college tuition is a lot more expensive on the west coast than in their own state.

The back-and-forth between Newsom and DeSantis, California and Florida, is great political theater and forms the cutting edge of an emerging war between the states, as it were. Governors of many other states (Illinois, Michigan, Virginia, Texas, and Arkansas, to name a few) are itching to join the conflict. Generally speaking, red states are growing redder and blue states bluer, which encourages not only the perpetuation but also the sharpening of their disagreements.

Though it may sound like the 1850s, the result of this process need not be secession. But will almost certainly be further political discord. Storms have a way of clearing the air, however, and perhaps these clashes between states will clarify our choices in 2024 and for many elections to come.

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