

Biden and State Governors: political affiliation weighs more than institutional dialogue (despite Covid's cooperative experience)

by Francesco Clementi

Abstract: *Biden e i Governatori: l'appartenenza politica pesa più del dialogo istituzionale (nonostante l'esperienza cooperativa durante il Covid)* - This essay explores the Biden administration's interactions with state governors, noting that, despite efforts at collaboration during the pandemic, federal-state relations were marked more by conflict than cooperation, especially on issues like public health, immigration, and law enforcement. Therefore, also the Biden presidency underscored once again the challenges of governing a deeply polarized nation.

Keywords: Joe Biden; State Governors; Federalism; Covid-19; Bipartisan Infrastructure Law

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1. Introduction

The relationship between the presidency and state governors in the United States is a critical component of federal governance, balancing national policies with the autonomy of individual states.

The role of the state governor in the United States has evolved significantly since the founding of the nation. As the chief executive of a state, the governor plays a crucial role in governance, law enforcement, and the administration of state affairs.¹

In fact, the origins of the gubernatorial role can be traced back to colonial America, where colonial governors were appointed by the British crown. These governors often held considerable power, acting as the king's representatives. Their authority was derived from British law, and they were responsible for enforcing colonial policies and regulations. However, their power was frequently contested by colonial assemblies, which represented local interests and sought greater autonomy. This tension laid the

¹ In general, see A. Bowman, R.C. Kearney, *State and Local Government: The Essentials*, Andover, 2021; D. Strickland, *Governors and the Law: The Legal Authority of State Executives*, London, 2019; R.H. Brown, *The Politics of State Executive Leadership: The Influence of Governors on Public Policy*, London, 2018. J. Kincaid, *Federalism, Democracy, and the Governance of the American States*, Tuscaloosa, 2010; M. Holtzman, *The American State and the Role of the Governor*, Cambridge, 2006; J.H. Dyer, *The Executive Power in State Government: The Role of the Governor*, Boulder, 1992.

groundwork for future struggles over the limits of gubernatorial power in the newly formed United States.

The American Revolution brought a shift in governance as newly independent states sought to establish their own constitutions.² The Articles of Confederation (1781) provided a loose framework for governance but did not establish an executive branch at the national level. This absence highlighted the need for strong executive leadership at the state level. Consequently, as states began drafting their constitutions, many established the position of governor with varying degrees of power. Most state constitutions created a governor with limited powers, often subject to checks from legislative bodies. For instance, the Massachusetts Constitution of 1780 established a governor with a term of one year and limited powers, reinforcing the idea of shared governance.³ In contrast, some states, such as New York, endowed their governors with more substantial powers, reflecting a growing recognition of the need for effective executive leadership.

Throughout the 19th century, as the nation expanded westward, the role of the governor evolved further. During this period, many states began to adopt direct election for governors, which increased their accountability to the electorate.

This shift was accompanied by an expansion of gubernatorial powers, including veto authority over legislation and greater control over state budgets.

The changes reflected broader democratic ideals, as the population sought to make the government more representative and responsive. However, the 19th century also saw instances of gubernatorial overreach, prompting debates over the appropriate limits of executive power. For example, the tenure of governors like William “Boss” Tweed in New York demonstrated how governors could manipulate their positions for personal gain, leading to reforms aimed at curbing corruption and enhancing accountability.⁴

The early 20th century ushered in the “Progressive Era”, characterized by reforms aimed at addressing the excesses of political machines and enhancing the effectiveness of governance. During this time, governors became advocates for reform, promoting initiatives such as direct democracy measures (e.g. referendums and initiatives) and enhanced regulatory powers to address social issues. And legal frameworks were

² J. Dinan, *The American State Constitutional Tradition*, Lawrence, 2006; B. Ginsberg, *The American State: A Historical Perspective*, Cambridge, 2004; E.D. Brown, *The American Governor: A Historical Perspective*, Oxford, 1999; L.C. Dewitt, *State Governors: An American Political Institution*, Nashville, 1988; C.J. Friedrich, *The Governor and the Public: The History of an American Political Institution*, London, 1963.

³ J. Kincaid, *The American Governor: Historical and Contemporary Perspectives*, in 43(4) *Publius: The Journal of Federalism* 621 (2013). J.T. Woolley, *The Role of the American Governor: An Analysis of State Government and Politics*, Yale, 2003.

⁴ J. Sullivan, *The Rise and Fall of Political Machines in the United States*, in 135(2) *Political Sci. Q.* 245 (2020). G. Carey, *Executive Power and the Governor’s Role in the American States*, New York, 1996.

established to delineate the powers and responsibilities of governors, balancing executive authority with legislative oversight.⁵

In recent decades, the role of governors has continued to evolve in response to changing political, social, and economic landscapes.⁶

The challenges posed by globalization, economic crises, and public health emergencies (like the COVID-19 pandemic) have tested the limits of gubernatorial authority.

Governors have increasingly found themselves at the forefront of national issues, often assuming leadership roles in times of crisis. For instance, during the COVID-19 pandemic, governors played pivotal roles in implementing public health measures, navigating state budgets, and addressing constituent concerns.

This has sparked debates about federalism, the balance of power between state and federal authorities, and the extent of executive discretion in emergencies.⁷

Therefore, the evolution of the governorship in the United States reflects a dynamic interplay between historical context, legal frameworks, and societal expectations. From its colonial origins to its current status as a vital component of state governance, the role of the governor has adapted to meet the needs of the states and their citizens.⁸

Under President Joe Biden's presidential administration, this relationship has been shaped by both collaboration and conflict, particularly due to the COVID-19 pandemic, economic recovery efforts, and political divisions. This essay examines how the Biden presidency has interacted with state governors, highlighting the role of federalism, key policy areas such as public health, economic recovery, and areas of contention such as immigration and law enforcement.⁹

⁵ J.T. Patterson, *The New Progressivism: The New Deal and the Emergence of the Modern American State*, Princeton, 2021; T.R. Smith, *Gubernatorial Leadership in the States: The Politics of Change*, Madison, 2018; D.E. Nunnally, *The American Governors: Power and Responsibility*, Thousand Oaks, 2018; J.R. Pruitt, *The Political Influence of Governors in the American States*, Chapel Hill, 2017; R.A. Zinn, *Governors and the Politics of the American States*, Oxford, 2015.

⁶ K.J. O'Connor, *The Evolution of State Governance: Gubernatorial Leadership in the Twenty-First Century*, London, 2020; C.J. Moffett, *The Role of the Governor in American Federalism*, London, 2019; M.J. Mello, *Governors in the Making: The Politics of State Leadership*, Tuscaloosa, 2015; J.F. Mendez, *The Changing Role of the Governor in American Federalism*, Berkeley, 2011; R.A. Baker, *Governors and the American States: The Politics of Executive Power*, Athens, 2007; R.A. Ingram, *The Changing Role of the Governor in State Politics*, New York, 2003; E.B. Herzik, D.M. Brown, *Gubernatorial Leadership and State Policy*, Westport, 1991.

⁷ M. Berger, *Federalism and the Role of Governors in the COVID-19 Pandemic*, in 20(3) *State Politics Policy Q.* 307 (2020).

⁸ J. Kincaid, *The President, Governors and Mayors: A Framework for Understanding the Relationship*, in 51(4) *Publius: The Journal of Federalism* 693 (2021); J. Corder, *The State Governor: Politics, Power, and Influence*, London, 2019; J.C. Garand, *Governorships and Policy Outcomes in the American States*, Minneapolis, 2010.

⁹ See J.P. Pfiffner, *Organizing the Biden Presidency: The Role of Governors in Federal Policy*, in 53(1) *Pres. Stud. Q.* 115 (2023). For the mid-term period, see F. Clementi, *President Biden and State Governors: two years of a positive old-style political dialogue*, in *DPCE online*, 2023, Special Issue: *The American Presidency After Two Years of President Biden*, 77-84.

2. The Biden's Approach to Federalism (and the Pandemic response between collaboration and disagreements)

From the beginning of his presidency, Joe Biden emphasized the importance of federalism—where federal and state governments share power—to address the nation's challenges.

Biden's governing philosophy contrasts sharply with that of his predecessor, Donald Trump, who often took a confrontational stance toward states that disagreed with his administration.¹⁰ Biden, in contrast, sought a more cooperative, bipartisan relationship with governors, aiming to restore a sense of unity and functionality in U.S. governance.

Biden's approach was particularly evident in the management of the COVID-19 pandemic.

After inheriting a nation in crisis, Biden quickly implemented a federal strategy to address the pandemic, which included coordination with state governments to distribute vaccines, provide testing resources, and allocate federal relief funds.

Throughout the pandemic, Biden held regular meetings with the National Governors Association (NGA) and individual governors, irrespective of political affiliation, signaling his willingness to engage with states as partners rather than adversaries. This approach was aligned with his broader goal of healing political divides and restoring faith in federal institutions.¹¹

In this context, the COVID-19 pandemic became a defining moment for the Biden administration's relationship with state governors.

Upon taking office, Biden faced the enormous task of rolling out mass vaccinations and stabilizing the economy, both of which required substantial cooperation with state governments.

Biden's administration worked with governors to speed up vaccine distribution, offering logistical support and significant financial aid through the American Rescue Plan, a \$1.9 trillion stimulus package that provided funds to state and local governments.

This collaborative federal-state relationship initially worked well, as governors from both political parties welcomed the federal support. Democratic governors, such as Gavin Newsom of California and Andrew Cuomo of New York, embraced Biden's approach to vaccine distribution and public health mandates. Republican governors, like Larry Hogan of Maryland and Mike DeWine of Ohio, also praised the federal government's swift action in addressing the pandemic.

However, tensions arose as Biden implemented more aggressive public health policies, particularly his vaccine mandates for businesses and healthcare workers.

Some Republican governors, particularly in conservative-leaning states, pushed back against these mandates, framing them as federal

¹⁰ See G.F. Ferrari (ed), *The American Presidency under Trump*, Gravenhage, 2020, in particular: F. Clementi, *President Trump and the American Governors: Two Years of a Conflictual Dialogue*, 85-99.

¹¹ See N. Jensen, *Federalism, Polarization, and Policy Responsibility: How Biden's Presidency Engages State Leaders*, in 21(3) *State Pol. Policy Q.* 245 (2024).

overreach and an infringement on individual liberties. Governors like Ron DeSantis of Florida and Greg Abbott of Texas became vocal critics of Biden's pandemic policies, resisting mask mandates, vaccine requirements, and other federal interventions. These governors took steps to block federal mandates in their states, positioning themselves as defenders of state sovereignty and personal freedom.

The legal and political battles over pandemic mandates reflected the larger ideological divide in the U.S. over the role of government in managing public health and personal behavior.¹² These conflicts also illustrated the delicate balance Biden had to strike between using federal authority to combat a national crisis and respecting the autonomy of states.¹³

3. The Economic Recovery and Infrastructure Development

In addition to the pandemic, Biden's presidency has focused on rebuilding the economy, with significant implications for federal-state relations.

The "American Rescue Plan" provided much-needed financial support to state and local governments, helping to mitigate budget shortfalls caused by the pandemic. This direct aid to states allowed governors to fund public health programs, support struggling businesses, and invest in education and infrastructure. For many governors, particularly those in economically struggling states, this federal assistance was essential for stabilizing local economies.

Another key element of Biden's economic agenda has been infrastructure development. In November 2021, Biden signed the "Bipartisan Infrastructure Law" (Pub. L., 117-58), a \$1.2 trillion package aimed at modernizing the nation's transportation, broadband, and energy infrastructure.

This legislation required close cooperation between the federal government and the states, as state governments are responsible for implementing many infrastructure projects. The law was broadly supported by both Democratic and Republican governors, as it provided much-needed federal funding to address infrastructure issues in states across the country. The infrastructure bill also demonstrated Biden's ability to work across party lines. Despite significant polarization in Washington, several Republican governors and lawmakers supported the legislation, recognizing its potential to create jobs and improve state economies. Governors like Asa Hutchinson of Arkansas and Charlie Baker of Massachusetts, both Republicans, praised the bill's potential to address long-standing infrastructure needs in their states.¹⁴

¹² D.F. Kettl, *States Divided: The Implications of American Federalism for COVID-19*, in 80(4) *Publ. Adm. Rev.* 595 (2020); M.M. Mello, D.M. Studdert, *The Political and Judicial Battles Over Mask Mandates for Schools*, in 2(10) *JAMA Health Forum* 1 (2021); L.F. Wiley, *Democratizing the Law of Social Distancing*, in 19 *YJHPLE* 50 (2020).

¹³ For a general view, see L.F. Wiley, R. Yearby, A. Hammond, *United States: Legal Response to Covid-19*, in J. King, O.L.M. Ferraz *et al* (eds), *The Oxford Compendium of National Legal Responses to Covid-19*, Oxford, 2021.

¹⁴ See H. Perry, *State-Level Responses to Federal Policies: The Biden Administration and the Governors*, in 85(2) *J. Politics* 122 (2023); D.E. Campbell, *State Leaders and the Biden*

This bipartisan support illustrated that, even in a politically divided country, certain policy areas like infrastructure can unite federal and state leaders.

In particular, the Bipartisan Infrastructure Law (formally known as the “Infrastructure Investment and Jobs Act”, or IIJA or B.I.L.), signed into law on 15 November, 2021, represents a historic investment in the United States’ infrastructure, with \$1.2 trillion allocated for critical projects such as transportation, broadband, water systems, and clean energy. The law not only addresses urgent national infrastructure needs but also reflects Biden’s commitment to federalism and his effort to enhance cooperation between the federal government and state governors, regardless of political affiliation.¹⁵ This structure of federal-state cooperation helped strengthen Biden’s relationships with state governors by giving them both resources and flexibility. By providing substantial federal resources while allowing states to control how the funds are spent, the law strikes a balance between national priorities and state autonomy. This approach proved crucial in fostering cooperation with state governors from both political parties.

Biden’s efforts to promote bipartisanship were evident in the negotiations leading up to the passage of the BIL. The president worked closely with a group of both Democratic and Republican senators to craft the bill, ensuring that it had the support of key lawmakers from both parties.

This bipartisan support extended to state governors, who saw the infrastructure law as a rare opportunity to secure federal funding for critical projects in their states.

Democratic and Republican governors alike welcomed the bill, recognizing the economic and political benefits of improved infrastructure. Democratic governors, such as Gavin Newsom of California and Phil Murphy of New Jersey, praised the law for addressing climate change and modernizing public transit. On the other hand, Republican governors like Larry Hogan of Maryland and Charlie Baker of Massachusetts supported the law’s potential to create jobs and improve roads and bridges in their states. As we already pointed out, even more conservative governors, such as Asa Hutchinson of Arkansas, backed the law for its tangible benefits in rural areas, particularly in broadband expansion and water system improvements.

Administration: Navigating Challenges Together, in 45 *Am. Rev. Pol.* 31 (2024); E.R. Gerber, *The Influence of Political Parties on the American Governor*, Berkeley, 2001.

¹⁵ The Bipartisan Infrastructure Law (B.I.L.) was designed to address the country’s deteriorating infrastructure by providing significant federal investments across various sectors. Key provisions of the law include: \$110 billion for roads, bridges, and major projects, to modernize transportation infrastructure; \$66 billion for railways, including Amtrak, to expand passenger and freight rail; \$65 billion for broadband infrastructure, aimed at closing the digital divide by expanding access to high-speed internet, especially in rural and underserved areas; \$55 billion for clean drinking water, aimed at replacing lead pipes and improving water quality; \$39 billion for public transit systems, to enhance accessibility and modernize outdated systems; \$7.5 billion for electric vehicle (EV) charging infrastructure, to promote the shift to cleaner energy in transportation. These investments were designed to be administered largely at the state level, giving governors a crucial role in deciding how to allocate funds to meet the specific infrastructure needs of their states.

The Bipartisan Infrastructure Law was seen by many governors as a “win-win scenario”.

For one, it provided much-needed federal funding without imposing excessive federal oversight, giving governors a significant degree of discretion in how the money would be spent. This autonomy was especially appealing to Republican governors who were wary of federal mandates but eager to receive the funding necessary to improve their states’ infrastructure. For Democratic governors, the bill aligned with their broader goals of combating climate change and expanding public transit and clean energy.

The structure of the law also created opportunities for governors to take credit for successful infrastructure projects in their states, regardless of their party affiliation. The infusion of federal funds enabled governors to address local concerns like crumbling roads, deteriorating bridges, and inadequate public transit systems, which are immediate and visible issues for their constituents. This helped foster goodwill between the federal government and state executives, as governors were able to claim political victories for securing funding and overseeing high-profile projects.

Politically, the passage of the Bipartisan Infrastructure Law helped to reduce some of the partisan gridlock that has defined U.S. politics in recent years.

Biden’s willingness to reach across the aisle and work with Republican lawmakers and governors demonstrated that bipartisan cooperation was still possible, even in a deeply divided political climate. The law provided a template for how federal and state leaders can work together to address national challenges while respecting the unique needs of individual states.

Economically, the infrastructure law represented a long-term investment in the nation’s future. The projects funded by the BIL are expected to create millions of jobs in construction, engineering, and related industries. In states with aging infrastructure, the federal investment is essential not only for improving public safety and transportation efficiency, but also for enhancing economic competitiveness by making states more attractive to businesses and residents.

Despite the success of the Bipartisan Infrastructure Law, it did not eliminate all tensions between the Biden administration and state governors.

Disagreements over other issues, such as COVID-19 mandates, immigration policy, and law enforcement reform, continued to strain relations between the federal government and certain Republican-led states. Governors like Greg Abbott of Texas and Ron DeSantis of Florida remained vocal critics of the Biden administration’s approach to these issues, even as they accepted federal infrastructure funding.

However, the success of the Bipartisan Infrastructure Law showed that, on certain critical issues, federal-state collaboration was not only possible but essential. It demonstrated that, when it comes to addressing practical, tangible needs like infrastructure, partisan divisions can be set aside in favor of progress. The Bipartisan Infrastructure Law stands out as the most relevant act proposed and realized by President Biden to improve the relationship between the presidency and state governors.

By securing bipartisan support, empowering governors to lead infrastructure projects in their states, and addressing the immediate needs

of state economies, Biden fostered cooperation between the federal government and state leaders in ways that transcended party lines. While political tensions remained on other issues, the law demonstrated the potential for productive federal-state collaboration and highlighted Biden's commitment to federalism and bipartisanship. In doing so, it not only improved infrastructure across the country but also strengthened the relationship between the presidency and the states during Biden's tenure.

4. The areas of conflict: Immigration and Law Enforcement

Despite moments of cooperation, Biden's relationship with state governors has not been without conflict. Two areas where this tension has been most pronounced are immigration and law enforcement.

The President Biden's legislative and executive initiatives aimed to protect immigrant rights, streamline pathways to citizenship, and address the underlying causes of migration from Central America.¹⁶ However, Republican governors and legislators have strongly opposed many of these efforts, often framing them as threats to national security and economic stability. This opposition has created significant obstacles for Biden, making immigration reform one of the most contentious issues of his presidency.¹⁷

In particular, upon taking office, Biden quickly introduced an ambitious immigration reform bill, the U.S. Citizenship Act of 2021.¹⁸

This legislation sought to create an eight-year path to citizenship for undocumented immigrants who had resided in the United States since 1 January, 2021, and to expedite citizenship for "Dreamers" (those brought to the U.S. as children under the Deferred Action for Childhood Arrivals, or DACA, program).¹⁹ The bill also proposed reforms to address the backlog in the asylum system, improve technology at the border, and tackle the root causes of migration from Central America.

Biden's administration also issued executive orders to reverse several Trump-era policies. For example, he ended the "Remain in Mexico" program, which forced asylum seekers to wait in Mexico while their cases were processed, often in dangerous and unsanitary conditions. Additionally, Biden sought to rescind the "public charge rule," which made it harder for immigrants to obtain legal status if they used public benefits.²⁰ These moves signaled a shift toward a more compassionate and rights-based approach to immigration, aligning with Biden's campaign promises to create a fair and orderly immigration system.

¹⁶ E. Klein, *Rethinking Immigration Enforcement: The Biden Approach*, in 57(1) *Law & Soc. Rev.* 98 (2023).

¹⁷ E.A. Cohen, *Biden's Immigration Policy: An Early Assessment*, in 74(2) *J. Int. Aff.* 23 (2021).

¹⁸ Introduced in the House of Representatives as H.R. 1177 by Linda Sanchez (D-CA) on 18 February, 2021, it died with the ending of the 117th Congress. See C.C. Haddal, *The Biden Administration's Immigration Policies: A Review of Recent Changes*, CSR Report, 2021.

¹⁹ For a general view, see L.J. Abrego, *DREAMers and the Future of Immigration Reform Under Biden*, in 134(6) *Harv. Law Rev.* 1790 (2021).

²⁰ K. Bousquet, *Dismantling the Wall: Analyzing Biden's Border Policy*, in 116(3) *Am. Political Sci. Rev.* 743 (2022).

Furthermore, Biden's administration made efforts to address the surge of migrant arrivals at the southern border by increasing funding for humanitarian assistance and expanding shelter capacity. He also aimed to modernize immigration courts and reduce processing times for asylum claims. In response to Republican criticism over border security, Biden increased border patrol resources and used technology to enhance surveillance capabilities, attempting to strike a balance between security and humanitarian concerns.

Republican governors, especially those in border states like Texas and Arizona, have strongly opposed Biden's approach to immigration reform.²¹

Many argue that his policies encourage illegal immigration, threaten public safety, and burden state resources. Texas Governor Greg Abbott has been one of the most vocal critics, consistently framing Biden's policies as "open borders" and accusing the administration of failing to protect American citizens. Abbott took unilateral actions, such as deploying the Texas National Guard to the border, constructing border barriers, and authorizing the arrest of migrants on state trespassing charges.

In Arizona, Governor Doug Ducey similarly took measures to oppose Biden's policies, deploying resources to bolster border security and working closely with other Republican governors to coordinate their response. Both Abbott and Ducey, along with a coalition of Republican governors from other states, filed multiple lawsuits against the Biden administration, challenging its immigration policies on grounds of executive overreach and national security.²²

One major point of contention between Biden and Republican governors is the issue of sanctuary cities. Biden supports these cities, where local governments limit cooperation with federal immigration authorities to protect undocumented immigrants. Republican governors have criticized this stance, arguing that sanctuary policies undermine law enforcement and endanger citizens. In response, several states passed or proposed legislation to penalize sanctuary cities, leading to legal battles over the balance of power between federal and state governments in immigration policy.

The divide over immigration reform reflects a broader ideological split between Democrats and Republicans. Democrats generally support comprehensive immigration reform as a way to address systemic issues and promote social and economic integration for immigrants, while Republicans prioritize border security and often view immigration through the lens of law enforcement. Biden's approach aligns with the Democratic emphasis on humanitarianism, human rights, and the economic contributions of immigrants, viewing immigration as an opportunity to bolster the U.S. workforce and economy.

In contrast, Republicans frequently argue that Biden's policies encourage illegal immigration, leading to security risks, including drug

²¹ See M. Bell, *The Limits of Federal Police Reform: An Analysis of the George Floyd Justice in Policing Act*, in 130(2) *Yale L. J.* 562 (2021).

²² M. Campbell, T. Wong, *Federal Reform and State Resistance: A Political Analysis of the George Floyd Justice in Policing Act*, in 116(1) *Am. Political Sci. Rev.* 102 (2022). L. Jackson, J. Thompson, *Federal vs. State Control in Police Reform: Insights from the George Floyd Justice in Policing Act Debate*, in 41(1) *J. Policy Anal. Manag.* 45 (2022).

trafficking and human smuggling. They also highlight concerns over the economic costs of providing services to undocumented immigrants, such as healthcare and education. Republican opposition has been particularly intense in states with significant immigrant populations, where local governments are left to manage both the social and economic challenges posed by immigration policies.

While Biden's initial proposals were ambitious, most have struggled to gain traction in Congress, reflecting the difficulties of bipartisan cooperation on immigration. The U.S. Citizenship Act of 2021, for example, faced immediate Republican opposition and stalled in the Senate, where it lacked the necessary support for passage. Even some moderate Democrats hesitated to endorse such sweeping reform due to political considerations and concerns over public opinion in their districts.

With legislative options limited, Biden has relied on executive actions to implement parts of his immigration agenda. However, these actions are often vulnerable to reversal and legal challenges, especially from Republican-led states. As a result, Biden's administration has been forced to adopt a piecemeal approach to immigration reform, which has limited its impact and created a sense of uncertainty among immigrant communities. In response to federal inaction, some states have taken matters into their own hands, creating a patchwork of immigration policies that vary widely across the country.

President Biden's attempts to reform U.S. immigration policies have highlighted the complexities and deep political divisions surrounding this issue. His efforts to create a more humane, efficient immigration system faced significant resistance from Republican governors and lawmakers, who argue that such reforms jeopardize national security and public safety. This opposition, combined with partisan gridlock in Congress, has made it challenging for Biden to enact lasting immigration reform. So the country will likely continue to face immigration crises and policy inconsistencies that affect both immigrant communities and the broader public.

Similarly, the issue of law enforcement and public safety has been a source of conflict.

Following the nationwide protests in 2020 after the murder of George Floyd, Biden supported efforts to reform policing, including calls for federal oversight of police practices and enhanced accountability measures. However, some Republican governors have pushed back against these reforms, framing them as attacks on law enforcement and arguing for greater state control over policing.

Indeed, the killing of George Floyd in May 2020 ignited a wave of social protests and a renewed call for police reform in the United States. President Joe Biden, having campaigned on promises of addressing systemic racism and police misconduct, faced strong expectations for action upon taking office in January 2021.

In response, his administration proposed a range of reform measures aiming to address police violence, increase accountability, and strengthen community trust in law enforcement. Despite these efforts, Biden encountered - as we said - significant resistance, especially from Republican governors and lawmakers, many of whom argued that such reforms would compromise public safety and law enforcement efficacy.

Upon assuming office, Biden advocated for comprehensive changes to police practices, largely through support for the “George Floyd Justice in Policing Act”.²³

This bill, introduced by Democrats in Congress, sought to address several key areas of policing that reform advocates identified as problematic. Among its major provisions were the establishment of a national database to track police misconduct, the restriction of “qualified immunity” to make it easier to hold officers accountable for misconduct, and a ban on chokeholds and no-knock warrants at the federal level.²⁴ Biden’s administration also looked to incentivize similar changes at the state level by tying federal funding to police departments that adopted these reforms.

Additionally, Biden’s Justice Department took proactive measures, increasing investigations into local police departments accused of systemic abuses.

These efforts aimed to identify and reform police departments with patterns of misconduct or racial bias. Attorney General Merrick Garland also signaled a renewed commitment to enforcing civil rights, reviving the department’s focus on “pattern or practice” investigations that were largely halted under the Trump administration. Biden’s plan sought to balance supporting law enforcement with ensuring that officers act fairly and transparently, reflecting a nuanced approach that recognized the complexities of American policing.²⁵

Republican governors and lawmakers responded swiftly to Biden’s proposed reforms, raising concerns about federal overreach and the potential consequences for public safety. Many argued that reducing police power or altering their protections could embolden criminal activity, undermining law enforcement’s ability to maintain order. Governor Ron DeSantis of Florida, for example, signed a law that increased penalties for protest-related offenses and limited local government’s ability to decrease police funding. DeSantis framed these policies as part of an effort to support the police and ensure stability in his state, positioning himself against what he characterized as the “anti-police agenda” of Biden and the Democrats.

Texas Governor Greg Abbott similarly took a stand against police reform efforts. Abbott signed a bill penalizing cities that reduced police budgets, arguing that “defunding the police” (a phrase associated with progressive reform advocates) would lead to increased crime and chaos. Abbott’s policy was emblematic of a broader strategy by Republicans to reject federal attempts to influence local policing, emphasizing states’ rights and their view that local authorities are best suited to address community needs.

The divide over police reform often reflects broader partisan disagreements about the role of government and public safety. Democrats,

²³ Introduced in the House of Representatives as H.R. 1280 by Karen Bass (D-CA) on 24 February, 2021, it was presented to the Committee consideration by House Judiciary, and it passed the House on 3 March, 2021.

²⁴ H. Lee, M. Roberts, *Rethinking Accountability: Policy Implications of the George Floyd Justice in Policing Act for Municipal Police Departments*, in 81(3) *Public Adm. Rev.* 533 (2021).

²⁵ See R.G. Dunham, N. Petersen, *Policing Reform and Racial Justice in the Post-George Floyd Era: Policy Implications and Social Consequences* in 68(4) *Soc. Probl.* 871 (2021).

who generally support federal intervention to address social justice issues, view police reform as essential to addressing systemic racism and ensuring accountability. They see policies like the George Floyd Justice in Policing Act as a way to standardize policing practices nationwide, particularly to protect marginalized communities from excessive force and discrimination²⁶.

Republicans, conversely, typically champion a “law and order” approach, emphasizing strong police forces as essential for public safety and social stability. Republican opposition to Biden’s reforms frequently framed the debate as one between supporting police officers and undermining them. These leaders argued that loosening protections like qualified immunity would demoralize police officers, leading to increased retirements and resignations, which could potentially leave communities vulnerable. Many Republican leaders promoted alternative approaches, such as community support for police and increased funding for departments, rather than the restrictions proposed by Biden.

Despite Biden’s support and public backing, the George Floyd Justice in Policing Act ultimately failed to pass in the Senate, where it faced opposition from Republicans and moderate Democrats concerned about the political implications of certain provisions, particularly the adjustments to qualified immunity.

This defeat underscored the difficulty of enacting sweeping reform on an issue as politically charged as policing in America. Without a major legislative victory, Biden’s administration has been left to focus on smaller initiatives and executive actions.

For instance, in 2022, Biden signed an executive order establishing national standards for federal law enforcement agencies, including requirements on body cameras, restrictions on chokeholds, and limitations on no-knock entries (E.O. n. 14074 of 25 May, 2022). However, these policies affect only federal agencies, which account for a small fraction of U.S. law enforcement, limiting their impact.

The ongoing struggle between Biden’s administration and Republican leaders reflects the deep divisions within American society on the issues of race, policing, and public safety. While public support for police reform remains high, especially among minority communities, the partisan divide makes it difficult to achieve comprehensive national reforms. Biden’s efforts have sparked crucial conversations and localized changes, but the full realization of his reform agenda may remain out of reach as long as partisan tensions shape the legislative landscape.

President Biden’s attempts to reform policing in the United States following George Floyd’s death illustrate both the growing demand for change and the intense resistance from conservative leaders who prioritize traditional policing models. Republican governors’ resistance highlights the challenges of balancing federal reform initiatives with state autonomy, especially in areas as controversial as policing.

²⁶ A.R. Thompson, P.J. Collins, *Pattern or Practice Investigations and the Federal Push for Police Accountability under the George Floyd Justice in Policing Act*, in 56(1) *Harv. Civ. Rights-Civ. Liberties Law Rev.* 201 (2021).

5. Conclusion

In conclusion, the affiliation influences their priorities, policies, and the way they interact with federal institutions, particularly the office of the President. While collaboration between state and federal governments is essential for tackling issues that affect the entire nation, political divides can make this cooperation challenging. Governors, especially in states where their political affiliation is opposite to that of the President, may prioritize different policies and have competing visions for public policy, making bipartisan efforts more difficult to realize.

This political divide becomes particularly evident in matters where both state and federal authorities share responsibilities, such as healthcare, education, environmental policies, and responses to national crises. As we have seen, Governors aligned with the opposition may approach these issues with a critical stance toward federal initiatives, either slowing down implementation or introducing alternative measures that align more closely with their party's philosophy.

The difficulty in bridging this political gap also affects the potential for creating unified, bipartisan policy initiatives. Governors are often under pressure from their own party members and constituents to adhere to the party line, reducing the likelihood of conceding on key issues. Additionally, policies endorsed by the President may be viewed through a partisan lens, even if they could benefit the state. This politicization can hinder constructive dialogue, as governors might prioritize their party's agenda over collaborative problem-solving.

Therefore, even in situations that call for urgent action—such as natural disasters, pandemics, or economic downturns—political affiliations can shape responses. Governors may perceive federal aid or intervention not as neutral assistance, but as politically charged actions that either align with or challenge their state's values. Thus, while the dialogue between state and federal levels remains crucial, the influence of political affiliation often restricts the possibility of reaching genuine, bipartisan consensus. The consequence is a frequent standstill in public policy development, as finding common ground becomes secondary to maintaining ideological consistency.

Along this political and institutional framework, upon taking office in January 2021, President Joe Biden faced a nation clearly divided politically and socially.

The COVID-19 pandemic had not only taken a toll on public health but also impacted the U.S. economy, strained healthcare systems, and revealed long-standing infrastructure weaknesses. Tensions were also high between Democratic and Republican state governors, particularly on public health mandates, economic recovery strategies, and federal involvement in state affairs.

Acknowledging these challenges and the need for national unity, Biden anyway prioritized finding areas for collaboration between federal and state leaders. Infrastructure emerged as a key area for bipartisan cooperation since improving roads, bridges, airports, and public transit systems benefits communities across the political spectrum. Historically, infrastructure has been an issue where both major parties could find common ground. Since state governors oversee local infrastructure, addressing this issue was of

particular importance to them, as it directly impacts their constituents' lives and safety.

But yet, despite attempts at collaboration especially in occasion of the pandemic, Biden's presidency has been anyway marked plus by conflict than cooperation in federal-state relations. Key areas of contention included public health mandates, immigration policies, and law enforcement approaches, especially with conservative governors who resisted federal directives.

Therefore, the Biden's administration highlighted and confirmed the complex dynamics of U.S. federalism, where the federal government provides direction and resources, but state governors maintain substantial and powerful autonomy in policy implementation. Even more so in a Nation which lives very intensively the ongoing struggle to lead a deeply polarized country.

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