

THE FEDERALISM REPORT

— Volume 20, Number 1
————— Fall 1994

CONTENTS

CSF NOTEBOOK	1
IACFS NEWSLETTER	6
APSA FEDERALISM/INTERGOVERNMENTAL RELATIONS SECTION UPDATE	12



CSF NOTEBOOK

FROM THE EDITOR

NEH SUMMER INSTITUTE NEWS

The videotape "A History of the Court" shown at the 1994 NEH Summer Institute is available from PBS Video for \$59.95. It is part of a two tape series entitled "This Honorable Court." The tape or a catalogue may be ordered by writing PBS Video, Public Broadcasting Service, 1320 Braddock Place, Alexandria, Virginia 22314-1698.

INTERNATIONAL VISITORS

Recent visitors to the Center included:

■ **JUAN DUCH**, Deputy, National Assembly; **MIGUEL ANTONIO ESPINAL LAZO**, Deputy, National Assembly; **JULIO GAMERO**, Vice President, National Assembly; **JUAN RAMON MEDRANO**, Deputy, National Assembly; **MANUEL ORLANDO QUINTEROS AGUILAR**, Deputy, National Assembly; **TERESA ROMAN TORRES**, U.S. Escort/Interpreter; **THERESA SALAZAR**, U.S. Escort/Interpreter.

This group from El Salvador was part of a USIA sponsored project entitled, "The Role of the Legislature in Building a Democracy." This group was interested in discussing federalism and the Separation of Powers.

■ **SAM KISENSE**, Under-Secretary/District Executive Secretary; **HEZZY KERERE KAFUREKA**, Under-Secretary for Finance Ministry of Local Government; **MARGARET ROSE NDAWULA**, Senior Principal State Attorney; **JOHN BOSCO ORYEM**, Resistance Council (RC) Chairman; **OLIVE HOPE NAKYANZI**, Acting District Executive Secretary; **STEPHEN CHEMOIKO CHEEROT**, Deputy Minister of Local Government; **BRIAN BOOTH**, United States State Department, Escort.

These Ugandan visitors were part of a study tour entitled, "Decentralization and Local Government." These participants visited the Center to discuss the mechanism for organizing political power in a free society, and the decentralization of government.

■ **ABOUDOU TOURE CHEAKA**, Regional Director, Non-Governmental Think-Tank, Cotonou, Benin; **GILBERT MARTIN**, United States State Department, Escort.

At the end of the National Conference, which set the basic principles for democratic government in Togo, many young intellectuals were called upon to serve in the transitional government. Mr. Aboudou Toure Cheaka, was assigned the portfolio of Foreign Affairs and Cooperation. The objective of this visit was to look at the constitutional principles that serve as the

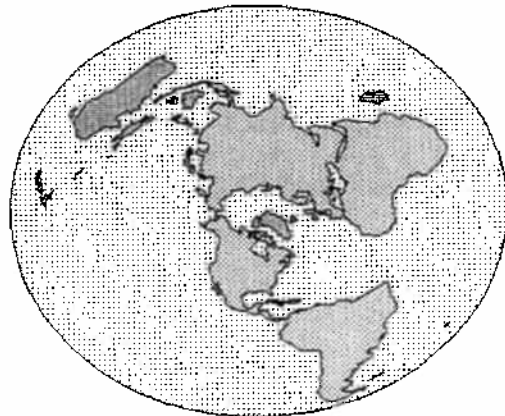
Foundation of the American system of government and to gain an overview of the separation of powers.

■ **RICHARD STEVEN CAPTAIN**, South Africa; **ERIC RUTH**, United States State Department, Escort.

Mr. Captain is involved in study of local and regional government in South Africa. The purpose of this visit was to discuss federalism as it relates to intergovernmental relations and the American system.

■ **FLORENTINO ALVAREZ ALVARADO**, Deputy Attorney General, Public Justice Ministry, Tegucigalpa, Honduras; **ELKE MELITZA NAVARRO ACOSTA**, Special Assistant to the Attorney General, Public Justice Ministry, Tegucigalpa, Honduras; **MARIA AUXILIADORA PENA ALVARADO**, Personnel Officer of the Attorney's General Office, Public Justice Ministry, Comayaguela, Honduras; **OLGA SUYAPA IRIAS SANTOS**, Public Prosecutor in Choluteca, Public Justice Ministry, Tegucigalpa, Honduras; **ULISES HERRAN**, United States State Department, Escort; **BRIAN ROSS**, United States State Department, Escort.

These visitors were participants in a USIA Single Country Project entitled, "Role of the Prosecutor in the U.S. Criminal Justice System." Their visit to the Center was to discuss the United States Constitution, separation of powers, and how these relate to the U.S. judicial system.



A RESEARCH AGENDA IN COMPARATIVE STATE CONSTITUTIONAL LAW

by Robert F. Williams
Rutgers University School of Law
Camden, New Jersey

Despite recent increased interest in federalism as a *national* government form, the constitution of the component entities, or states, of federal systems have received little comparative study. As Dan Elazar has observed, "Students of federal systems have tended to focus their attention on the federal constitutions that frame the entire polity while neglecting the constitutional arrangements of the constituent polities." [Daniel J. Elazar, *EXPLORING FEDERALISM* (U. Ala. Press, 1987) p. 174] After spending a summer in Europe teaching and talking to scholars about federalism I agree with Dr. Elazar's observation that *subnational* constitutions are a largely unexplored field.

In many federal systems the constituent polities, regardless of whether they are called states, cantons, *lander*, providences, or some other term, have their own *constitutions*. I would like to suggest that there is a set of general questions to be asked about the constitutions of component entities within any federal system. The answers to these questions, of course, would vary greatly. Developing a research agenda organized around these questions, however, could greatly facilitate comparative constitutional study.

Without attempting to provide an exhaustive list of such general questions here (I am working on a larger article about that), the following kinds of inquiries will illustrate my point. First, what is the theoretical function of the state constitution? Does it limit residual governmental power, or grant enumerated powers? In the United States, of course, the answer is "some of each."

What is the process for original adoption, amendment and revision of the state constitutions? Is there anything in the national constitution that mandates certain provisions or matter to be contained in the state constitutions? What is the role of popular sovereignty or constituent power in the process of adopting, amending and revising the state constitution, and does constituent power (initiative, referendum, approval of borrowing, etc.) come into

play in the operation of governmental systems under the state constitutions?

How similar are the state constitutions to each other? Is there evidence that provisions in some state constitutions have been modeled from others, either within the country or from outside? Are governmental institutions, rights protections, distribution of powers and other matters different from or similar to those contained in the national constitution?

Which governmental institutions provide authoritative interpretation of the state constitutions? Is there a state judiciary that interprets the state constitution, and, if so, can such interpretations be reviewed by the national judiciary?

What is the politics of state constitutional change? Is the constitution frequently amended or revised, as a normal part of the state's politics, or is *constitutional* politics outside the scope of "normal politics"?

Do the constitutions of the states contain detail normally found in statutory law ("constitutional legislation") or are they brief, confining themselves to "fundamental," core constitutional matters? If the state constitutions do contain such "legislative detail," why and how has it been inserted into the constitution?

These few general questions, I hope, illustrate the nature of the research agenda I am proposing. I know from my work on American state constitutions, and from my limited travel and contacts abroad that there are a number of scholars and practitioners in the world who have done work on, and who are interested in, these kinds of questions. The material is, however, scattered, only available in a variety of languages, and not centrally collected. I hope to establish a comparative dialogue on these and similar questions, leading to a better understanding of subnational constitutions, constitution making, and constitutional law in all federal systems.

I have already spoken to some people who receive the *Federalism Report*, but I would like very much to hear from people who have done work in this area, or who are currently engaged in such work and who would like to participate in this dialogue. Hopefully this could lead in the future to some kind of conference where we would come together to share our studies. I can be contacted at the Center. ■

BOOKS RECEIVED

Phillip W. Roeder. Public Opinion and Policy Leadership in the American States. (Tuscaloosa and London: The University of Alabama Press, 1994).

In recent years many domestic responsibilities have shifted from the federal to the state government. Some scholars point to the increased load of unfunded mandates from the federal government as the cause for the expansion of state activity. Reaction to the federal mandates has raised the level of state government's professionalism, and lack of funding from Washington has forced more activism and innovation. Subsequently, scholars are suggesting that the federal government has forfeited its role of chief policymaker in domestic affairs to the state governments.

In the latest addition to the Institute for Social Science Research Monograph Series, Phillip W. Roeder expands current scholarly discussion through an examination of data collected from 1987 through 1990 by the Council of State Governments/Martin School State Survey Project. Roeder proposes that in America the state is a significant referent for public attitudes toward politics, government and public policies. Focusing on vital current issues such as health care, welfare, public education and economic competitiveness, he concludes that there is considerable public support for state policy leadership and that state government leaders and institutions receive positive evaluations. ■

Jack D. Fler. North Carolina Government and Politics. (Lincoln and London: University of Nebraska Press, 1994).

In the most recent release from the Politics and Governments of the American States series (General Editor, John Kincaid) Jack D. Fler seeks to assess North Carolina's reputation as a progressive force. Through a study of a broad spectrum of the state's

political actors and organizations, Fler reveals North Carolina's political history, its evolving constitutional order and its changing political culture. Fler concludes that while a pattern of elitist paternalism exists in the state's political history, there is also a parallel pattern of popular participation and control.

The rise of a competitive political party system, more representative political leadership, a biracial and socially diverse electorate, and increased mobilization of interest groups have all contributed to the major forces of change which are currently influencing the North Carolina's political culture.

The state needs to balance the constant flux of its political culture against its need to prepare itself for the twenty-first century by addressing questions such as its aging population, globalization of its economy, environmental protection, education and workforce preparedness. Fler concludes that the fundamental challenge to North Carolina is confronting these issues in such a way as to produce a government by enlightened and effective popular consent. ■

Significant Features of Fiscal Federalism, 1994: Budget Processes and Tax Systems (Volume 1). (U.S. Advisory Commission on Intergovernmental Relations: Washington, DC, 1994).

Compiled from a dozen government and nongovernmental sources, Significant Features of Fiscal Federalism, 1994, provides a comprehensive study of the trends and changes in the intergovernmental fiscal system. The volume presents federal, state and local data for taxes on individual income, corporation income, alcoholic beverages, automobiles, cigarettes, estates and gifts, gasoline, sales, severance and real estate and transfers.

Significant Features also provides information on the federal budget process, and state balanced budgets, deficit limitations, gubernatorial vetoes, processes and calendars, and stabilization funds.

Produced by the U.S. Advisory Commission on Intergovernmental Relations, this volume is a valuable resource for policymakers, analysts, and academics. ■

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Volume 24, Number 3 Fall 1994

Articles

Interstate Cooperation and Conflict
by *Joseph F. Zimmerman*

Past and Present Utilization of Interstate Compacts in the United States
by *Patricia S. Florestano*

Low-Level Radioactive Waste Compacts: Lessons Learned from Theory and Practice
by *Carol S. Weissert and Jeffrey S. Hill*

Child Support: Interstate Dimensions
by *Joseph F. Zimmerman*

"Welfare Magnets" and Benefit Decline: Symbolic Problems and Substantive Consequences
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Interstate Relations in Nigeria
by *Eghosa E. Osaghae*

Interstate Tax Disharmony in India: A Comparative Perspective
by *M. Govinda Rao and Francois Vaillancourt*

Political Culture, Registration Laws, and Voter Turnout Among the American States
by *James D. King*

Book Reviews



IACFS

NEWSLETTER
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RUNDSCHEIBEN

Franz Greß / Detlef Fechtner / Matthias Hannes (Eds.)

THE AMERICAN FEDERAL SYSTEM:

Federal Balance in Comparative Perspective

Frankfurt/M., Berlin, Bern, New York, Paris, Wien, 1994. 231 pp.

ISBN 3-631-47531-4 pb. \$ 39.95 / DM 69,--

The American Federal System has changed dramatically during the last decade. Starting with Ronald Reagan's "New Federalism" the balance between the states and the federation has become an important topic in the discussion of politicians and scholars. As a result in the 1990s phenomena like the "resurgence of the states", the shift in the system of grants-in-aid, the evolving "new judicial federalism" and the complexity of "new institutions of federalism" dominate the domestic agenda in the U.S. The crucial question is whether the states still function as "laboratories of democracy" under the impact of fiscal crisis and the existing

institutional and constitutional framework.

The American experience is examined in comparative perspective with special emphasis upon German federalism and the dual challenges of unification and European integration. Among the main contributors are: John Kincaid, G. Alan Tarr, Ellis Katz, Ann O'M. Bowman, David Walker and Arthur B. Gunlicks.

Contents: American and German Federalism in Comparison · Concepts of Federalism · Intergovernmental Relations · Coercive Federalism · New Judicial Federalism · Resurgence of the States · States as Laboratories · Functioning Federalism



PETER LANG PUBLISHING, INC., 62 West 45th St., New York, N.Y. 10036

BOOKS OF INTEREST

Bertus De Villiers, editor.
Birth of a Constitution.
 (Kenwyn, South Africa: Juta and Company, Ltd., 1994).

Birth of a Constitution has assembled a panel of local and international constitutional and political experts to document the rise of the new South African Constitution. The book reconstructs the political process involved in developing the new democratic system and provides a comparative analysis of the end result with other country's constitutions.

Included in Birth of a Constitution are articles by Daniel J. Elazar, "Form of State: Federal, Unitary, Or...", Ronald L. Watts, "Provincial Representation in the Senate", and Bertus de Villiers, "Constitutional Principles-Content and Significance". ■

Douglas Brown, Pierre Cazalis and Gilles Jasmin, editors. Higher Education in Federal Systems. (Kingston, Ontario: Institute of Intergovernmental Relations, 1992).

While systems of higher education position themselves to meet the challenges of a global economy and social and political integration, they face additional challenges in federal countries which divide responsibility for higher education.

In order to explore the issues surrounding federalism and the

task of higher education, the Institute of Intergovernmental Relations at Queen's University hosted an international colloquium on May 8-10, 1991. Higher Education in Federal Systems documents the scholarly discussion among the participants from seven federal systems. The conference focused on organization, management and planning, financing, student mobility and research planning and financing, as well as studies of seven federal systems and their impact on higher education. The conference concluded that "higher education in federal systems defies simplification, but demonstrates over and over again the resourcefulness, experimentation, and strength in diversity that lies within federal systems." ■

Through case studies of Australia, Canada, Belgium, the European Community, Germany, Switzerland and the United States, several common attributes appear. These include the decentralizing pressure of globalization, the almost universal failure of rationalized coordination and the importance of funding diversity to the integrity of the university. While defining some commonalities, the conference also sought to explicate the diversity of the various federal systems in order to provide a means of comparative analysis. While focusing primarily on higher education, this book is also of interest to those seeking to gain a comprehensive picture of how federal states interact with a diverse and independent community of domestic interests. ■

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FEDERALISM AND HOUSING POLICY FOR FRAIL ELDERLY IN AUSTRALIA AND THE UNITED STATES: A COMPARATIVE ANALYSIS

This research note focuses on a recent analysis of federalism in Australia and the United States and its effects on housing policies for the frail elderly.

Both Australia and the United States have recently shifted from a time of expanded national jurisdiction to a period of decentralization, accompanied by greater reliance on subnational government involvement in domestic affairs. These shifts have been accompanied by a continuing power struggle between their state and national governments.

Strong similarities also occur in the national-state relationships of these two nations in four of Nathan's six consequential powers: legal powers, functional-area authority (e.g. responsibility for health and social services concurrently with their national governments), power over local governments, and particular state traditions. Major differences, however, occur in states' revenue powers and their roles in influencing national policies and programs. The 50 American states have a high degree of fiscal autonomy with virtually unlimited ability to levy taxes, as well as to borrow. By contrast, the tax powers of the six Australian states are severely restricted under the national constitution; the national government also limits the amount of debt they may issue. Nearly 60 percent of state revenue comes from the national government, often via equalization grants so that each

state is able to provide an average level of services -- a transfer practice generally eschewed in the United States. Australian states, like their American counterparts, also receive conditional grants, often used as policy leverage by the national government. The fiscal dependency of Australian states leads to strong national influence over their affairs. The states in both nations, however, can and do use own-source revenues to finance their own discretionary programs.

In shaping national policies, federal-state relationships also differ. A tradition of "executive federalism" in Australia leads to periodic conferences of federal and state executives and formally negotiated agreements requiring timely evaluation and redefinition of federal-state roles. In addition, states administer most national programs and state executive lobbies have a major presence in Canberra; local governments have traditionally been less active, although this is now changing. By contrast, fewer formal structures exist for negotiating American federal-state relations. The federal government's intergovernmental infrastructure, like the role and funding of the U.S. Advisory Commission on Intergovernmental Affairs, has been reduced. Interstate and inter-locality consultation have developed via organizations such as the National Governors Association that often lobby at the national level. While states

administer many national programs, a strong tradition of local lobbying and administration also exists, especially in several programs that affect the aged.

The policy environment affecting the growing numbers of the Australian and American aged is complex and geographically variable with three levels of government involved. Like most industrialized nations, both Australia and the United States are faced with population aging and the aging of their elderly. The proportions of the elderly in both nations are roughly similar: 11 percent in Australia and 13 percent in the United States. America's older population is much larger (32 million persons aged 65 and over) than Australia's (1.7 million). The proportion of those age 80+, the group that is most likely to be physically and/or mentally frail, is expected to double by the year 2030 in both countries. Both nations have expanded their policy efforts for the aged, especially in income security. With the growing numbers of frail elders, attention has focused on the need for other kinds of assistance and the creation of special agencies: the Office of Aged Care in the Australian Department of Health, Housing and Community Services and the U.S. Administration on Aging in the Department of Health and Human Services. The creation of state-level agencies for the aged, some prior to the establishment of their national

counterparts, is indicative that aging policy is also a state government concern in both nations.

Despite the differences noted earlier, Australia and the United States have developed similar approaches to solving the housing needs of their older populations, with similar outcomes. Both are now re-evaluating their housing policies to accommodate the growing numbers of frail elders. The aged historically have been a group with special housing needs, primarily due to their poverty levels, but as they become more frail their housing must adapt to reduced functioning and provide a service-enriched environment. Thus, suitable housing for the frail aged is fast becoming a long-term care concern and requires the interweaving of three policy areas: housing, health and social services. This policy complexity is accentuated by the levels and numbers of governments involved, especially in the United States.

Unlike other federal societies (e.g., Canada), Australia and the United States have created both age-neutral and age-specific housing policies. The aged have been major beneficiaries of post World War II national housing policies designed to stimulate home ownership through mortgage insurance and tax policies: 76 percent of older Americans and 72 percent of older Australians are homeowners, a high level of ownership in comparison with other age groups. To assist low-income households, including the elderly, both national governments have provided

income-tested rental assistance or housing allowances and have subsidized the supply of low-income rental housing. Grants have been provided to state and local governments, but more often to the non-profit sector to build and maintain low-income housing. The elderly, who prefer to "stay put," comprise significant proportions of public housing residents: nearly 25 percent in Australia and 45 percent in the United States. They are also major beneficiaries of rental assistance programs: 50 percent of all Australian recipients and 24 of all Americans recipients are age 65 and over.

In the mid and late 1950s, both nations developed age-specific affordable rental housing for the elderly, such as our Section 202 housing. They also promoted demonstration programs that combined housing with services for frail elders, such as our Congregate Housing Services Program (CHSP), to allow older residents to stay in their apartments. While both national governments withdrew from major roles in public housing during the 1980s, they became more active in 1990, Australia with its National Housing Strategy and the United States with the passage of the National Affordable Housing Act (NAHA), both of which seek to build more affordable housing for low and moderate income renters and to link housing with services for frail elders.

In Australia, however, joint federal-state housing programs have been the norm, rooted in the Commonwealth-State Housing Agreement (CSHA) of 1945, which requires

up to a 50 percent nonfederal match; generally the states provide about 30 percent, with the rest of the match coming from the voluntary sector. The CSHA undergoes periodic renegotiation, but the delivery of housing services and consumer protection (e.g., rent control) are seen primarily as a state responsibility. More recently, the Local Government and Community Housing Program (LGCHP) has sought to expand the role of localities either directly through capital and management subsidies or through providing incentives for states, localities and the private sector to embark upon joint ventures.

The U.S. states have historically been less involved in federal housing programs, compared with local governments, although they actively sought to fill the gaps left by the federal government retreat from the housing area in the 1980s and to develop new programs for the elderly. NAHA was designed to promote state and local housing activity, with some programs requiring a 50 percent nonfederal match. All State jurisdictions and about half of the expected localities submitted the required comprehensive planning document; over a third of the states identified frail elders as a group needing attention.

While affordable housing for the elderly continues to be a major concern in Australia and the United States, the growing numbers of "old" require policy makers to focus on their supportive services needs. In both nations the nursing home has been the centerpiece of housing policy for the frail aged,

with its combination of housing with medical and often personal care (e.g., assistance with bathing) services. Both nations have provided subsidies and reimbursement for building and operating nursing homes, primarily under the rubric of health policy. Australia has relied heavily on nursing home care being delivered by the states and the voluntary sector; the United States, major actors have been the for-profit and nonprofit sectors.

In the last decade, both nations have responded to the constantly escalating costs of institutional care by restricting the supply of nursing home beds and creating community-based alternatives. While similar proportions of older Australians and Americans -- 4.4 percent and 5 percent respectively -- live in nursing homes, these numbers are expected to increase markedly by 2030 when both baby boom cohorts become elderly. Because joint national-state financing and state regulation of nursing home care within national guidelines are the norm in both countries, states have a large stake in this restructuring. The U.S. Medicaid program pays for 45 percent of this care, with the federal share ranging from 50 to 80 percent, the latter for poorer states -- a form of equalization payments. State financing in Australia is less substantial than the national government's share; collaboration is promoted through a joint coordinating committee on nursing homes and by shared funding of regional geriatric assessment teams and the Program of Aid to Disabled People. Such cooperative activity in the United States is

lacking. Indeed, Medicaid has become a major battlefield for federal-state interactions, in large part due to national mandates that have increased states costs and have tied state expenditures to federal requirements. Even with waivers, state innovations to develop alternatives have often been hamstrung by federal action.

Alternatives to nursing home care in Australia and the United States are developing along three dimensions. The first is to use current housing stock more appropriately to enable frail elders to remain in their current housing, a preference shared by older Australians and Americans. This includes home or apartment modifications or retro-fitting (e.g., grab bars, ramps, creation of common spaces) that promote self-care and on-site delivery of needed services. The Australian national and state governments have developed permanent programs that provide grants and loans to homeowners and landlords to adapt homes to the reduced functioning of frail elders. The needs-tested Home and Community Care (HACC) program is jointly funded by the national and state governments (59 percent and 51 percent respectively). As part of the recent Aged Care Reform Strategy, the HACC now defines "need" as financial and/or functional and encompasses a number of specialized services such as home modifications which are administered by State Housing Authorities. In the United States, several economic-needs tested programs (e.g., Medicaid, Community Development Block Grants) can

be used to finance home modifications, but there is no uniform program comparable to the HAAC. Financial participation by the states varies according to the funding program and their willingness to have such programs.

The second thrust of housing policy for frail elders is centered on expanding the supply of residential long-term care alternatives. In Australia the focus has been on CSHA capital funding for building hostels, which are somewhat similar to U.S. board and care facilities, and subnational government-private partnerships to build retirement villages. Unlike hostels, the latter do not include ongoing care. In the United States, reliance has been placed on the private sector to create assisted living facilities and continuing care retirement communities that combine housing with services; some national mortgage backing has been proposed for the former. In both nations, state regulation of private sector residential care facilities has grown.

The final strategy has been to improve the availability of supportive services for frail aged who live in their own homes, either through better coordination or increasing the quantity of services. In the United States NAHA seeks to combine services with housing for frail elders via an expanded CHSP in age-specific housing and the linking of existing services with public housing, some of which is owned and/or managed by local authorities. A housing and services voucher demonstration program that is not tied to a specific kind of facility is also underway.

Virtually no new national funding available for increasing the quantity of services; thus, much is left up to the states to provide additional dollars or to use federal funding (e.g., Older Americans Act (OAA), Social Services Block Grants) more skillfully. By contrast, the Australian strategy has been to use the CSHA-funded hostels as a source of supportive services for community-dwelling elders and to expand national funding for supportive services. The HACC program directly supports family care-givers who provide 80-90 percent of informal care; for the first time, the 1992 OAA authorized \$15 million for America's care-givers who provide similar levels of care.

The practice of federalism (in terms of federal-state responsibilities), while differing in revenue powers and the existence of mechanisms that enhance the ability of states to shape national policy, has thus far yielded similar housing policy outcomes for the elderly in Australia and the United States. However, over the past 5-8 years, federal and state actions in Australia appear to be moving that country toward more positive policies for impaired older persons that will reduce an over-reliance on nursing homes and promote aging in place in the community. Key factors appear to be 1) national leadership, but not outright preemption, in housing policy and aged care reform; 2) increased levels of national financing for care services; and 3) the strong participation of the Australian states in joint state-federal policy making in aging. The last is largely a function of

the formal structures and mechanisms that promote administrative bargaining, in addition to the lobbying pathway. A less certain factor is the new, emerging roles to be played by localities, with implications for possible changes in state-local, federal-local and ultimately, federal-state relations.

Renewed U.S. national leadership has occurred in housing policy, with greater flexibility to subnational government subnational governments, but the policy is too new to assess the outcomes for frail elders. National leadership in aged care (health and social services) is less clear cut. President Clinton's long-term care proposals, several of which are like HACC, have yet to be tested in the legislative arena. If enacted, however, the effects on Medicaid expenditures in many states will be positive, which may promote greater state innovation in home and community-based care.

In the United States, suggestions have been made about the need to sort out and reform federal-state relations anew, often in specific policy areas, especially health. Less attention has been paid to the lessons to be learned from other federal societies, such as Australia, in developing mechanisms that promote federal-state bargaining beyond and in addition to interest group conflict. While parliamentary systems lend themselves more easily to this kind of intergovernmental exchange, parallel experiences in U.S. state-local relations and the recent development of a more consultative process between the

President and governors under Presidents Bush and Clinton might provide a template for more effective federal-state negotiations. Similar to Australia's Aged Care Reform Strategy, national leadership in long-term care might be initiated, either through the upcoming 1995 White House Conference on Aging or a federal-state task force. At the same time, Australian policy makers might benefit from an examination of good models of supportive housing developed by U.S. localities, so as to enhance their local government capacity to create and implement better housing policies for frail elders. Clearly, these two federal societies can learn from each other.

*Phoebe S. Liebig, Ph.D.,
Assistant Professor Gerontology
and Public Administration,
University of Southern
California, Los Angeles, CA
90089-0191*

PLEASE NOTE

Our readers are encouraged to submit articles for publication in

*The Federalism
Report.*

The deadline for the Winter issue is

February 1, 1995.

AMERICAN POLITICAL SCIENCE ASSOCIATION ORGANIZED SECTION ON FEDERALISM AND INTERGOVERNMENTAL RELATIONS

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MINUTES

1. The Section met for its 1994 annual membership meeting on Friday, September 2, 1994, in New York City. John Kincaid (Lafayette College) Chair, presided. Twenty-one members were in attendance. The Chair thanked Sarah Liebschutz (SUNY--Brockport) for her work in organizing and moderating the Section's 1994 short course entitled New York City's Intergovernmental World.

2. Minutes of the 1993 membership meeting were approved. Dale Krane (University of Nebraska at Omaha), Secretary-Treasurer, submitted the annual statement of revenues, expenses, and fund balance for review and approval. Revenues for 1992-93 were \$1,312 (dues rebates and short course fees), expenses were \$1,164.98 (awards, reception,

mailings), and the fund balance was \$1,594.53. The financial report was accepted. The Secretary/Treasurer, proposed a motion to move the Section's checking account to the Washington, DC bank used by APSA. Discussion of the; motion pointed out that APSA's Organized Section Committee has requested all sections maintain their financial accounts in APSA's bank. Motion passed.

3. The Secretary/Treasurer reported on the Organized Section meeting. Items discussed at the Organized Section meeting included (a) the continuing emphasis on insuring underrepresented populations within the APSA membership find places on each section's program sessions, (b) the possibility of a student membership fee for sections, and (c) the size limit on sections.

4. Beverly Cigler (Pennsylvania State-- Harrisburg) presented the award for the best paper on federalism and intergovernmental relations by a student to Rey Koslowski (Univ. of Pennsylvania). The title of his paper is "Immigration and the Union of Democratic States." Discussion followed to clarify that the student paper award will not be limited to papers delivered at the sessions sponsored by the Federalism Section, but any APSA conference paper related to federalism and intergovernmental relations will be considered.

5. John Kincaid presented the Section's award for "significant contributions to the field of federalism and intergovernmental relations" to Professor Samuel H. Beer (Harvard Univ.). Professor Beer's many accomplishments include APSA President (1976-

77), membership in the Royal Historical Society, first occupant of the Thomas O'Neill Chair at Boston College, and the 1989 recipient of the Stone Award presented by APSA's section on intergovernmental administration and management. Most recently, he is the author of To Make A Nation. Prof. Beer explained to the Section that federalism "is a deep thing with him since his boyhood." He went on to say that "while federalism and the Section have had a great past, they have a great future as exemplified by the impact of the European Union on British politics." "Federalism", Prof. Beer noted, "is a crucial question in unitary nations" and is prompted by the question of with whom do people identify. The Committee which selected Prof. Beer was composed of Joseph Zimmerman (SUNY--Albany), Ellis Katz (Temple Univ.), Martha Derthick (Univ. of Virginia), and Deil Wright (Univ. of North Carolina).

6. Discussion turned to a "best book" award. A motion was made to create an award for the "best book" on federalism and intergovernmental relations published at least ten years ago and has made a lasting contribution to the study of federalism and intergovernmental relations. The motion also proposed that there does not have to be an award made every year and that the Chair will establish or designate the selection committee, which may also be the same committee as the one which selects the distinguished scholar award. Motion passed.

7. The Chair acknowledged the work done by Michael Pagano (Miami Univ.) to organize the Section's sessions for the 1994 program.

8. Dale Krane reviewed the theme for the 1995 APSA annual meeting to be held in Chicago. The call for papers and panels has been published in PS: Political Science & Politics (Sept. 1994). The description for the Federalism Section can be found on pp. 609-610. The deadline for submissions is 1 December, 1994.

9. The Chair thanked the following Council members for their three years of service to the Section: Thad Beyle (Univ. of North Carolina), Richard Cole (Univ. of Texas at Arlington), and Stephen Schechter (Russell Sage College).

10. Ted Pedeliski (Univ. of North Dakota) presented the report of the nominations committee. The following section members were nominated for the Section Council: G. Alan Tarr (Rutgers Univ.), Joseph Marbach (Seton Hall Univ.), and Robert Agranoff (Indiana Univ.). Sarah Liebschutz was nominated for Section Chair. All nominees were approved unanimously. Bruce A. Wallin (Northeastern Univ.) was elected to fill the remainder of Sarah Liebschutz's term on the Council (1993-96).

11. Prof. Deil Wright proposed the following motion that was approved unanimously:

A Resolution with Regard to the U.S. Advisory Commission on

Intergovernmental Relations (ACIR) by the Section on Federalism and Intergovernmental Relations, American Political Science Association. *Whereas*, the principle of federalism is one of the fundamental features of the U.S. Constitution and of governance processes in the American political system, and *Whereas*, the problems associated with intergovernmental relationships pose constant issues and conflicts that require serious and significant attention, and *Whereas*, the U.S. Advisory Commission on Intergovernmental Relations (ACIR) is a unique intergovernmental body of local, state and national officials, and *Whereas*, the U.S. ACIR, created by Congress in 1959, has given continuous and careful attention to issues of federalism and intergovernmental relations, and *Whereas*, the U.S. ACIR, has been an exceptionally productive, constructive, and creative entity, producing scores of solid research studies and offering hundreds of policy recommendations that have promoted balance and comity among intergovernmental relationships, and *Whereas*, the U.S. House of Representatives, in ill-advised actions, has threatened the existence of the ACIR by eliminating appropriations that support the work of the Commission, and *Whereas*, the demise of the U.S. ACIR would have a serious and damaging effect on both the U.S. federal system and cooperative intergovernmental relations, *Therefore Be It Resolved That*,

A. the Section on Federalism and Intergovernmental Relations of the American Political Science Association does hereby protest the actions taken by the Congress which threaten the existence of the ACIR, and
 B. the Section also endorses the full funding request of the ACIR so that it may function more effectively in promoting the principles of federalism in the USA and around the world, and so that it may foster continued improvement in intergovernmental relationships.
Be It Further Resolved That this resolution be transmitted to members of the U.S. Congress so that they may deliberate more carefully and fully on the potential consequences of their actions. Passed Unanimously.

SECTION NEWS

1. New Section Officers

Sarah F. Liebschutz, SUNY, Brockport, was elected Chair of the Section for 1994-1996. Robert J. Agranoff, Indiana University; Joseph R. Marbach, Seton Hall University; and G. Alan Tarr, Rutgers, Camden were elected to three-year terms, 1994-1997; Bruce Wallin, Northeastern University was elected to fill the remainder of Sarah Liebschutz's term. All of the section officers, whose names appear on the letterhead, are eager for your suggestions and offers to actively participate in the work of the section. The new chair, especially, welcomes hearing from you. Please call her at (716) 395-2584, or fax (716) 395-2172, or communicate by E-Mail (Sliebsch@ACSPR1.acs.Brockport.edu). ■

2. 1994 Section Panel Attendance

Thanks to Michael A. Pagano for organizing a fine set of Federalism Section panels at the 1994 Annual Meeting—four more than in 1993. Average attendance, however, at the 1994 panels was 21, down from 26 the prior year. Attendance is an important factor (adjusted for day and time) taken into account by APSA in allocating panels to sections. Please patronize your section panels in 1995! The following are official attendance figures for our 1994 APSA panels:

14-1 The American Country (Sunday, 10:45 am) (11 participants)

14-2 National Stands vs. "Competitive Deregulation" (Saturday, 3:30 pm) (15 participants)

14-3 Federalism in Post Communist Societies (Thursday, 3:30 pm) (33 participants)

14-4 Exploring Political Subcultures (Friday, 3:30 pm) (33 participants)

14-5 A Europe of Regions? (13 participants)

14-6 States and Localities in a Changing Federal System (Thursday, 1:30 pm) (17 participants)

14-7 State and Local Administration in a Federal System (Saturday, 1:30 pm) (Co-sponsored by Public Administration Section) (8 participants)

14-8 Issues of Divided Nations (Saturday, 8:45 am) (14 participants)

14-9 In Memoriam: Aaron Wildavsky (Friday, 3:30 pm) (Co-sponsored by Public Administration and Public Policy Sections) (45 participants) ■

3. 1994 Section Workshop

The Section's second workshop, entitled "New York City's Intergovernmental World," people, was organized by Sarah F. Liebschutz of SUNY, Brockport and held at the offices of the Metropolitan Transportation Authority, New York City, on the afternoon of August 31, 1994. speakers focused on New York City's relationships with Albany and Washington, and the intergovernmental implications of the Intermodal surface Transportation and Efficiency Act of 1991 (ISTEA.) the speakers were:

* Ester Fuchs, Director, Barnard-Columbia Center for Leadership in Urban Public Policy;

* Alice Teteiman, Director, New York City Washington Office, Washington;

* Thomas W. Clash, Director of Planning and Program Management, New York State Department of Transportation;

* Christopher Boylan, Chief of Staff, Metropolitan Transportation Authority, New York City;

* David Henley, Director, Mayor's Office of Transportation, New York City; and

* Raymond R. Ruggeri, Director, New York Metropolitan Transportation Council, New York City.

Participant evaluations of the workshop were extremely positive, clearly indicating support for annual workshops. ■

4. Distinguished Scholar Award

Dr. Samuel H. Beer, Eton

Professor Emeritus at Harvard University, was awarded the Section's Distinguished Scholar Award at the 1994 section business meeting in New York City. A former President of the American Political Science Association, Professor Beer is the author of many books including Modern British Politics (W.W. Norton, 3rd edition, 1982). His most recent contribution to understanding the historical roots of American federalism is To Make a National: The Rediscovery of American Federalism, published in 1993 by Harvard University Press. Stephen Schechter, in a 1993 review in Publius (23:2), writes that the book is a "masterful reconstruction of the national idea in Anglo-American political thought in the seventeenth and eighteenth centuries." Patrick Riley of the University of Wisconsin characterizes To Make a Nation as "Beer's *magnum opus*, the work that draws together his incomparable knowledge gained theory and historical practice." The Section on Federalism and Intergovernmental Relations has distinguished itself by conferring on Professor Samuel H. Beer the 1993 Distinguished Scholar Award. ■

5. Best Paper Award

Reynold (Rey) Koslowski, a doctoral student at the University of Pennsylvania, was the first recipient of the Section's Best Paper Award in the field of federalism and intergovernmental relations presented at the previous year's annual APSA meeting. Mr. Koslowski's 1993 APSA paper was entitled "Migration and the

Union of Democratic States: A study of European Political Integration in Comparative Perspective." ■

6. 1995 Section Program Chair

Dale Krane is our Section's program chair for the 1995 APSA annual meeting, to be held in Chicago. If you would like to organize a panel, present a paper, or serve as a panel chair or discussant, please contact him at the Department of Public Administration, University of Nebraska at Omaha, Omaha, NE 68182-0276. Phone: 402-554-2595. Fax: 402-554-2682. E-Mail: dkrane@unomaha.edu. ■

7. Nominations Sought for 1995 Distinguished Scholar Award

Robert J. Dilger will chair the Distinguished Scholar Award Committee for 1994-1995. In addition to our 1994 recipient, Samuel H. Beer, Daniel J. Elazar, Vincent Ostrom, Deil Wright, and Martha A. Derthick have received our Sections' Distinguished Scholar Award. Please send your nominations for the 1995 award to: Dr. Robert J. Dilger, Institute for Public Affairs, 316 Woodburn Hall, West Virginia University, Morgantown, WV 26506. Phone: 304-293-5432. ■

8. Nominations Sought for Best Paper Award

Michael A. Pagano will chair the Best Paper Award Committee. If you would like to nominate a paper presented at any panel at the 1994 APSA meeting in the field of federalism and intergovernmental relations,

please send nomination(s) to Dr. Michael A. Pagano, Department of Political Science, 218 Harrison Hall, Miami University, Oxford, OH 45056. Phone: 513-529-2010. Fax: 513-529-6939. ■

9. 1995 Section Workshop

Building on our successes of 1993 and 1994, the Section will sponsor a workshop in Chicago in connection with the 1995 Annual Meeting. Leonard Robins has agreed to organize the workshop around the theme, "The Role of the States in National Health Reform." Given the high level of interest in this policy area as well as its intergovernmental implications, the topic is timely and should evoke lively interchanges among speakers and participants. If you have suggestions for the workshop, please contact Dr. Leonard Robins, Department of Public Administration, Roosevelt University, 430 South Michigan Avenue, Chicago, IL 60605. Telephone: 312-341-3768. Fax: 312-341-3655. ■

10. Nomination Sought for Section Officers

The Section needs to elect a new secretary-treasurer and three new council members at the 1995 meeting. Theodore Pedeliski, Chair of the Nominations Committee, welcomes your nominations. Please send them to Dr. Theodore B. Pedeliski, Department of Political Science, University of North Dakota, Box 8276, University Station, Grand Forks, ND 58202. Phone: 701-777-3553. Fax: 701-777-5099. ■

Temple University
1616 Walnut Street
Suite 507 (300-00)
Philadelphia, PA 19103

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CENTER FOR THE STUDY OF FEDERALISM, TEMPLE UNIVERSITY
1616 WALNUT STREET • SUITE 507 • PHILADELPHIA, PA 19103
Tel: (215) 204-1480 • Fax: (215) 204-7784 • Bitnet: V2026R@TEMPLE.VM