

The Federalism Report

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CSF NOTEBOOK

From the Editor:

Do not neglect to use the information inside in the IACFS Newsletter and the APSA Federalism and Intergovernmental Relations Section Update to find out details of both annual meetings. The annual meeting of APSA will be September 3-6, 1998 in Boston, Massachusetts. The next meeting of IACFS will be October 19-23, 1998 in Jerusalem.



The Center for the Study of Federalism is happy to introduce Ms. Alexandra Seneau as an Earhart Fellow for 1998-1999. Ms. Seneau will be studying at the Center as well as the Jerusalem Center for Public Affairs. Her interests are in the area of covenant. She can be reached at the Center.

Center News

Events at APSA

1. Thursday, September 3, 1998, 8:45 am

Center for the Study of Federalism/ University of Nebraska Press American States Series: "Reinventing State Government: Myth or Reality?"

Chair: **John Kincaid**, Lafayette College

Participants:

Hawaii - **Richard Pratt**, University of Hawaii, Maui

New York - **Sarah Liebschutz**, SUNY, Brockport

Wisconsin - **Dennis L. Dresang**, University of Wisconsin, Madison

Rhode Island - **Maureen Moakley**, University of Rhode Island

Pennsylvania - **Joseph R. Marbach**, Seton Hall University

Discussant: **Daniel J. Elazar**, Temple University

2. Friday, September 4, 1998 1:30 pm

Publius Annual Review of Federalism

Chair: **Ann O'M Bowman**, University of South Carolina

Papers:

- Environmental Federalism at Decade's End: New Approaches and Strategies

Michael Kraft, University of Wisconsin, Green Bay

- The Reconstitution of American Federalism: The Rehnquist Court and Federal-State Relations, 1991-1997

Richard A. Brisbin, Jr., West Virginia University

- Implications of the Balanced Budget Act of 1997 for the "Devolution Revolution"

Robert Tannenwald, Federal Reserve Bank of Boston

- An Overview of American Federalism, 1997-1998

Carol S. Weissert, Michigan State University

Sanford Schram, Bryn Mawr College

Discussant: **Michael Pagano**, Miami University □

Recent Visitors

Mr. Flavio Delbono
City Councilor
Budget and Finance
Bologna, Italy

During his study tour of the United States, Mr. Delbono visited Washington, DC and several other cities across the country. His goals for the program were to examine:

- Economics policy making at the federal, state, and local levels.

- Fiscal policies at work in a decentralized system, particularly at the local level.

- Federalism and the role of city, state, and federal legislators in the budget process.

- Sources of financing of city services, including the use of bonds to finance local infrastructure projects. □

Recent Projects

1. Korean Local Autonomy

The Center has received, from the U.S. Information Agency, funding for a one year project on Korean Local Autonomy.

With a renewed emphasis on local government autonomy, Korean local governments are faced with a new set of problems. As reform takes place, there is added pressure on local governments to be more responsive to the demands of their constituents. Establishing autonomous institutions at the local level is one of the most important elements in strengthening regional and national democratic institutions.

The Center for the Study of Federalism will conduct a program that will combine a workshop with a study tour here in the United States with a follow-up conference in Seoul. The program will be for elected local executives who have been selected because they will both benefit from the program and they will be able to contribute to the follow-up conference in Seoul. The Center for the Study of Federalism will work with the Center for Local Autonomy and the Korean Research Institute for Local Administration. The two Korean centers are major contributors to the work that is being done on local autonomy in Korea. The workshop is set to take place in October with the follow-up conference in March. For more information, contact the Center. □

2. Civic Education in the Americas

The Center hosted a group of academics and civil servants from Central and South America for a morning session on June 15 as part of a USIA sponsored project on civic education in the United States. The group of eleven met with Program Director Paul Neal.

BOLIVIA

Ms. Silvia Camacho
Coordinator, Technical Working Team
Unit for Pedagogical and Technical Services
Ministry of Education
La Paz

Ms. Sandra Verduguez
Director of the National Electoral Court's Office for
Civic Education, Training and communication
Santa Rita

COLUMBIA

Mr. Jaime Rivera Garcia
Director of Communications
Colegio Emilio Valenzuela
Bogota

DOMINICAN REPUBLIC

Mr. Juan De La Cruz
Head, Program Advisory and Consultation Unit
Research for Community Action Group (GRIPAC)
Santa Domingo

Mr. Domingo C. Matias Hernandez
Project Manager
Active Neighbors Union (UVA)
Santa Domingo

GUATEMALA

Ms. Maria Alicia Tejon De Xula
Coordinate of Mayan Education Programs
Center for Mayan Documentation and Investigation
(CEDIM)
Chimaltenango

URUGUAY

Ms. Elizabeth Alvarez
Assistant to the National Inspector of Social and Civic
Education
Council of Secondary Education
Montevideo

Ms. Silvia Jorajuria
Professor of Civic Education of Public High Schools
Colonia

Ms. Maria Elina Rostan Mardnez
Member of the Advisory and Training Committee in
Social Science
National Council of Education (CODICEN)
Montevideo

Ms. Claudia Lida Varela Estevez
Member of the Advisory and Training Committee in
Social Science
National Council of Education (CODICEN)
Montevideo

VENEZUELA

Ms. Anna Vaccarella Nija
Director and Producer "Alerta" TV Show and "Radio
Caracas"
Caracas □

In Memoriam Terry Sanford

All those concerned with federalism in the United States join in mourning the death of Terry Sanford, former governor of North Carolina, President of Duke University in that state, and U.S. Senator from North Carolina from 1986 to 1992. Terry Sanford was one of the first of the new breed of governors who in the 1950s and 1960s gave American federalism the tools for it to function properly by making the governorships as an institution and their states better partners in the federal system shaped by the realities of postwar America, culminating in President Lyndon Johnson's Great Society.

More than that, as governor Terry Sanford was one of the first to publicly proclaim that the states not only should be, but could be, partners in that effort in a revitalized federal system. His book *Storm Over the States* was a clarion call in the 1960s at a time when federalism was rejected almost everywhere in elite circles as being synonymous with racism and reaction. When it was published in 1967, even those circles had to take notice of it. In that respect we can see it as a first blow toward the restoration of some sanity in the American federal system.

Only the governor of a progressive Southern state was in a position to make a book like that effective at the time. Terry Sanford was the governor willing and able to do it, who assembled the intelligence, staff, and resources, and threw the prestige of his office into the struggle to rearticulate the vital importance of American federalism and the states' vital role in the federal system.

Storm Over the States, published in 1967, reads as rather obsolete today in a time when the federal government is on the defensive and even presidents of the United States call for "returning power to the states." Yet when it was published, federal interventionism was at high tide and the cooperative federalism of the period from the New Deal to the Great Society was being replaced by a coercive federalism orchestrated from Washington under the guise of cooperation and partnership. As one involved in the writing of *Storm Over the States*, even at the time I thought that it was too apologetic because it underplayed the states' accomplishments and overplayed the virtues of activist and interventionist government, and gave Washington too much credit while placing too much blame on the states. But its success in drawing attention to the importance of the states was, no doubt, in no small measure because it spoke in the tones of the times.

Moreover, Governor Sanford was not only a Democrat because he was a Southerner but was an impeccably progressive, even liberal, Democrat who saw the states as able to provide for the continuation of the platform and programs of the then triumphant liberal wing of the Democratic party.

While writing the book, Terry Sanford was showing the way as governor of North Carolina, fighting racial segregation and bringing about desegregation and even integration within the state, using state government as a tool to enhance economic development for what became the North Carolina miracle, and improving human services in the state. He was one of that string of North

Carolina governors in the 1950s, 1960s, and 1970s that made the Tar Heel State the most progressive in the South and in many respects the most successful as well.

After he finished his governorship, Terry Sanford attempted to reach for the presidency of the United States. No doubt his motivation for writing his book included at least a little bit of those ambitions. In that he never succeeded. He simply did not capture the imagination of the American people or his party in that way. Instead, he became president of Duke University, one of the premier institutions of higher learning in the South. During his presidency he strengthened his school in numerous ways and used his campus to continue his work promoting a stronger federalism.

Sanford returned to public office by winning a race for one of the U.S. Senatorial seats in his state. He served a term in the Senate in which he proved to be a very useful Senator, and then was beaten at the beginning of the Republican Revolution of the 1990s. While he was a good Senator, his glory days remained those of his governorship.

I first met Terry Sanford while he was writing *Storm Over the States*. At the time I was a young assistant professor who had inherited the tasks, if not the mantle, of my mentor, Morton Grodzins, who was dying of cancer. Terry turned to me to help him in writing a book. Eli Evans, subsequently president of the Revson Foundation and a successful author in his own right, was then responsible for organizing the writing and production of the book for his governor and my detailed contribution was through him. To this day I recall a telephone conversation between him in Raleigh, North Carolina, and me in Champaign, Illinois, of two hours duration during which he read me large sections of the book for my comments. Later while he was president of Duke, Terry would invite me to his federalism programs from time to time. On my visits to the campus I was struck by the depth of his religious beliefs, as I had earlier been struck by the depth of his political convictions.

I am not certain whether Terry Sanford was in sympathy with the New Federalism of the 1990s or, for that matter, with Ronald Reagan's understanding of federalism in the 1970s and 1980s. He may have been too much of a liberal democrat for that, although, on the other hand, he may have moved closer to his fellow governor Bill Clinton's position on these matters. Be that as it may, his contribution to the struggle to maintain federalism in the United States in the face of the false options and blind alleys of the last generations owe a great deal to his early efforts in the right direction. May his memory inspire those of us who continue that struggle.

Daniel J. Elazar

PRESIDENT CLINTON'S EXECUTIVE ORDER ON FEDERALISM

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to guarantee the division of governmental responsibilities, embodied in the Constitution, between the Federal Government and the States that was intended by the Framers and application of those principles by the Executive departments and agencies in the formulation and implementation of policies, it is hereby ordered as follows:

Section 1. Definitions. For purposes of this order:

(a) "State" or "States" refer to the States of the United States of America, individually or collectively, and, where relevant, to State governments, including units of local government and other political subdivisions established by the States.

(b) "Policies that have federalism implications" refers to Federal regulations, proposed legislation, and other policy statements or actions that have substantial direct effects on the States or on the relationship, or the distribution of power and responsibilities, between the Federal Government and the States.

(c) "Agency" means any authority of the United States that is an "agency" under 44 U.S.C. 3502(1), other than those considered to be independent regulatory agencies, as defined in 44 U.S.C. 3502(5).

Sec. 2. Fundamental Federalism Principles. In formulating and implementing policies that have federalism implications, agencies shall be guided by the following fundamental federalism principles:

(a) The structure of government established by the Constitution is premised upon a system of checks and balances.

(b) The Constitution created a Federal Government of supreme, but limited, powers. The sovereign powers not granted to the Federal Government are reserved to the people or to the States, unless prohibited to the States by the Constitution.

(c) Federalism reflects the principle that dividing power between the Federal Government and the States serves to protect individual liberty. Preserving State authority provides an essential balance to the power of the Federal Government, while preserving the supremacy of Federal law provides an essential balance to the power of the States.

(d) The people of the States are at liberty, subject only to the limitations in the Constitution itself or in Federal law, to define the moral, political, and legal character of their lives.

(e) Our constitutional system encourages a healthy diversity in the public policies adopted by the people of the several States according to their own conditions, needs, and desires. States and local governments are often uniquely situated to discern the sentiments of the people and to govern accordingly.

(f) Effective public policy is often achieved when there is competition among the several States in the fashioning of different approaches to public policy issues. The search for enlightened public policy is often furthered when individual States and local governments are free to experiment with a variety of approaches to public issues. Uniform, national approaches to public policy problems can inhibit the creation of effective solutions to those problems.

(g) Policies of the Federal Government should recognize the responsibility of — and should encourage opportunities for — States, local governments, private associations, neighborhoods, families, and individuals to achieve personal, social, environmental, and economic objectives through cooperative effort.

Sec. 3. Federalism Policymaking Criteria. In addition to adhering to the fundamental federalism principles set forth in section 2 of this order, agencies shall adhere, to the extent permitted by law, to the following criteria when formulating and implementing policies that have federalism implications:

(a) There should be strict adherence to constitutional principles. Agencies should closely examine the constitutional and statutory authority supporting any Federal action that would limit the policymaking discretion of States and local governments, and should carefully assess the necessity for such action.

(b) Agencies may limit the policymaking discretion of States and local governments only after determining that there is constitutional and legal authority for the action.

(c) With respect to Federal statutes and regulations administered by States and local governments, the Federal Government should grant States and local governments the maximum administrative discretion possible. Any Federal oversight of such State and local administration should not unnecessarily intrude on State and local discretion.

(c) It is important to recognize the distinction between matters of national or multi-state scope (which may justify Federal action) and matters that are merely

common to the States (which may not justify Federal action because individual States, acting individually or together, may effectively deal with them). Matters of national or multi-state scope that justify Federal action may arise in a variety of circumstances, including:

(1) When the matter to be addressed by Federal action occurs interstate as opposed to being contained within one State's boundaries.

(2) When the source of the matter to be addressed occurs in a State different from the State (or States) where a significant amount of the harm occurs.

(3) When there is a need for uniform national standards.

(4) When decentralization increases the costs of government thus imposing additional burdens on the taxpayer.

(5) When States have not adequately protected individual rights and liberties.

(6) When States would be reluctant to impose necessary regulations because of fears that regulated business activity will relocate to other States.

(7) When placing regulatory authority at the State or local level would undermine regulatory goals because high costs or demands for specialized expertise will effectively place the regulatory matter beyond the resources of State authorities.

(8) When the matter relates to Federally owned or managed property or natural resources, trust obligations, or international obligations.

(9) When the matter to be regulated significantly or uniquely affects Indian tribal governments.

Sec. 4. Consultation.

(a) Each agency shall have an effective process to permit elected officials and other representatives of State and local governments to provide meaningful and timely input in the development of regulatory policies that have federalism implications.

(b) To the extent practicable and permitted by law, no agency shall promulgate any regulation that is not required by statute, that has federalism implications, and that imposes substantial direct compliance costs on States and local governments, unless:

(1) funds necessary to pay the direct costs incurred by the State or local government in complying with the regulation are provided by the Federal Government; or

(2) the agency, prior to the formal promulgation of the regulation,

(A) in a separately identified portion of the preamble to the regulation as it is to be issued in the Federal Register, provides to the Director of the Office of Management and Budget a description of the extent of the agency's prior consultation with representatives of affected States and local governments, a summary of the nature of their concerns, and the agency's position supporting the need to issue the regulation; and

(B) makes available to the Director of the Office of Management and Budget any written communications submitted to the agency by States or local governments.

Sec. 5. Increasing Flexibility for State and Local Waivers.

(a) Agencies shall review the processes under which States and local governments apply for waivers of statutory and regulatory requirements and take appropriate steps to streamline those processes.

(b) Each agency shall, to the extent practicable and permitted by law, consider any application by a State or local government for a waiver of statutory or regulatory requirements in connection with any program administered by that agency with a general view toward increasing opportunities for utilizing flexible policy approaches at the State or local level in cases in which the proposed waiver is consistent with applicable Federal policy objectives and is otherwise appropriate.

(c) Each agency shall, to the extent practicable and permitted by law, render a decision upon a complete application for a waiver within 120 days of receipt of such application by the agency. If the application for a waiver is not granted, the agency shall provide the applicant with timely written notice of the decision and the reasons therefore.

(d) This section applies only to statutory or regulatory requirements that are discretionary and subject to waiver by the agency.

Sec. 6. Independent Agencies. Independent regulatory agencies are encouraged to comply with the provisions of this order.

Sec. 7. General Provisions.

(a) This order is intended only to improve the internal management of the executive branch and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its

agencies or instrumentalities, its officers or employees, or any other person.

(b) This order shall supplement but not supersede the requirements contained in Executive Order 12866 ("Regulatory Planning and Review"), Executive Order 12988 ("Civil Justice Reform"), and OMB Circular A-19.

(c) Executive Order 12612 of October 26, 1987, and Executive Order 12875 of October 26, 1993, are revoked.

(d) The consultation and waiver provisions in sections 4 and 5 of this order shall complement the Executive order entitled, "Consultation and Coordination with Indian Tribal Governments," being issued on this day.

(e) This order shall be effective 90 days after the date of this order.

WILLIAM J. CLINTON
THE WHITE HOUSE,
May 14, 1998.

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Nationalism, Regionalism and State Institutions:

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Local Government and Strategies for Decentralization in
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Book Reviews

Donahue, John D., *Disunited States: What's at Stake as Washington*

Fades and the States Take the Lead?

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Watts, Ronald L., *Comparing Federal Systems in the 1990s*

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Rosenthal, Alan, *Drawing the Line: Legislative Ethics in the States*

Keith E. Hamm

By Daniel Elazar

Covenant and Civil Society The Constitutional Matrix of Modern Democracy

The essence of the covenant tradition is the idea of human beings freely associating for common purposes through pacts of mutual commitment. In the political realm, the idea of covenant has been particularly influential in frontier lands. Reinforced by the idea of the federated commonwealth that emerged out of the Protestant Reformation, covenant eventually fostered the establishment of the United States of America and our modern idea of federalism. More recently, these great products of the covenant tradition helped to bring about the collapse of twentieth-century totalitarianism and fueled a new spirit in contemporary political life throughout the world. A return to political covenantalism seems to be an appropriate response to the crisis of modern civilization and the new epoch after World War II. *Covenant and Civil Society* is the final volume in Elazar's monumental series *The Covenant Tradition in Politics*. In it, he traces the tradition's rebirth and development in the modern epoch.

Covenant and Civil Society also considers issues of communal solidarity on a postmodern basis. Elazar traces the transition from the covenanted commonwealth of the Protestant Reformation to the civil society of the modern epoch, and explores the role of the covenant in the modern state era and the development of modern democracy. Covenantalism is further explored through the examples of Biblical Israel, Swiss exceptionalism, Northern Italy, and the Latin-Germanic borderlands. Though these are typically thought of as organic or hierarchical models, he argues that in the end a covenantal vein is part of the western tradition as such.

The book concludes with examination of the present and future of covenantal thought. Today, the global spread of federalism, most clearly seen in the formation of the European Union, is also seen in local and private arenas. Elazar considers the benefits of covenantal thought while balancing such optimism with a realistic sense of its limits. As a prescription for change, *Covenant and Civil Society* is a fundamental and original contribution. Along with the previous volumes in the series. All available from Transaction, it will be of deep interest to historians, social scientists, political theorists, and theologians of all persuasions.

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Constitutionalizing Globalization The Post Modern Revival of Confederal Arrangements

Constitutionalizing Globalization explores two converging trends: the spread of federalism and federal arrangements around the world, and the globalization taking place on the international scene. Daniel Elazar shows how globalization of the economy and the concern for global human rights bring with them the need for development of a constitutional order that will control both. The gradual development of appropriate constitutional mechanisms and controls is part of a general shift from modern statism to postmodern federalism. Reliance on the sovereignty of the nation-state, which marked the era from the Treaty of Westphalia in 1648 to the end of World War II, gave way to the beginning of a world order that links states in various ways through enforceable constitutional bonds. These trends have been recognized by students both of federalism and of international relations. *Constitutionalizing Globalization* is the first book to join the perspectives of both in order to explain the new paradigm. It is important reading for students and scholars of constitutional issues, federalism, and international relations.



IACFS

NEWSLETTER
BULLETIN
d'INFORMATION
RUNDSCHREIBEN

Jerusalem - 1998

The preparations for the 1998 IACFS conference to be held in Jerusalem this fall on October 19-23 are well underway. The staff of the Jerusalem Center for Public Affairs are in the process of finalizing the program.

The program will address a series of problems including the revival of confederation and confederal arrangements, federalism and functionalism, asymmetrical federal arrangements, and problems of political structure, political culture, and trust. Of particular interest will be successes to date in using federal principles and arrangements to resolve those problems once labeled intransigent, most particularly in Spain, Belgium, South Africa, and Northern Ireland. Also of interest will be the use of federalism in the development of democracy in postwar Germany through the reunification of east and west, and the development of a federation in Russia after the collapse of the Soviet Union. Finally, the unresolved situations in the Middle East, particularly those relating to Cyprus and Israel, the Palestinians, and Jordan, to suggest how federal arrangements might be helpful at this state of the peace process will be explored. □

Minutes of 1997 Directors' Meeting of the IACFS

The South Adelaide Centre for Economic Studies
University of Adelaide / Adelaide, Australia
24 March 1998: 11:00 a.m. - 3:30 p.m.

Ronald Watts (Canada), IACFS President, opened the meeting with warm greetings and thanks to Cliff Walsh (Australia) for hosting the meeting. Watts then requested a volunteer to serve as Acting Secretary during the absence of the Association's Secretary-Treasurer. John Kincaid (USA) volunteered to do so, with the assent of the meeting participants.

The President read the IACFS bylaws governing procedures of annual directors' meetings. He determined that there are 22 members of IACFS and that a quorum of seven directors is required for an official meeting. A quorum of directors was present, as follows:

- Cheryl Saunders and Anne Mullins, Centre for Comparative Constitutional Studies, Australia
- Cliff Walsh, South Australian Centre for Economic Studies, Australia
- Harvey Lazar, Institute of Intergovernmental Relations, Canada
- Jutta Kramer, Deutsches Institut für Föderalismusforschung, Germany
- Vijapur Abdulrahim, Center for Federal Studies, India

- Isidro Molas and Enric Fossas, Institut de Ciències Polítiques i Socials, Barcelona, Spain
- John Kincaid, Robert B. & Helen S. Meyner Center for the Study of State and Local Government, USA

Also present was Justus Weiner (Israel) sitting in for Daniel J. Elazar of the Jerusalem Center for Public Affairs, Israel.

Therefore, Abdulrahim Vijapur (India) moved and Harvey Lazar (Canada) seconded a motion to approve the proposed agenda for the 1997 directors' meeting. The agenda was approved unanimously.

The President then requested approval of the Minutes of the 8 October 1996 IACFS Directors' meeting. Cliff Walsh (Australia) moved and Anne Mullins (Australia) seconded a motion to approve the minutes. The minutes were approved unanimously.

Ronald Watts (Canada) provided an overview of the progress of IACFS in recent years. He reported both a widening and a deepening of IACFS's membership and activities. The Association now has 22 members. Since 1991, when Watts became President and the Association had 12 members, 10 new member-centres have joined IACFS. He reported that seven centres wish to join IACFS and that four applicant-centres were present at today's meeting. More individuals are putting more energy into IACFS. Watts also suggested that in light of decentralization initiatives in Asia, IACFS should perhaps pursue contacts in Asia more aggressively.

The deepening of IACFS is reflected in the Association's formal preparation of objectives and bylaws, including official procedures for admitting new centres, thus institutionalizing what had been a more informal association for two decades. IACFS had regular annual meetings up to 1997, and publications have been produced from each meeting. Regular news on IACFS appears in *The Federalism Report* published by Daniel J. Elazar's Center for the Study of Federalism, Temple University (USA), and the green booklet on IACFS provides useful information to IACFS members and non-members. Other notable projects include the *Handbook on Federal Systems*, *Dictionary on Federalism*, and the international bibliography on federalism. In addition, Cliff Walsh (Australia) is working on editing a *Handbook on Fiscal Federalism* for IACFS; Thomas Fleiner (Switzerland) is establishing a home page for IACFS on the web. Jutta Kramer (Germany) reported that the October 1996 Hannover

IACFS conference papers are expected to be published during October-November 1998.

There was general agreement that IACFS should fill gaps in IACFS publications possessed by the member centres. Not every center has every publication. IACFS should send a list of available materials to each center, asking each center to request what it does not have now. Centres should also send each other complimentary copies of their publications. There was also general agreement that IACFS should publish a new booklet about the Association after each election of new officers.

Cliff Walsh (Australia) reported that he has begun planning for an IACFS *Handbook on Fiscal Federalism*, for which his conference paper is an initial model as well as proposal for a comparative framework. He suggested starting with five major federations (e.g., Australia, Canada, Germany, Switzerland, and the United States). Each country profile in the handbook would follow a common framework, with additional material unique to each country. Walsh suggested that authors for the handbook meet during the October 1998 IACFS meeting.

Harvey Lazar (Canada) reported that the international bibliography of federalism is set up on the home page of the Institute of Intergovernmental Relations at Queen's University. Several more weeks are needed to work out the bugs in the system. He suggested making the bibliography available to IACFS members for a three-month trial run and, then, making it available to a wider audience. Jutta Kramer (Germany) suggested that IACFS centres update the bibliography before making it available to the wider world. There followed a consensus decision that centres should update their contribution to the bibliography by the October 1998 IACFS meeting.

Lazar also reported for Thomas Fleiner on the IACFS home page. He said that Fleiner's institute is adding materials on each IACFS center to the home page and is waiting for more information from member centres. It was generally agreed that each center's home-page website address should be added to the green IACFS booklet and that links should be established between the IACFS home page and the home pages of member centres.

Ronald Watts (Canada) reported on the European Consortium for Regional and Federal Studies, which now has nine members, seven of which are IACFS members. Jutta Kramer elaborated on ECRFS.

It was generally hoped that ECRFS would also stimulate new centres in Europe to join IACFS.

Regarding the next IACFS meeting, Harvey Lazar (Canada) moved and Vijapur Abdulrahim (India) seconded a motion to approve the theme of "Federalism and Peacemaking" for, and the 20-22 October 1998 (50th anniversary of Israel) dates of, the IACFS meeting to be held in Jerusalem, Israel, and hosted by Daniel J. Elazar of the Jerusalem Center for Public Affairs. The motion received unanimous consent.

Ronald Watts (Canada) then announced tentative dates of mid-June to mid-July for the 1999-50th anniversary of the Federal Republic of Germany-IACFS meeting to be held in Tübingen. No center director expressed serious problems with the tentative dates. Watts also announced that Ferdinand Kinsky (France) wishes to host the 2000 IACFS meeting in Nice. No problems were expressed by any center director.

Watts then said that centers wishing to host a meeting in 2001 and thereafter should make their proposals at the October 1998 meeting in Jerusalem.

Reporting on behalf of Nicolas Schmitt (Switzerland), John Kincaid (USA) announced that IACFS had a Swiss bank balance of \$4,951.71 (U.S.) as of 25 February 1998. No center director expressed concern about the IACFS budget. Harvey Lazar (Canada) then noted that his institute had received a grant from the Social Sciences and Humanities Research Council in Canada to help set up the international bibliography on federalism; consequently, the bibliography did not constitute a drain on the IACFS budget.

Several center directors said that they need to receive invoices for IACFS dues during their budget years. Dues invoices need to be sent out earlier, preferably at the beginning of each calendar year. The President agreed to communicate this information to the Secretary-Treasurer.

There then followed a discussion of centers that are now defunct or in arrears on dues. It was agreed that because the National Council on Intergovernmental Relations in Nigeria is no longer in existence, the NCIR is no longer a member of IACFS.

The President reported that the Institut d'Estudis Autònoms, Barcelona, Spain, is three years

in arrears on dues and participation in IACFS directors' meetings. There was discussion of an informal agreement exempting the Institut d'Estudis Autònoms from the usual rules; however, because of lack of clarity about and discomfort with such informal agreements, and a general view that the IACFS bylaws override informal agreements, Harvey Lazar (Canada) moved and Jutta Kramer (Germany) seconded a motion to rescind the Institut's membership and to allow the Institut to apply for membership again at the IACFS meeting in Jerusalem, if the Institut wishes to do so. The motion was approved unanimously.

Cliff Walsh (Australia) moved and Vijapur Abdulrahim (India) seconded a motion to rescind the IACFS membership of the U.S. Advisory Commission on Intergovernmental Relations (ACIR) because the Commission had been defunded by the U.S. Congress in October 1996. It was agreed, however, to hold this motion over until the October 1998 IACFS directors' meeting, and that, meanwhile, the IACFS President would write to the extant staff of the U.S. ACIR with an offer that if the U.S. ACIR pays its dues for 1995, 1996, and 1997, the U.S. ACIR would continue as a member of IACFS in good standing.

It was agreed to reserve action on the membership status of the Human Science Research Council, South Africa, until after its transformation or the Council's dues payments and participation are in arrears for three years.

Cliff Walsh (Australia) moved and Jutta Kramer (Germany) seconded a motion to offer a new center in Brazil the opportunity to apply for IACFS membership at the October 1998 IACFS meeting.

Action was then taken by the IACFS directors on four new center-applicants for membership in IACFS. The directors of the four applicant-centers were asked to leave the meeting during these deliberations. (1) The North Australia Research Unit in Darwin, under the directorship of Christine Fletcher, was unanimously accepted for IACFS membership. (2) The Instituto di Economica e Finanza in Ferrara, Italy, under the directorship of Giancarlo Pola Cifrel, was accepted for membership by a unanimous vote with one abstention. (3) The Institute of Governance and Social Research in Jos, Nigeria, under the directorship of J. Isawa Elaigwu, was unanimously accepted for IACFS membership. (4) The Community Law Centre in Cape Town, South Africa, under the directorship of Nico Steyler, was unanimously accepted for IACFS membership.

The directors of these four centers were then warmly welcomed as new member participants in IACFS.

John Kincaid (USA) raised a question about the criteria used to determine the types of centers appropriate for IACFS membership. For example: Is a center financially viable? Is a center genuinely interested in federalism or is a center's interest in federalism merely a function of the interests of its current director? What contribution can a center make to IACFS? After some discussion, it was agreed that John Kincaid (USA), Jutta Kramer (Germany), Harvey Lazar (Canada), and Cheryl Saunders (Australia) would constitute a committee to propose membership criteria and procedures. Harvey Lazar agreed to chair the committee. It was also agreed that new rules should not apply to current applicants for membership in IACFS.

Discussion then ensued on a proposed amendment of Bylaw 5 to create two IACFS vice-presidents. Cheryl Saunders (Australia) moved and Cliff Walsh (Australia) seconded a motion, which, after friendly amendments, reads as follows:

Bylaw 5:

1. The officers of the Association are a President, two Vice-Presidents, and a Secretary-Treasurer elected for three-year terms.

5. The Vice-President from the Center/Institute with the longer membership in the Association shall act for the President when the President is unable to act. In the event that both Vice-Presidents are from institutions with the same length of membership in the Association, the Association will designate which Vice-President shall act for the President when the President is unable to act.

The above amendment was adopted unanimously.

It was also agreed to table until the October 1998 IACFS meeting an amendment proposed by Nicolas Schmitt (Switzerland) which proposes that the Association's Presidency be assumed by a member center, the Vice-Presidency assumed by a member center, and the like rather than by individuals. During this discussion, Isawa-Elaiwu (Nigeria) also raised the question of whether the Secretary-Treasurer should be separate from the President.

The last scheduled item of business was elections of officers for 1998-2000. However, in light of the adoption of the amendment of Bylaw 5 and of the Proposed amendment by Schmitt, and after considerable discussion, it was unanimously agreed, on a motion offered by Cliff Walsh (Australia) and seconded by Jutta Kramer (Germany), to postpone elections until the October 1998 IACFS meeting and to authorize Ronald Watts (Canada) to continue serving as President until elections are held at the October 1998 meeting. Watts agreed to continue his service as President only until the October 1998 meeting. The directors thanked Ron for his valuable service and willingness to continue service until October.

Ronald Watts then announced that the Government of Canada wishes to initiate an international forum on federalism consisting of public officials and academics. A forum meeting would be held every two years. The Government of Canada has indicated it would welcome the cooperation of the IACFS. □

Cliff Walsh (Australia) announced that the government of Australia is also considering the organization of an international conference on federalism.

John Kincaid (USA) suggested that IACFS re-examine its role in the study of federalism and in technical assistance internationally. Kincaid was asked to prepare an agenda item on this matter for the October 1998 meeting.

The 1997 IACFS Directors' Meeting was then adjourned by consensus.

Respectfully Submitted:

*John Kincaid
Acting Secretary*

AMERICAN POLITICAL SCIENCE ASSOCIATION

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APSA Annual Meeting

Business Meeting

The Section business meeting will be held at 5:30 pm on Thursday, September 3, 1998. Please look for the location in the final program. All Section members are urged to attend.

Reception

The Section reception will be Friday, September 4, 1998. This year, the reception is again being co-sponsored by Urban Politics, Public Administration, Public Policy and State Politics and Policy Sections.

Federalism/Intergovernmental Relations Panels

Thursday, 8:45 am

Federal Grants: New Approaches to Questions of Design and Impact

Papers:

- The Tools of Government: Moral Hazards and Managerial Dilemmas, **Paul L. Posner**, General Accounting Office
- The State and National Politics of Federal Grants-in-Aid, **H.W. Jerome Maddox**, Stanford University

- Medicaid and Children: Enrollment Trends and the Impact of Federal Policy on the States

Karl Kronebusch, Yale University

- State Administrative Communities and Intergovernmental Interdependency: Do National Impacts Contribute to a Turbulent Environment? **Deil Wright**, University of North Carolina, Chapel Hill; **Chung-Lae Cho**, University of North Carolina, Chapel Hill; **Timothy J. Conlan**, George Mason University

Thursday, 10:45 am

Upward Diffusion of Information and Persuasion: States Lobby Congress and the Courts

Chair: **David Walker**, University of Connecticut

Papers:

- When States Lobby: Welfare Reform 1993-1997
- Troy E. Smith**, SUNY, Albany
- The State of "State Offices" in Washington: A Critical Assessment

Darby A. Morrisroe, University of Virginia

- The States in the Supreme Court: The Politics of *Amicus Curiae* Briefs

Kenneth T. Palmer, University of Maine, Orono

Edward B. Laverly, University of Maine, Orono

- Upward Diffusion and Policy Learning in a Federal System

Karen Mossberger, Kent State University

Discussant: **Lee Bernick**, University of North Carolina, Greensboro

Friday, 8:45 am**Devolution and Local Capacity: Can Local Governments Respond and Will States Let Them?**Chair: **Alan J. Abramson**, The Aspen InstitutePapers:

- Devolution and State-Local Dynamics: What about Counties?

Jocelyn M. Johnston, University of Kansas**Michael Pagano**, Miami University**Phillip A. Russo, Jr.**, Miami University

- Devolution and Local Government: A Model of Local Government Capacity

Janet M. Kelly, Clemson University**Bruce Ransom**, Clemson University

- Intergovernmental Dimensions of State Takeovers of Local School Districts

Aaron Salger, Princeton University

- Fiscal Policy and Municipal Governance: Proposition 13 Twenty Years Later

Christopher W. Hoene, Claremont Graduate UniversityDiscussant: **Alvin D. Sokolow**, University of California, Davis**Friday, 10:45 am****Federalism and the Court in the U.S. and Canada**Chair: **Michelle Arsneault**, Western Kentucky UniversityPapers:

- The Supreme Court Confronts Federalism: The Distinctiveness of the Rehnquist Court's Federalism Decisions

John Dinan, Wake Forest University

- Federalism, Marshall, and the Rehnquist Court

Frank J. Colucci, University of Notre Dame

- Interest Group Participation in the Development of State Policy in the Supreme Court

Wartyna L. Davis, Florida State University

- Judicial Selection of Federalism: The Case of the Canadian Provincial Courts of Appeal

John C. Kilwein, West Virginia UniversityDiscussant: **Gordon Silverstein**, University of Minnesota**Friday, 1:30 pm****Fiscal Decentralization and Policy Making in Developing Countries**

Co-Sponsored by Comparative Politics

Chair: **Stephan Haggard**, University of California, San DiegoPapers:

- The Impact of Decentralization on Fiscal Policy Making in Developing Countries

Kent Eaton, Princeton University

- Loose Money in Trouble States: Bureaucratic Incentives and Fiscal Regulation in Brazil and India

Eduardo J. Gomez, University of Chicago

- Spreading it Far and Wide: Political Careerism, Federalism, and Fiscal Decentralization in Brazil

David Samuels, University of California, San Diego

- Decentralization and Macroeconomic Management in Latin America

Steven Webb, The World Bank**William Dillinger**, The World BankDiscussant: **Eliza Willis**, Grinnell College**Friday, 1:30 pm****Local Self-Government in the United States: an Appraisal of Modern Practice**

Co-Sponsored by Urban Politics

Chair: **Martha Derthick**, University of Virginia

Participants:

Samuel H. Beer, Harvard University**Kathy Doherty**, University of Maryland**Stephen Elkin**, University of Maryland**Marc K. Landy**, Boston College**Sidney M. Milkis**, Brandeis University**Clarence Stone**, University of Maryland**Richard M. Valelly**, Swarthmore College**Gregory R. Welher**, University of Houston**Saturday, 8:45 am****Treaty-Based Federalism: The Trials and Tribulations of Tribal Governance**Chair: **Sandra Vergari**, University of Northern IowaPapers:

- Two Cultures two Communities. One Country: Devolution and Retrenchment in Indian Country

Daniel C. McCool, University of Utah**F. Ted Hebert**, University of Utah**Doug Goodman**, University of Utah

- Strategy and Choice: Opting for Cooperation or Governmental Relations

Stephen M. Sachs, Indiana University/Purdue University, Indianapolis**LaDonna Harris**, Americans for Indian Opportunity**Barbara Morris**, University of Redlands**David Berman**, Arizona State University**Saturday, 3:30 pm****The Intergovernmental Balance of Power: Devolution and Centralization**Chair: **Barry Rabe**, University of MichiganPapers:

- The Optimal Level of Centralization in a Federal System: A Model of Policymaking with Imperfect Information

Nathaniel O. Keohane, Harvard University

- A Model of Federalism, Representation and Devolution

Craig Volden, Claremont Graduate University

- Green Giant: The Need for a Federal Environmental Leviathan

Inger Welbust, Massachusetts Institute of Technology

- Devolution and Urban Community Activism: A Cross-National Comparison of Housing Participation Styles

Janice L. Bockmeyer, John Jay College, CUNY

Discussant: **Michael Mintrom**, Michigan State University

Sunday, 10:45 am

Barriers to Decentralization in Europe and Latin America

Chair: **Daniel J. Elazar**, Temple University

Papers:

- Subsidiarity and Federalism in the European Union

Madeleine O. Hosli, the Clingendael Institute of International Relations

- Debat ou Devolution? The French Regional Experiment in Comparative Perspective

Jody Neatherly, University of Texas, Pan American

- Federalism and Public Policy in Mexico. Going in the Right Direction? The Case of Basic Education

Gustavo A. Merino-Juarez, Harvard University

- Decentralization in Latin America: Real Power Sharing?

• **Maria C. Escobar-Lemmon**, University of Arizona

Discussant: **Robert Agranoff**, Indiana University

Deadline!!!
For the Fall Issue of the
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