

# The Federalism Report

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## CSF NOTEBOOK

### From the Editor:

The Center for the Study of Federalism begins its thirty-second year with several personnel shifts. Center Fellow Ellis Katz retired from the Temple University Political Science Department after the Spring 1998 semester. Despite leaving the faculty, he continues to play an active role in Center activities. The Center would like to congratulate Professor Katz on his thirty-six years of teaching and service to the Temple community. We would also like to announce that Wesley Leckrone has been named the new CSF Program Director. Wesley has previously been an Earhart Fellow at the Center and served as the Center's Research Fellow for the last year. He takes over for Paul T. Neal, who moved out of the position at the end of September to pursue his doctoral work. Paul will continue to work with the Center, serving as Program Coordinator for International Affairs. We would like to thank Paul for his years of service to the Center as Program Director.

## Center News

### EXPLORING ALBERT GALLATIN

The Center in conjunction with the Liberty Fund conducted a conference entitled "Liberty and Responsibility in the Life and Writings of Albert Gallatin" this past spring. The seminar, held from May 18-19, 1993, outside of Minneapolis, Minnesota, served to reinvigorate scholarly research and discussion on Gallatin. The discussions served to introduce the perspective to a mostly new facet of political thought in the American founding era. Unusually, the group discovered that Gallatin offered a 'third way' approach to federal and government, in contrast to Alexander Hamilton and Thomas Jefferson.

### SUMMER INSTITUTE

The Center for the Study of Federalism, collaborated with The Maynard Center for the Study of State and Local Government in conducting a Summer Institute on American Federal Democracy from June 20-August 6, 1993. Sponsored by the United States Information Agency, the Summer Institute engaged twenty international scholars in intensive studies of the history and processes of American Federalism. The Center collaborated on the project by leading the group on a two week study tour. During this time participants met with government leaders in Philadelphia, Boston, New York City and Washington, D.C. to discuss topics issues concerning federalism and intergovernmental relations.

### THE CENTER AT THE APSA

The Center had two papers at the 1993 Annual Meeting of the American Political Science Association in Boston this past September. The first, of student "Revisiting State Government: Law or Money?" highlighted recent work from the Center for the Study of State and University of California, Berkeley, American State Bank School. The papers also included state government in New York, Massachusetts, Rhode Island, and Wisconsin. The Center's Quarterly, *Federalism*, published The Journal of Federalism and had its "Annual Review of Federalism" paper which is reproduced as a special issue of the journal. This year's session included papers on environmental federalism, the Republican Charter and federal-state relations, the Balanced Budget Act of 1997 and devolution, and an overview of federalism during 1991-1993.

### IACFS CONFERENCE

The Center participated in the recent International Association of Centers for Federal Studies conference held in Jerusalem from October 19-21, 1993. For more information on the IACFS event see page 7.

### CONTINUATION OF CENTER PROGRAM ON CYPRUS FEDERALISM

The Center continues to work with Greek and Turkish Cypriots who are attempting to negotiate a permanent solution to the division of their island nation. The program originated with a conference in Philadelphia during June 1991, that assessed the need for a federal solution to the Cyprus crisis. Recently, the program continued as the U.S. Embassy in Cyprus sent a delegation of eight Greek and Turkish Cypriots to attend the October 1993 IACFS conference on "Federation and Partitioning" in Jerusalem. Additionally, Daniel Elazar will travel to Cyprus in December to speak on federalism. He too represents the continuation of the program in which CST will continue to send speakers from the Center in Cyprus to discuss federal solutions.

### STATE CONSTITUTIONAL LAW LECTURE

Daniel Elazar presented the Annual State Constitutional Law Lecture at Rutgers Law School on November 9, 1993. Entitled "The Moral Compass of State Constitutionalism", the lecture will be published in the Rutgers Law Journal's Annual Issue on State Constitutional Law.

### MEXICO CANADIAN FEDERALISM SEMINAR

Several Center scholars participated in the "Transnational Seminar: The New Federalism in North America" conference which was held in Mexico City on November 5-6, 1993. This seminar, sponsored by the Center for North American Studies at the National Autonomous University of Mexico, focused on federalism in North America on a variety of theory, outcomes, historical, integration and administrative federalization. The conference concluded with a session on contemporary challenges to federalism in Canada, Mexico and the United States. Dr. Center for the Study of Federalism had a presenter at the conference as Fellow John Kinloch presented a paper entitled "Integration in the U.S. Federal System: Law or Politics" and Center Adjunct Scholar Thomas Hargan contributed to a paper on "Constitutional vs. Treaty Disputes in Canada". Robert Agranoff, Chair of the APSA Section on Federalism and Intergovernmental Relations, also attended the conference, and spoke on "U.S. Federalism: Managing from the Center".

## COMPARATIVE LOCAL GOVERNMENT WORKSHOP

The Center held a two day conference entitled "Local Government in Korea and the United States: An International Workshop" from November 17-18, 1998. Held at the Center's facilities in Philadelphia, the conference sought to foster an exchange of scholarly perspectives on the vastly different local governmental systems of the United States and Korea. Speakers discussing American local government and federalism were CSF fellow G. Alan Tarr of Rutgers University and Conrad Weller and Barbara Ferman of Temple University. Professors Tsohngsu Kim of Seoul National University and Byung-Yoon Cho of Myongji University presented papers exploring the Korean governmental system. The conference was organized and conducted by Center fellow Ellis Katz.

## FUTURE CONFERENCES:

### CONSTITUTIONAL SEMINARS CONTINUE

The Center once again is helping to organize The Delaware Valley Constitutional Workshops. The meetings, held four times annually, seek to bring constitutional scholars together to stimulate in-depth study and increase interaction among the network of people interested in constitutional studies. This year's seminars will analyze the constitutions of three nations with federal systems: Germany, South Africa, and Russia.

## COMPARATIVE FEDERALISM CONFERENCE

A conference on "International Comparative Federalism in the Devolution Era" will be held at the South Texas College of Law in Houston, Texas in late January, 1999. The sessions will include papers by Michael Burgess, Daniel Elazar, A.E. Dick Howard, Alan Tarr, and Robert Williams. For more information contact Neal McCaba, South Texas College of Law (713) 846-1842.

## SOUTH AFRICAN CONFERENCE

The Center for State Constitutional Studies at Rutgers University, Camden, in partnership with the Van Themaan Center of the University of South Africa, has announced plans for a conference on comparative sub-national constitutionalism. The conference will be held from March 16-19, 1999 in Johannesburg, South Africa, and will focus on processes for resolving competency disputes, relations between sub-national and local governments, sub-national constitutions and economic development and rights protections under sub-national constitutions. For further information contact Alan Tarr, Director, Center for State Constitutional Studies, Rutgers University, Camden, NJ 08102 (tam@crab.rutgers.edu).

## BOOK NEWS

### RECENT CENTER PUBLICATIONS:

#### COVENANT TRADITION IN POLITICS SERIES

Transaction Press has recently published the final two volumes of Daniel I. Elazar's Covenant Tradition in Politics series. *Covenant and Constitutionalism*, and *Covenant and Civil Society* are the conclusion of a monumental four volume set that traces the place of covenant in Western society. The Center is pleased to announce that it will sponsor a symposium on the *Covenant Tradition in Politics* series at this year's APSA meeting in Atlanta. Watch future editions of *The Federalism Report* for more details.

### AMERICAN STATE SERIES

The Center for the Study of Federalism/Nebraska Press Politics and Government of the American States Series has recently released a second edition of *New Jersey Politics and Government: Suburban Politics Comes of Age*, by Steven A. Salmons and Barbara G. Salmons. Other volumes published in 1998 include *Arizona Politics and Government: The Quest for Autonomy, Democracy and Development*, and *New York Politics and Government: Compaction and Compulsion*. This Series will continue in 1999 with a volume on Minnesota.

### RECENTLY RECEIVED:

*Tobacco Control Laws: Implementation and Enforcement* Peter D. Jacobson and Jeffrey Wasserman, RAND, 1997.

Smoking policy has become a primary battleground between health policy activists and agricultural or entertainment businesses which would be financially burdened by increased tobacco regulations. Peter Jacobson and Jeffrey Wasserman bypass the debate to critique smoking policy in cities and states, and instead focus on the implementation and enforcement of anti-tobacco regulations once they become law. At issue is the ability of anti-tobacco legislation to sustain momentum once it reaches the implementation phase. They question whether these regulations are merely symbolic statements by the state legislatures and city hall, or if they are really effective tools in limiting teenage smoking and the public health hazards of second hand smoke.

Jacobson and Wasserman constructed seven case studies examining state and local smoking ordinances in California, Arizona, Texas, New York, Minnesota, Illinois, and Florida. The case studies are bolstered by interviews with local and state enforcement agency

officials and representatives of affected businesses and their related associations, tobacco industry officials, and leaders of anti-tobacco and health organizations.

Jacobson and Wasserman focused their analysis on three dimensions of the smoking policy: "levels of enforcement at state and local levels, the process by which the tobacco control initiative is diffused to the public; the role of interest groups, specifically anti-tobacco coalitions and the tobacco industry; and barriers to effective implementation" (p. xv). They find that clean air laws preventing smoking in public areas are essentially self-enforcing in most states and localities, while laws restricting youth access to tobacco must be strictly enforced if they are to be successful.

Several themes emerged across the case studies. First, smoking is not a high salience issue in state and local public policy. Second, resource constraints are a significant barrier to enforcement and implementation of smoking laws, especially for teen smoking regulation. Consequently, indoor clean air laws are primarily enforced only when there are public complaints, and there is not enough money for sting operations to discourage sales of cigarettes to teenagers.

Jacobson and Wasserman make several recommendations to improve enforcement and implementation. First, regulations to produce clean indoor air should seek to minimize the amount of exceptions to the laws in order to prevent lawsuits and circumventions of the law by firms. Second, for laws concerning youth access to tobacco, the authors advocate routine sting operations to prevent sales to minors and a graduated penalty structure for subsequent violations of the law. They also advocate licensing cigarette vendors at the local level because it allows licence fees to be used to finance enforcement, and it permits license suspension to be used as a punitive measure against firms that provide easy access to minors. ■

## RECENT CSF VISITORS

Justice Willem Hendrick Heath

Chairperson, The Health Special Investigative Unit,  
High Court Judge, Eastern Cape, Provincial Division,  
East London South Africa

Justice Heath was a participant in the United States Information Agency's International Visitor Program. Justice Heath visited the United States from July 11 to August 1, 1998 on a 21-day grant.

Bendline for the Winter

Issue of

*The Federalism Report*

is

January 10, 1999

The Center welcomes  
contributions from its  
readers.

For advertising  
information, please  
contact the Editor.

## Daniel J. Elazar's Series The Covenant Tradition in Politics

ACT NOW! SPECIAL OFFER. TRANSACTION PRESS IS OFFERING THE FOUR VOLUMES OF DANIEL ELAZAR'S *COVENANT TRADITION IN POLITICS* AT A 10% DISCOUNT. FOR MORE INFORMATION CONTACT TRANSACTION PRESS AT 1-888-999-6778.

**Covenant and Civil Society**  
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This volume considers issues of communal solidarity on a postmodern basis. Elazar traces the transition from the covenantal commonwealth of the Protestant Reformation to the civil society of the modern epoch, and explores the covenant's role in the modern statist era and the development of modern democracy. *Covenant and Civil Society* concludes with an examination of the present and future of covenantal thought.

ISBN: 1-56000-311-1 (cloth); 557 pp.; \$54.95

**Covenant and Commonwealth**  
From Christian Separation Through The Protestant Reformation  
The Covenant Tradition in Politics  
Volume II

The focus of this volume is on the struggle in Europe to produce a Christian covenantal commonwealth, a struggle that climaxed in the Reformed Protestantism of the sixteenth and seventeenth centuries. It also briefly examines covenant and hierarchy in Islam and other premodern polities that shape our present.

ISBN: 1-56000-200-5 (cloth); 487 pp.; 1995; \$54.95

**Covenant and Constitutionalism**  
The Great Frontier and the Matrix of Federal Democracy  
The Covenant Tradition in Politics  
Volume III

This book traces the trends and the developing relationships of constitutionalism and covenant that ultimately led to the transformation of the latter into the former. *Covenant and Constitutionalism* explores the paths that emerged out of the constitutionalized covenantal tradition in Europe such as federalism, communitarianism, and the cooperative movement.

ISBN: 1-56000-235-2 (cloth); 327 pp.; 1997; \$44.95

**Covenant and Polity in Biblical Israel**  
Biblical Foundations and Jewish Expression  
The Covenant Tradition in Politics  
Volume I

This volume consist of an in-depth exploration of biblical sources of the covenant tradition, its development in Scripture, and subsequently in Jewish history and thought.

ISBN: 1-56000-151-8 (cloth); 477 pp.; 1995; \$54.95

ISBN: 0-7658-9452-2 (paper); 477 pp.; \$29.95.

**Publius: The Journal of Federalism**  
**Volume 28, Number 1**  
**Winter 1998**  
**The State of American Federalism, 1997-1998**

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# IACFS

NEWSLETTER  
BULLETIN  
d'INFORMATION  
RUNDSCHREIBEN

The Annual Conference of the International Association of Centers for Federal Studies was held in Israel at the Jerusalem Center for Public Affairs from October 19-20, 1998. The meeting was a major success with over 50 participants from 17 different countries. This year's theme was "Federalism and Peacemaking". An excellent group of presentations explored ways in which federalism has played a major role in conflict resolution, as in South Africa, and cases in which it might help foster peace, such as Cyprus and the Middle East.

The annual meeting also brought the selection of a new president for the IACFS. We would like to welcome John Kincaid of the Meyner Center for the Study of State and Local Government as the incoming president. He will serve in this capacity through the year 2001. The IACFS would like to thank outgoing president Ronald Watts for his years of service to the organization.

## MINUTES

### Annual Meeting of the Directors of the International Association of Centres for Federal Studies

Jerusalem (Israel), October 19 and 20, 1998

The 1998 annual meeting of the IACFS was held on Monday evening, October 19, and Tuesday morning, October 20, 1998 in Jerusalem, in the meeting room of the Jerusalem Center for Public Affairs, under the presidency of Ronald Watts.

#### Members Present:

Ronald Watts, President, Kingston (Canada); Nicolas Schmitt, Secretary / Treasurer, Fribourg (Switzerland); Peter Pernthaler, Innsbruck (Austria); Anna Gamper, Innsbruck (Austria); Christine Fletcher, Darwin (Australia); Cheryl Saunders, Melbourne (Australia); Harvey Lazar, Kingston (Canada); Ferdinand Kinsky, Nice (France); Hans-Peter Schneider, Hanover (Germany); Jutta Kramer, Hanover (Germany); Abdulrahim Vijapur, New Delhi (India); Daniel Elazar,

Jerusalem & Philadelphia (Israel & United States); Manfred Gerstenfeld, Jerusalem (Israel); Isawa Elaigwu, Abuja (Nigeria); Nico Steyler, Capetown (South Africa); Johann Mettler, Capetown (South Africa); Enric Fossas, Barcelona (Spain); Antoni Monreal, Barcelona (Spain); Thomas Fleiner, Fribourg (Switzerland); Lidija Basta, Fribourg (Switzerland); John Kincaid, Easton (United States); Donna Schwartz, Philadelphia (United States)

#### Excused Members:

Slava Shealo, Moscow (Russia); Cliff Walsh, Adelaide (Australia)

#### 1. Welcome by President and introduction of members and guests:

The President welcomed the participants and expressed the gratitude of the Association to Daniel Elazar, founder of the Association, for hosting the annual meeting and offering a very exciting program.

Daniel Elazar answered by presenting the history of the building housing the meeting, which is an historical landmark built for the owner of the Palace Hotel, whose

1600 tons have been moved by rail on its new foundations.

### 2. Determination of Quorum:

One third (8) of member institutions must be represented for a quorum. The President stated that 13 centers (with two more centers joining the conference on the second day) were represented, which was well over the quorum and a good sign.

### 3. Approval of the Agenda:

The President asked if all member centers and institutes had received full documentation for the meeting, with a copy of the Agenda, Minutes of 1997 Meeting (which took place in 1998), financial statement (with Smiley), etc.

As nobody offered any additions or deletions, the agenda was accepted.

### 4. Minutes of 1997 Meeting in Adelaide (Australia) (which actually took place in 1998):

The President reminded the group that the minutes had been distributed some time ago and that they were also published in the 'Federalism Report'. With no one wishing any additions or deletions, the minutes were unanimously adopted.

### 5. Reports on IACFS Projects and Publications:

- > Progress reports on publication of conference proceedings
- > Philadelphia Conference 1998: Daniel Glazier explained that they would be published in a future issue of *Rubius, The Journal of Federalists*, devoted to the topic From States to Federation.
- > Hanover Conference 1998: Julia Kramer explained that there have been some problems with the person who was in charge of the publication but that nevertheless the proceedings were about to be published, probably at the end of 1998 or the beginning of 1999.
- > Adelaide Conference 1998: Unfortunately, Cliff Walsh is ill. The President explained that he has nothing to report about the Adelaide Conference, but that - as far as he knew - Cliff's intention was to publish something at the end of the year. Unanimously participants carried a motion wishing Cliff Walsh a speedy recovery.
- > Plans for Jerusalem Conference 1999: Dan Elzer explained that papers would be published "in some form". Participants will be informed within the few next months. According to him, all papers will probably be eligible for publication.

### > Availability of International Bibliography of Federalism

Harvey Lazer explained that this work was now available via Internet on the Web-Site of the Institute for Intergovernmental Relations.

Basically, the bibliography has been updated. Nevertheless, Harvey Lazer explained that he would like participants to test it again and send him comments. He would like to know if the entries are correct. If indication of country is useful, etc. Experience has shown that - for instance Belgian entries have been lost. Updating will then be continuous. Generally, it's good news, that the information will be available to all IACFS members. Ron Webb played a key role in creating the Bibliography. This idea of testing and commenting introduced a large discussion (involving all members) about the following themes:

Supplements (proposals and introduction of), number of entries per country, responsibility for "European federalism", problems caused by categorization (who is responsible for it?), and best way of doing research. Concerning "European federalism", it was decided that all European centers should take care of taking into account this aspect of European entries.

Ron Webb concluded this long discussion by asking participants not to think of future changes but to have a look at what was there. According to him, the discussion should be postponed, as every center has to first check the site and communicate with Harvey Lazer.

### Proposed Handbook on Fiscal Federalism and Report on Jurisdiction Workshop on This Subject October 10

Cliff Walsh had two projects: the first was to collect the papers presented in Adelaide and to publish them. The second was a handbook on fiscal federalism. A workshop devoted to this topic should have been held in the afternoon. But as Cliff Walsh was absent, it has not been possible to make progress on that, but Cliff will do something for the Tübingen meeting.

Report of sub-committee on Homepage for IACFS  
A sub-committee was elected in 1998 in Hanover to computerize an IACFS homepage. The sub-committee was composed of Thomas Fleiner (Chairman), Harvey Lazer, Vladislav Setverskiy and Cheryl Saunders and had to make its proposals at the Jerusalem meeting.  
Its chairman, Thomas Fleiner, explained that members

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Chairman: Ron Watts, 1997

did not stay in contact. But as everybody has its own homepage, the best solution is to have links within each homepage with all other member centers and institutes.

Dan Elazar asked nevertheless about "the" IACFS homepage. Thomas Fleiner suggested that it should be done at the Institute, which has the presidency; he reminded that the follow-up represented a large work. Hans-Peter Schneider reminded that an IACFS homepage is useful only if there is a substantial content. Ron Watts added that it would make sense to put the leaflet on the homepage, but he questioned who would take the responsibility to convert the leaflet, which represents a certain amount of work. Dan Elazar concluded the discussion by asserting that no homepage could be a substitute for the printed version. This wise reflection brought the audience to the next item.

### Publication of new IACFS Booklet

Ron Watts called for amendment of the presentation of the member centers and institutes. He urged participants to re-draft their presentation, providing a new entry that is approximately the same length. Ferdinand Kinsky explained for instance that the current version of the leaflet listed a person who passed away several years ago as a board member of his institute. New Centers should of course write a new presentation. The President concluded by repeating that the leaflet is most valuable if it is kept updated.

### Other possible projects

Participants mentioned no other possible projects.

## 6. Report of Committee on Membership Criteria:

During the 1997/98 Meeting in Adelaide, the question of membership criteria has been raised and a committee, chaired by Harvey Lazar, was set up in order to clarify this point. The chairman has distributed a copy of his report, which captures the essence of what has been discussed:

- Criteria of application (p. 1 of the report): the Committee suggests some modest revisions;
- Process of consideration (p. 2 of the report): the Committee hasn't been able to find unanimity and then proposed four options.

Concerning criteria of application, there was then a long discussion about the proposed amendments.

Thomas Fleiner asked about the meaning of the sentence "the role of the Center in advising on federalism". According to him, criteria should be only "yes" or "no". but Hans-Peter Schneider argued it would

be almost impossible to define such criteria. Moreover, Ron Watts explained that it doesn't mean that all these criteria have to be fulfilled. John Kincaid mentioned the difference between the first paragraph with "dictates" and the others, which are not so clear and where there could be some speculations.

Thomas Fleiner continued in arguing that the description of the kind of centers the association doesn't want was missing (e.g. centers that promote secessionist agendas or who are primarily of a political nature). According to Dan Elazar, the first paragraph represents the heart, the main stream. It's AND/OR meet these criteria. IACFS membership should remain as broad as possible. Jutta Kramer explained that IACFS doesn't want a blooming of membership, since it would make annual meetings almost impossible to finance. It's also why one should take into account the financial background of the institutes.

Ron Watts answered Thomas Fleiner by stating that there is already a criteria in the By-laws (# 7.7) answering his question.

Ferdinand Kinsky reminded the group that there are some institutes with a tiny political agenda, which could nevertheless represent a trend towards federalism in a quite difficult environment; so it's important to keep membership open.

Ron Watts suggested that participants should add after the first paragraph: "In addition, consideration should be given to...". He added that participants needed to decide what to do with this change "about" instead of "promote", as the role of IACFS is to study federalism and not to promote it. He then reminded the group that these are only guidelines for interpretation of # 7 of the by-law 7.

Concerning the process for admitting (in relation with by-law # 7.6), there was a feeling of dissatisfaction with this process. Harvey Lazar explained that - for instance - it was difficult to make a German institute come to Adelaide and then to say "No, thank you"; but Jutta Kramer reminded that, in Kwa Mariane (South Africa) a German institute has been postponed.

Hans-Peter Schneider explained then that he didn't like the process of pre-screening, which was foreseen.

Ron Watts suggested that the IACFS take options one by one. He added that, as President, he can say if a candidate is strong or weak, but nothing more. Thomas Fleiner then suggested the necessity of having three supporters, perhaps from two other continents, but Harvey Lazar and Ferdinand Kinsky were not in favour

of supporters. The latter added that he's also not in favor of pre-screening. The current system has proven to be OK so far, so why change it?

The President then ordered a vote to choose between the two options 2 A and 2 B.

The vote gave a clear majority for the solution 2 A.

John Kincaid has then made a last remark. He asked who had to pay for a member of the Executive Committee to visit a candidate institute. Dan Elazar answered that it was a good question in theory, but difficult to implement in practice. Hans-Peter Schneider then argued that the main question was whether the Executive Committee should make its decisions on the basis of a submitted application, or if it should travel to the candidate's Center.

Ron Watts answered that this was precisely the value to have a Screening Committee because, for example, it prevented the need to send an American to South Africa (or vice-versa) and on the contrary to always have a member as close as possible to the candidate.

John Kincaid said that it was not unreasonable to ask a center to pay for the travel of a member of the sub-committee, as the center has to finance an annual meeting, which is much more expensive.

Ron Watts suggested carrying the following motion: Under normal circumstances, applicant centers are expected to fund a sight visit to their center for a member of the sub-committee.

John Kincaid and Jutta Kramer followed the motion, but at the vote the motion didn't carry.

The President concluded that, as John said, the question of financial participation to IACFS activities remains the key point of John's motion.

He then concluded the first part of the meeting and asked participants to reconvene the next day at 09:00

#### TUESDAY

The President started Tuesday's meeting by reminding the audience that they should keep things moving, as item # 17 would take time and since there were about 20 participants.

#### 7. Report on consideration of IACFS role in the study of federalism and in technical assistance internationally (from Adelaide minutes):

Ron Watts stated first that such a discussion could take all morning.

John Kincaid answered that there were two things the Association could think about:

- 1) Helping facilitate study of federalism (even if not promoting). There is a lot of interest all around the world, but a lack of material, e.g. courses devoted to federalism as a whole or on certain aspects, first of all in a comparative perspective.
- 2) The extent to which IACFS should improve its technical assistance to the centers who are engaged in an assistance activity. As a larger Association, IACFS obviously has more capacity. The booklet gives only limited information about the capacities of the members.

Ron Watts answered that John Kincaid had raised some excellent issues and that a group should prepare a report for the Tübingen meeting.

Thomas Fleiner then explained that his Institute has been doing this kind of assistance for 15 years and never had the support or assistance of Americans. He added that there is a need to have enough staff and money in order to do this kind of job, otherwise it is only possible to organize teaching. The only possibility for sponsors would be American Foundations, but then it should be American and all American...which obviously is a problem!

Dan Elazar explained that he had 3 years of programs with the American government, in conjunction with John Kincaid. It was a very successful program, and he can understand that there is certain reluctance from the USA to finance Swiss activities, as Switzerland is supposed to support itself...

Thomas Fleiner answered that the Swiss Institute wanted support for international activities, which are not linked to a specific country.

Ron Watts noted that there are 6 - 7 centers, which are engaged in that kind of activity and that, for them, funding was a very important point.

Jutta Kramer suggested that the Association should become more international, for instance with a foot in the United Nations. Hans-Peter Schneider also suggested that the Executive Committee should visit people in UN and Brussels.

Ferdinand Kinsky explained that his Institute was running an MA program with federalism occupying about 30 - 50% of the curriculum. This program is largely financed by Brussels and the EU. The budget in the EU program has been doubled. It's an example of what the Association should try to.

Ron Watts then referred to item # 10. The Canadian Government has put \$2 MIO to kick such a program off!

Dan Elazar suggested following three steps:

- 1) The leaflet should be more informative, or perhaps a shorter brochure (separate) should describe what kind of expertise the Association can mobilize.
- 2) IACFS should have a system of visitation: World Bank, UN, UNESCO, Brussels, Strasbourg etc.
- 3) The Executive Committee should form a Committee.

Ron Watts agreed and said that a report would be prepared for the Tübingen meeting.

#### **8. Report on Operation of European Consortium for Regional and Federal Studies - for information of IACFS members:**

Ronald Watts explained that this item would be remarkably brief: he spoke to Rudolf Hrbeck, and there is nothing much to report.

Hans-Peter Schneider added that they were thinking of the dissolution of the Consortium.

#### **9. Future Annual IACFS Conferences:**

- 1999: approval of precise dates and theme for Tübingen (50th Anniversary of German Republic) June-July

A document prepared by Rudolf Hrbeck had been previously distributed.

The first item is to choose a set of dates.

The discussion shows that there are major difficulties with the first set of days; the favorite seems to be July 7 - 10. The President asked for a formal motion.

The motion was carried and the overwhelming choice was: July 7-10, 1999.

The second item was the theme. The suggested theme was: "Political Parties and Federalism". The suggested theme was approved by a show of hands.

The general discussion about the theme (involving all participants) has focused on several aspects of this theme. The suggestion provided helpful feedback for the organizers. Let's try to summarize them:

- » The topic should be broader.
- » There should be issue oriented themes and papers, and not only papers describing: "In my country there are x or y political parties etc., etc." Papers should include electoral systems and electoral powers.
- » The organizer should also send examples of sub-titles.
- » Comparative papers are much more interesting than single country papers.
- » "Deutschlandbezogenheit".

Ron Watts added that Rudolf Hrbeck's intention was to invite the IPSA Research Committee on Federalism and federations, chaired by Lloyd Brown-John, to participate.

- » 2000: Nice

The President reminded that the Millennium Meeting should take place in Nice (France). The precise program and dates will be set in Tübingen.

Ferdinand Kinsky suggested that the topic should not be French federalism. One idea that came to him was to focus (at least in a part of the program) on interest groups who are engaged in supporting federalism. This idea will have to be thought about. Concerning the dates, he suggested a month during which international students in his MA program would be there, the best solution being October.

The general discussion - involving once again all participants - offered the opportunity to raise the following points:

- » IACFS is too devoted to institutions; but theory of federalism is more desirable.
- » It would be interesting to compare decentralizing France with other federations.
- » The first two weeks of October are good for Europeans, but not for Americans.
- » More precise proposals will be made in Tübingen.

#### **10. International Forum on Federalism, Canada, October 1999:**

Ron Watts presented this project - drafted by the Canadian Government - of a continuing network of information exchange between federations, including not only academics, but also politicians, civil servants etc.

The purpose of the Conference (which should take place in October 1999) is to exchange information about the theme "Globalization". Moreover, there will be four smaller committees for sub-themes. The President asked whether there were volunteers to help work for the sub-themes.

Thomas Fleiner asked whether chosen countries should be close to federations, and Eric Viets answered that the intention was not to be exclusive, but that obviously the core would be countries with federal systems.

Cheryl Saunders said that this was a great initiative and asked why Canada was doing this. Ron Watts answered that the question of federalism was a fundamental question in this country.

Ferdinand Kinsky mentioned that this Forum again raises the question of whether the IACFS should promote federalism or not. He repeated that the IACFS has to. Members of the Association are objective, but not neutral. They are not making propaganda in a slanted way, but offering federalist solutions in areas where it does not currently exist.

The President then asked for a vote on whether the association was willing to do this.

The motion concerning IACFS participation to the International Forum of Federalism was then unanimously carried.

The President continued by asking if there were any volunteers to work on the sub-themes. The following were interested:

Sub-theme 1 - Fiscal Federalism: Cheryl Saunders (and Cliff Walsh of course).

Sub-theme 2 - Integration of social diversity: Thomas Fleiner, Eric Fossat.

Sub-theme 3 - Intergovernmental relations: Hans-Peter Schneider, Peter Pernübl, John Kincaid, Dan Elazar, Cheryl Saunders, Ferdinand Kinsky, Nico Steyer.

Sub-theme 4 - Public policies: Harvey Lazar, John Kincaid.

#### 11 Financial Report:

The Secretary/Treasurer presented the list of the Members having (or not having) paid their annual memberships. The balance in the bank account on October 10th, 1998 is US\$ 6,642.56.

He then made three further comments:

- There are fees still to be received from five members (among them the centers of the President and the Secretary-treasurer themselves). But there won't be any problem to get these fees.
- According to an e-mail from Donna Schenck, the US\$ 400... check from ACIR is "on way".
- It means that the IACFS forecasted balance for the end of 1998 (not including fees from Pretoria, whose situation has to be clarified first) is US\$ 7,660.56, which represents a much healthier situation as previously.

A copy of the financial statement will be sent with the minutes to all member centers and institutes. The President concluded this presentation by reminding the group that the idea behind these fees was to support joint projects. But nevertheless that this new beneficiary situation could allow granting some assistance for the work of the Presidency or Secretariat.

He added that the financial situation would allow IACFS to finance, without problems, the next edition of the leaflet, the bibliography and the future IACFS Homepage.

A motion for approval of the financial report was unanimously carried.

#### 12. Review of IACFS current membership (incl. The Special Case of ACIR, Washington):

The President stated that the IACFS has 22 active members and 2 members whose situation is uncertain.

- Center for Constitutional Analysis, Pretoria: the Association agreed in Adelaide that its situation needed to be clarified and that the question would remain open until the 1999 Tübingen meeting.
- ACIR: the Association also agreed in Adelaide that ACIR could continue to belong to the IACFS as long as it pays its four years of unpaid fees. As mentioned under item # 11, this has been done and the case of ACIR is closed.

It means then that there are actually about 24 IACFS members.

#### 13. Applications for membership received:

Applications received but deferred to 1999:

- Institute for Public Economics, Alberta, Canada (Director: Prof. Paul Boero)
- Center for European Union Studies, Hull, United Kingdom (Director: Dr. Michael Burgess)
- Istituto di Studi sulle Regioni - CNR (Director: Prof. Giorgio Lombardi)
- IBAM, Rio de Janeiro, Brazil (Director: Dr. Carlos Alberto d' Oliveira)

#### Application for consideration:

Institut d'Estudis Autonòmics, Barcelona, Spain. The current Director is Dr. Antoni Bayona Roquero, but his representative in Jerusalem was Antoni Monreal, professor of Constitutional law, who

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distributed information about his institute and described the Catalan Institute.

Peter Pernthaler said that everybody in the room knew the Institute and its work, but that the delicate question concerned its independence.

Antoni Monreal then described the institutional independence of his Institute, which, while publicly financed, remains politically independent.

Harvey Lazar noted that (on page A of the documentation, which was distributed), the board seemed to be very political. Antoni Monreal submitted this, but explained that the board actually never meets. Hans-Peter Schneider asked whether there was a scientific committee, and Antoni Monreal said yes. There is also an annual report about activities. Basically, the Institute promotes and fosters the study of federalism, and especially the Spanish case in a comparative perspective.

Hans-Peter Schneider argued that the Institute has changed its focus in the last years. Previously, it was the foundation of Catalan President Jordi Pujol, but then the Institute became more independent.

Antoni Monreal added that, in 1997, the Institute was published the same # 25 and 47/MS in two different collections.

The general discussion about the Catalan Institute continued, as Ferdinand Kinsey added that, given the reputation and work of this Institute (especially given the fact that there are very few of its kind around the Mediterranean), the Assembly should conclude and vote.

Prior to the vote, the President added that they had an informal association with IACPS, and Eric Fossas insisted on the important role played by this Institute in Catalonia.

Antoni Monreal then left the room.

The general discussion continued then in the absence of the representative. Points discussed were the political independence (as it would be the first time that the Association accepts a member closely linked to a regional government, which drives to a certain reservation from a few members) and the independence of its funding.

Nevertheless, the motion for the membership of the Institut d'Estudis Autonomics (Barcelona, Spain) was unanimously carried.

### 16. Proposed amendment to By-Laws (see attachment 2):

As the amendment proposed by the President which proposes that an amendment of the Statement of Objectives and By-Laws must be submitted to the President at least one month prior to the date of the annual meeting in order that it may be distributed to the membership in advance of the meeting) seems to be very wise and corresponds to the wishes of all participants, there was no discussion about it.

The motion for the amendment to By-Laws was unanimously carried.

### 18. Elections of officers 1990 - 2000:

Ron Watts, President, reminded the group that the crucial point was that the committee has done 2 three-year terms plus one year. It's healthy to have a regular change. It had been decided in Adelaide to have two Vice-presidents in order to help the President.

Ron Watts made the following recommendations for new officers.

President - John Kincaid (USA)

First Vice-President - Cheryl Saunders (Australia)

Second Vice-President - Hans-Peter Schneider (Germany)

Secretary/Treasurer - Anne Mullins (Australia)

#### Election of President (to succeed Ron Watts):

The President formally asked for a motion nominating John Kincaid. Cheryl Saunders and Harvey Lazar followed the motion. The President then asked whether there were other nominations for President.

Thomas Fleiner asked John Kincaid what his intentions were. The latter answered that his intention was to continue with the tradition of the President and to develop the Association.

As the nomination process was closed, the President asked for a vote.

The motion for the nomination of John Kincaid as President of IACPS was unanimously carried.

#### Election of two Vice-Presidents (to succeed Cliff Walsh):

The President formally asked whether both Cheryl Saunders and Hans-Peter Schneider accepted the nomination. They replied yes.

As the nomination process was closed, the President asked for a vote. The motion for the nomination of Cheryl Saunders and Hans-Peter Schneider as Vice-Presidents of IACFS was unanimously carried.

(Election of Secretary-Treasurer (to succeed Nicolas Schmitt):  
Anne Mullins was not there, but Cheryl Saunders confirmed that she was willing.

As the nomination process was closed, the President asked for a vote. The motion for the nomination of Anne Mullins as Secretary-Treasurer of IACFS was unanimously carried.

Ron Watts, President, concluded the process by asserting that participants had chosen an excellent Executive Committee. As a result of this, the Association currently has a "past" and a "post-past" President.

By the way, Julie Kramer explained that Cheryl Saunders was "first" Vice-President and Hans-Peter Schneider "second" Vice-President for the mere reason that Cheryl's Institute has been IACFS member first.

#### 18. Other business raised by the members:

Study of Federalism and Globalization (a paper has been distributed):

Harvey Lazar presented his project proposal. It's quite an expensive project, but he has collected 3/5 of the funding so far. He was looking for those in other countries that would be interested. The participants have considered this project to be very important. It's why it launched another large discussion including all participants. Some of the topics touched on by the discussion were:

- > The time framework is 2 - 3 years. Starting in early 1999.
- > Will it also deal with the question of international law?
- > In November 1998, there is a Conference on World Trade Organization in South Africa.
- > The impact of European Union on federal systems has been studied; from that point of view, EU can be considered in a positive way as an answer to globalization.
- > Statism v. regionalism has already been an issue (in Philadelphia 1995)
- > Hanover (Germany) is supposed to welcome the World's Fair 2000. It could also be part of...
- > Globalization itself has an impact on federalism; the 21st Century will be the century of federalism!
- > IACFS should examine case policies.

Ron Watts concluded the discussion by underscoring the amount of interest it has generated and in reminding the group of how useful it was to have the Association.

#### OTHER BUSINESS:

The President mentioned two letters, which have been sent to the Association.

Thomas Fleiner has sent a letter depicting the treatment of certain scholars at Belgrade University; he agreed that it wasn't the role of the Association, but he'll give more information to all those who wish.

Lloyd Brown-John, who has been Chairman of IPSCA Research Committee on Federalism and Federations, suggested the Research Committee be an associate member of IACFS. Ron Watts gave notice, and the new Executive Committee will have to report at the Tübingen meeting. Nevertheless, he argued that associate membership is a quite delicate status.

#### 17. Brief reports by each individual center on its work and on recent major developments in its country:

There was enough time to allow for reports (time limit: two minutes) from each of the member centers and institutes on their activities and recent constitutional developments in their countries.

John Kincaid expressed a very warm thanks to Prof. Ron Watts, Past President, for all he had done for the Association. Among other things, under his Presidency, IACFS has been able to grow, to extend the number of its members, to produce a clear Statement of Objectives and By-Laws and - last but not least - to strengthen its financial capacity.

All participants then offered a standing ovation to Ron Watts. This emotional good-bye concluded the 1998 IACFS Directors' meeting in Jerusalem.

Wish you all good work until next year in Germany!

The Secretary-treasurer

**1999**  
**IACFS CONFERENCE TO BE HELD**  
**IN GERMANY**

The next meeting of the International Association of Centers for Federal Studies will be held at the Castle Hohentuebingen in Tuebingen, Germany from Wednesday July 7 to Saturday July 10, 1999. The theme for the conference will be "Federalism and Party Politics". For more information please contact either Professor Dr. Rudolf Hrbek or Thomas Fischer at:

European Center for Research on Federalism  
Nauklerstr.37a  
72074 Tuebingen  
GERMANY  
Tel: 49 (0) 7071/29 77 368  
Fax: 49 (0) 7071/92 28 76

Email: [rudolf.hrbek@uni-tuebingen.de](mailto:rudolf.hrbek@uni-tuebingen.de) (for Rudolf Hrbek);  
[fischer.ezff@uni-tuebingen.de](mailto:fischer.ezff@uni-tuebingen.de) (for Thomas Fischer).

Stay tuned to future issues of the Federalism Report for further information on the conference.

**AMERICAN POLITICAL SCIENCE ASSOCIATION**  
**ORGANIZED SECTION ON FEDERALISM AND**  
**INTERGOVERNMENTAL RELATIONS**

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*Nelson Wikstrom  
VIRGINIA  
COMMONWEALTH  
UNIVERSITY  
Richmond, Virginia*

## MINUTES

### THE 1998 ANNUAL MEMBERSHIP MEETING

1. The Section met for its 1998 annual membership meeting on Thursday, September 3 at 12:30 p.m. at the Marriott Hotel in Boston. Robert Agranoff (Indiana University), Chair of the organized section on federalism and Intergovernmental Relations, presided. The minutes of the 1997 meeting were approved as printed in the Fall 1997 issue of *The Federalism Report*.

2. The treasurer's report was presented by Michael Pagano (Miami University). Revenues for 1997-98 were \$1,830.12 and expenses were \$1,645.41, and the ending balance as of 30 June 1998 was \$2,378.27. The Financial report was accepted.

3. The section briefly discussed the possibility of creating a "short course" for the 1999 meetings in Atlanta. Two ideas were presented by Sarah Liebschutz (Rochester): (1) focus the short course on devolution and welfare reform and present it on Wednesday before the meetings begin; (2) rather than asking members to add another day to the conference, propose a two-panel session on the topic that would be assigned consecutive meeting times. Beryl Radin (SUNY Albany) asked the Chair to create a committee to explore the options and to consider attendance problems that have prompted short-course cancellations in the past.

4. The section's reception will be held Friday, 4 September, in conjunction with three other sections, Urban Politics, Public Administration, and State Politics.

5. Discussion on the Anderson Award continued (for details, see minutes from the three previous years). Agranoff presented the section's resolution to APSA (which had been reaffirmed by a vote of the membership at the 1997 meeting), requesting that the Anderson Award revert to its original intent (best dissertation on federalism and intergovernmental relations). Although APSA's official wording was not changed, Dell Wright (University of North Carolina) was asked to chair the three-member committee for 1999 and Sarah Liebschutz was invited serve as a member.

6. Carol Weissert (Michigan State), program chair for the 1998 meetings, gave a brief report on the panels, noting a 50% increase in submissions over 1997 levels and an increase in the allocation of panels to the section (9). She asked for members to provide any feedback about the panels to her as soon as possible. In behalf of the section, Agranoff expressed appreciation to her for a fine set of panels. Agranoff then introduced the program chair of the 1999 annual meetings, Tim Conlan (George Mason).

7. Agranoff reminded section members to contribute to APSA's Capital Campaign. He noted that funds from sections members could be set for a fellowship, travel, etc., if the section requested.

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8. The committee for the "best paper" award for a paper presented at the 1997 annual meeting was chaired by Ann Bowman (South Carolina); other members were David Berman (Arizona State) and Paul Posner (GAO). The recipients this year were Lyke Thompson and Richard Elling (Wayne State) for their paper, "Let Them Eat Marble Cakes: Michigan Citizens' Preferences on Intergovernmental Structure."

The committee for the "best book" award for a book with lasting value published more than 10 years ago was chaired by Marian Palley (Delaware); other members were David Beam (Illinois Institute of Technology) and Ken Palmer (Maine). The recipients this year was Tim Conlan for his book, *New Federalism*, which just recently has been released in second edition by Brookings Institution Press with a new title, *From New Federalism to Devolution*.

The committee for the "distinguished scholar" award was chaired by Sarah Liebschutz; other members were Evert Radin and Dale Krane (Nebraska-Omaha). The recipient of the 1998 award was Paul Peterson (Harvard University). Peterson's list of accomplishments was presented by Liebschutz, including the publication of 13 books and 62 articles. Peterson thanked the section and the Brookings Institution Press for providing a forum for his work and the work of others.

9. Agronoff thanked the three members of the executive council whose three-year terms expired for their service and dedication, Ann O'M. Bowman, David Beam and Carol Weissert.

10. The nominating committee, chaired by Al Sokolow (California-Davis) and other members (Jocelyn Johnston-Kaneas; Joe Marbach, Seton Hall), presented a slate of candidates. For president, the committee nominated Carol Weissert for a two-year term (approved unanimously); for a three-year term on executive council, the committee nominated Tim Conlan, Ken Palmer, and Nelson Wikstrom (Virginia Commonwealth), who were approved unanimously.

The section thanked Bob Agronoff for his service to the section and wished him well!

The meeting adjourned at 1:20 p.m.

Respectfully submitted,

Michael A. Fugard  
Secretary-Treasurer

## New Council Members, Committee Chairs Named

Three new council members and a new chair were elected at the 1998 APSA meeting in Boston. Carol S. Weissert was elected to a two-year term as section chair. Elected to the council for a three-year term were Timothy Conlan, George Mason University; Kenneth Palmer, University of Maine; and Nelson Wikstrom, Virginia Commonwealth University.

The committee chairs for key section committees have also been named:

Paul Posner, General Accounting Office, will head the nominations committee. He may be reached at (202) 512-9573 or posnerp@gsao.gov.

Jocelyn Johnston, University of Kansas, will chair the Best Paper from the 1998 meeting committee. Her telephone number is (785) 864-9031 and e-mail address is jocelyn@ukans.edu.

Kenneth Palmer, University of Maine, will lead the committee designating the best federalism book published at least 10 years ago. Ken may be reached at (207) 581-1880 or kpalmr@maine.maine.edu.

Nelson Wikstrom, Virginia Commonwealth University, will chair the distinguished federalism scholar committee. His telephone number is (804) 828-5068; his e-mail address is nwkdro@vcu.edu.

Committee members will be named later. However, members wishing to nominate persons for the section board or for the paper, book or distinguished scholar awards, are urged to contact the appropriate chairs.

## Federalism Panels Past and Future

Timothy Conlan is the federalism and intergovernmental section panel organizer for the 1999 APSA meeting in Atlanta. The deadlines are fast approaching so anyone interested in submitting an abstract for a paper should contact Tim by November 18th. Further information is available in the September issue of PS. Tim will also be selecting papers to be presented in poster sessions—an option that has proven very popular in recent years.

Attendance at the nine federalism and intergovernmental relations panels at the 1998 APSA meeting was excellent.

According to the APSA, the mean attendance for the section's nine panels was 25. The range of attendance was 10 to 70.

#### Peterson, Conlan, Thompson and Elling Honored

The APSA Federalism and Intergovernmental Section presented three awards at the 1998 APSA meeting in Boston.

Paul Peterson, professor of government at Harvard University, was named distinguished scholar in federalism. Peterson has published 18 books and 62 articles, including The Price of Federalism, a Brookings Institution book used in many federalism and intergovernmental relations classes across the country.

Timothy Conlan, associate professor at George Mason University, received the award for the best book on federalism and intergovernmental relations published more than 10 years ago, for New Federalism: Intergovernmental Reform from Nixon to Reagan (1988).

Conlan, a former staffer at the Advisory Commission on Intergovernmental Relations and the Senate Intergovernmental Relations Subcommittee, recently completed a second edition of the book, now entitled From New Federalism to Devolution (1996). Both books are published by the Brookings Institute.

Professor Lyke Thompson and Richard Elling from Wayne State University received the award for the best paper presented at the 1997 APSA meeting. Their paper was entitled, Let Them Eat Marble Cake: Michigan Citizens' Preferences on Intergovernmental Structure.

Chairing the committees and making the presentations were Sarah Leibschutz, distinguished scholar; Marian Palley, best book; and Art Bowman, best paper award.

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The Fifth World Congress of the International  
Association of Constitutional Law (IACL)

will be held at

Erasmus University in Rotterdam, Netherlands  
July 12-16, 1999.

To submit suggestions for papers, or for general  
information, contact:

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