

THE FEDERALISM REPORT

VOLUME 24, NUMBERS 1-2

SPRING/SUMMER 2001

CONTENTS

Center for the Study of Federalism (CSF) Notebook

CSF Panel for 2001 APSA Meeting	2
Publius Panel for 2001 APSA Meeting	2
Publius Editorial Advisory Board Breakfast	2
2001 Reception	2
Meyner-CSG-Forum Partnership	2
Bicommunal/Bizonal Federalism in Cyprus	2
Meyner Center to Conduct Fulbright Institute	3
ASPA Memorial Panel for Daniel Elazar	3
Publius Memorial Essays for Daniel Elazar	3

Institute for Regional Analysis and Public Policy

IRAPP Overview	4
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International Association of Centers for Federal Studies (IACFS) Newsletter

2001 Meeting	5
2002 Meeting	5
Membership	5
Membership Dues	5
IACFS Website	5
IACFS Bibliography	5
New Journals	5
Minutes of 2000 Directors' Meeting	6

Organized Section on Federalism and Intergovernmental Relations of the American Political Science Association (APSA)

Panels for 2001 APSA Meeting	14
2001 Business Meeting	16
2001 Reception	16
Report on 2000 Section Workshop	16
Minutes of 2000 Section Business Meeting	17

More Federalism News

IPSA Committee on Comparative Federalism	19
Forum of Federations	19
ACIR Resurrection?	19
In Memoriam	19
Publications of Interest	19
E-Research: Intergovernmental Resources	20

From the Editors

With this issue, *The Federalism Report* enters a new era of service to the federalism and intergovernmental community with cooperative publication by the Center for the Study of Federalism at the Robert B. and Helen S. Meyner Center for the Study of State and Local Government at Lafayette College, Easton, Pennsylvania, and the Institute for Regional Analysis and Public Policy (IRAPP) at Morehead State University, Morehead, Kentucky. We welcome this partnership and look forward to a long-term relationship in publishing the *Report*. Our plan is to issue *The Report* twice a year: in January and June.

In order to make *The Federalism Report* fully and broadly informative, we invite news from you about your relevant activities and publications. Kindly send news information, as well as address changes, directly to Dr. John Kincaid, Meyner Center for the Study of State and Local Government; 002 Kirby Hall of Civil Rights; Lafayette College, Easton, PA 18042-1785. The fax number is 610-330-5598, and the Center's e-mail address is meynerc@lafayette.edu. CSF at the Meyner Center acknowledges and expresses appreciation for generous support from the Earhart Foundation in helping to re-launch *The Federalism Report*.

John Kincaid, Editor
Michael W. Hail, Associate Editor

CSF Notebook

CSF Panel for 2001 APSA Meeting

"Police Powers and American Federalism"

Date: Friday, August 31, 1:30 p.m. to 3:30 p.m.

Chair: Kim Kosman, *American Enterprise Institute*

Papers:

"Common-Law Origins of the Police Power"

James R. Stoner, Jr., *Louisiana State University*

"Tolerance and American Constitutionalism:
Police Powers and Gay Rights"

Murray P. Dry, *Middlebury College*

"Tobacco and Federalism"

Martha Derthick, *University of Virginia*

"The Rehnquist Court and Local Regulation"

John Dinan, *Davidson College*

Discussants: Kim Kosman, *American Enterprise Institute*,
and John Kincaid, *Lafayette College*

Publius: The Journal of Federalism Panel for 2001 APSA Meeting

"The State of American Federalism, 2000-2001"

Date: Saturday, September 1, 8:45 a.m. to 10:30 a.m.

Chair: Dale A. Krane, *University of Nebraska at Omaha*

Papers:

"The State of American Federalism: 2000-2001"

John Kincaid, *Lafayette College*, and Dale A.
Krane, *University of Nebraska at Omaha*

"Federalism and the 2000 Presidential Election:
Competing Visions of America's Future"

Troy E. Smith, *Bucknell University*

"The Fire Next Time: The Changing Roles of State and
Local Government in the Suppression of Western
Wildfires"

Charles E. Davis, *Colorado State University*

"Devolution in the United Kingdom: Outcomes,
Results, and Consequences in Scotland"

Alice Brown, *University of Edinburgh*

Discussants: Randy Hamilton, *University of California at
Berkeley* and Alvin D. Sokolow, *University of
California at Davis*

Publius Editorial Advisory Board Breakfast

Date: 2001 APSA Meeting,
Saturday, September 1, 2001
7:30 a.m. to 8:45 a.m.

Location: Renaissance Parc 55 Hotel
Milan Room

2001 Reception Co-Sponsored by *Publius* and the APSA Federalism Section

Date: 2001 APSA Meeting,
Saturday, September 1, 2001
6:30 p.m. to 8:00 p.m.

Location: Hilton Hotel
Union Square 14

Meyner-CSG-Forum Partnership

The Robert B. and Helen S. Meyner Center for the Study of State and Local Government at Lafayette College and the Council of State Governments (CSG), Lexington, Kentucky, have entered an agreement with the international Forum of Federations based in Ottawa, Canada, to serve as co-partners and points of contact for the Forum in the United States on projects, conferences, and programs of mutual interest. Among other activities, it is expected that a major international conference on federalism will be organized and hosted in the United States as a follow-on to a conference held in Canada in 1999 and a conference to be held in Switzerland in 2002.

Toward Bicomunal Federalism in Cyprus

The Robert B. and Helen S. Meyner Center for the Study of State and Local Government at Lafayette College hosted Dr. Marina Spiliotopoulou, Counsel of the Republic in the Office of the Attorney General of the

Republic of Cyprus, for a 9-week Fulbright training program on American Federalism and Law Enforcement during April and May 2001. The program was directed by John Kincaid. Spiliotopoulou studied with Kincaid and with Bruce Allen Murphy, James E. Lennertz, and Alexandra L. Sheaves in Lafayette's Department of Government and Law. She also met with 34 federal, state, and local government officials, as well as civic leaders.

The program was relevant to continuing discussions of a federal solution to the Greek-Turkish division in Cyprus and to the entry of Cyprus into the European Union, a process that began in March 1998. Cyprus became an independent republic in 1960. However, on July 15, 1974, Greece's military junta staged a coup in Cyprus to overthrow Archbishop Makarios, then president of Cyprus. Turkish troops intervened on July 20, 1974, and eventually occupied about 37% of the island. Agreements to establish a bicomunal or bizonal federation were reached between Greek and Turkish Cypriot leaders in 1977 and 1979, but have yet to be implemented. The island remains divided, and few Greek and Turkish Cypriots have had any contact with each other for the past 27 years. (For background, see the articles by Tozun Bahcheli and Andreas Theophanous in *Publius: The Journal of Federalism* 30, Winter/Spring 2000.)

Meyner Center to Conduct Fulbright Institute, Summer 2001

The Robert B. and Helen S. Meyner Center for the Study of State and Local Government will conduct a six-week summer Fulbright American Studies Institute on "The United States Constitution: Origins, Evolution, and Contemporary Issues" for 18 scholars from 18 countries. The institute, funded by the Bureau of Educational and Cultural Affairs of the U.S. Department of State, will be directed by John Kincaid. Other faculty include: Barbara Allen, Ellis Katz, Donald Lutz, Joseph Marbach, Stephen L. Schechter, and Conrad Weiler.

ASPA Memorial Panel for Daniel J. Elazar

A memorial panel for Daniel J. Elazar was held at the Annual Meeting of the American Society for Public Administration in Newark, New Jersey, on March 12, 2001. The panel, chaired by John Kincaid, featured critical discussions of Elazar's life-long work on federalism by Robert Agranoff, Indiana University; Alvin D. Sokolow, University of California, Davis; and James A. Steyer, University of Cincinnati.

Publius Essays in Memory of Daniel J. Elazar

Publius: The Journal of Federalism

30:4 Fall 2000

Contents

Challenges to Authority that are Significant, But Fall Short of Being Federal or Constitutional

Ira Sharkansky

Faces of Federalism: From Bullinger to Jefferson

J. Wayne Baker

Continuity and Change in the Constitutional Experience of the German Jews

Alan Mittleman

Martin Luther King's Civil Disobedience and the American Covenant Tradition

Barbara Allen

Thinking about Constitutionalism at the Start of the Twenty-First Century

Donald S. Lutz

From Constitutional to Treaty Federalism: A Comparative Perspective

Thomas O. Hueglin

Daniel J. Elazar: Comparative Federalism and Post-Statism

Ronald L. Watts

Publius: The Journal of Federalism

31:1 Winter 2001

Contents

Daniel J. Elazar and the Covenant Tradition in Politics

Irving Louis Horowitz

American Federalism as American Exceptionalism

Samuel Krislov

Alexis de Tocqueville and the American Character: The Problem of Reconciling Excellence and Consent

Neal Riemer

Laboratories of Democracy?

Brandeis, Federalism, and Scientific Management

G. Alan Tarr

Federalism and the Politics of Tobacco

Martha Derthick

Institute for Regional Analysis and Public Policy

The Morehead State University (MSU) Institute for Regional Analysis and Public Policy (IRAPP) was established in 1998 as a Kentucky Program of Distinction to provide applied research and organized public service for Kentucky communities. IRAPP's overall goal is to integrate university resources with regional resources to develop instructional, research, and service programs of excellence. Morehead State and IRAPP have entered a partnership with the Center for the Study of Federalism at the Meyner Center for the Study of State and Local Government at Lafayette College to publish *The Federalism Report*. This partnership supports IRAPP's mission as a research clearinghouse and supports the research of MSU faculty who study intergovernmental relations.

Under the mandate of Kentucky's Program of Distinction, IRAPP academic programs, research initiatives, and service activities connect MSU faculty and students in partnerships with citizens, educators, political leaders, and policymakers to develop programs that promote sustainable economic development. Through basic and applied research, IRAPP focuses on problems facing communities, works to develop responses to the identified needs of communities, engages in program and policy evaluation, serves as a clearinghouse for public policy research, and serves as a resource for policymakers by providing technical assistance and research.

IRAPP is located administratively within the Office of the Vice President for Academic Affairs at MSU, and is a university-wide research unit, on par with academic colleges of the university. The Dean of IRAPP is on the Deans Council, and there are ten IRAPP regular faculty from political science, sociology, economics, demography, geography, environmental science, and social work. There are also thirty faculty affiliated with IRAPP from twelve disciplines across the university. IRAPP students are enrolled in its five selective academic programs, and students work in IRAPP projects and programs throughout the year.

IRAPP has two divisions: Academic Programs, and Applied Research and Public Policy. These divisions integrate teaching, research, and public service activities. IRAPP's five bachelor's degrees include a unifying core of six courses in regional analysis. IRAPP's two master's degree programs have an emphasis in regional analysis and public policy in addition to the core courses.

IRAPP faculty were awarded numerous federal research grants totaling over \$6 million last year, and IRAPP funded nine faculty research grants last year to engage faculty with active research agendas across the university. IRAPP publishes research monographs, an occasional paper series, and electronic publications in cooperation with the University Press of Kentucky. IRAPP is governed by faculty from the university as well as an advisory board from both the private and public sectors.

More information about MSU and IRAPP can be found on the web at: <http://irapp.morehead-st.edu/>

Michael W. Hail serves as the new Associate Editor of *The Federalism Report*. Hail is an Assistant Professor of Political Science at Morehead State University and Director of Research and Development at IRAPP. He also serves as Assistant to the Dean. He is a Ph.D. candidate in political science at the University of Delaware. His dissertation is under the direction of Marian Lief Palley and examines the cycles of federalism through a longitudinal case study of federal rural economic development policy. Hail was formerly the Director of Policy and Research at the University of Kentucky Center for Rural Development and Director for the Rural Telecommunications Institute. Hail most recently served as Associate Director of the Center for the Study of Social Issues and Research Associate in the Bryan School of Business and Economics at the University of North Carolina at Greensboro. His principal research interests are in federalism and intergovernmental relations and his research agenda includes the study of economic development, public policy, and program evaluation.

Jeremy L. Hall is the new Production Editor of *The Federalism Report*. Hall is a Ph.D. student at the James W. Martin School of Public Policy and Administration at the University of Kentucky. He also holds a position at Morehead State University's IRAPP program as Research Associate. He previously served as Policy Research Assistant at the University of Kentucky Center for Rural Development. He has collected and analyzed voluminous data sets, coordinated the evaluation of programs, and managed academic conferences and policy publications. He holds a B.A. from Centre College in government and music, and his research interests include economic development policy, public policy evaluation, and fiscal federalism.

International Association of Centers for Federal Studies



IACFS

NEWSLETTER
BULLETIN
d'INFORMATION
RUNDSCHEIBEN

2001 Meeting

The 2001 directors' meeting and conference of the International Association of Centers for Federal Studies (IACFS) will be held in Abuja, Nigeria, on October 15-19. The meeting will be hosted by the Institute of Governance and Social Research (IGSR), Jos, whose president is Professor J. Isawa Elaigwu. The Forum of Federations is co-sponsoring the conference and providing generous financial and logistical support for the IACFS meeting and conference. The conference will focus on important issues of federalism in Nigeria, such as constitutionalism and political stability, ethnic and religious diversity, state creation, fiscal federalism, oil and natural resources, and corruption in federal systems. Substantial participation is expected from federal, state, and local officials in Nigeria.

2002 Meeting

The 2002 IACFS directors' meeting and conference will be held in Innsbruck, Austria, on November 13-17. The meeting will be hosted by the Institut für Föderalismusforschung, Innsbruck, whose new director is Professor Dr. Peter Bussjäger. The previous director, Professor Dr. Peter Pernthaler, has retired after many years of outstanding service to the institute and excellent scholarly work on federalism. The 2002 IACFS conference will be held jointly with the Comparative Federalism and Federation Research Committee of the International Political Science Association (IPSA).

Membership

The IACFS consists of 25 member centers. A complete contact list of centers and directors was published in the last issue of *The Federalism Report* (Volume 23, Spring/Summer 2000). Two new centers joined the IACFS at the 2000 meeting in Nice, France. The new centers are: The Center for State Constitutional Studies, Camden Director: Professor G. Alan Tarr Rutgers—The State University Camden, New Jersey 08102, USA

The Constitution Unit, London
Director: Professor Robert Hazell
School of Public Policy
University College London
29 Tavistock Square
London WC1H 9QU, UK

Membership Dues

Centers are kindly reminded to remit their 2000 and/or 2001 IACFS membership dues to the IACFS Secretariat, c/o Anne Mullins, Secretary/Treasurer; Centre for Comparative Constitutional Studies; Law School; University of Melbourne; 723 Swanston Street, 2nd Floor; Parkville, Vic 3010; Australia.

IACFS Website

The IACFS website, which is being maintained by the International Center for European Studies in Nice, France, is up and running at <http://www.iacfs.org>. Member centers wishing to add information should contact Frederic Lépine.

IACFS Bibliography

The IACFS bibliography, which is being maintained by the Institute of Intergovernmental Relations at Queen's University, Kingston, Ontario, Canada, is available at <http://www.cnfs-rcef.net/>.

New Journals

Two member centers have launched new journals:

African Journal of Federal Studies
Editor: J. Isawa Elaigwu
Institute of Governance and Social Research
P.M.B. 2156
Jos, Plateau State, Nigeria
igsr@infoweb.abs.net

Indian Journal of Federal Studies
 Editor: Akhtar Majeed
 Centre for Federal Studies
 Jamia Hamdard (Hamdard University)
 Hamdard Nagar
 New Delhi 110 062, India
 cfsindia@usa.net

International Association of Centers for Federal Studies

Annual Meeting of Directors
November 9-10, 2000

**Centre International de Formation Européenne/
 International Center for European Studies**
Nice, France

Minutes of 2000 Meeting

Members Present:

- ◆ John Kincaid (President), Meyner Center for the Study of State and Local Government., Easton, UNITED STATES
- ◆ Anne Mullins (Secretary/Treasurer), Centre for Comparative Constitutional Studies, Melbourne, AUSTRALIA
- ◆ Xavier Arbos, Institute for Political and Social Science, Barcelona, SPAIN
- ◆ Thomas Fleiner, Institute of Federalism, Fribourg, SWITZERLAND
- ◆ Ferdinand Kinsky, International Centre for European Studies, FRANCE
- ◆ Ellis Katz, Center for the Study of Federalism, Philadelphia, UNITED STATES
- ◆ Jutta Kramer, German Institute for Federal Studies, Hannover, GERMANY
- ◆ Frederic Lepine, International Centre for European Studies, Nice, FRANCE
- ◆ Harvey Lazar, Institute of Intergovernmental Relations, Kingston, CANADA
- ◆ Akhtar Majeed, Centre for Federal Studies, New Delhi, INDIA
- ◆ Antoni Moureul, Institute for Autonomous Studies, Barcelona, SPAIN
- ◆ Giancarlo Pola, Inter-University Centre for Regional and Local Finance, Ferrara, ITALY
- ◆ Nico Steytler, Community Law Centre, Bellville, SOUTH AFRICA
- ◆ Ronald Watts, Institute of Intergovernmental Relations, Kingston, CANADA

Also in attendance as representatives of applicant centers were Professor Robert Hazell (The Constitution Unit, UK) and Professor G. Alan Tarr (Center for State Constitutional Studies, USA). Attending as observers were Ralph Lysyshyn, Raoul Blindenbacher, and Andrea Iff.

1. *Welcome by IACFS President and Introduction of Members and Guests*

The President took the Chair and welcomed his fellow Directors to the meeting. He also introduced Robert Hazell, Alan Tarr, Ralph Lysyshyn, Raoul Blindenbacher, and Andrea Iff.

2. *Determination of Quorum*

The President noted that a quorum for the purposes of the IACFS by-laws is one-third of the membership. There being 24 members of IACFS, and there being 12 members represented, there was a quorum.

3. *Approval of Meeting Agenda*

The draft agenda was considered and accepted after a motion by Ellis Katz, seconded by Thomas Fleiner.

4. *Approval of Minutes of 7-8 July 1999 Meeting in Tübingen*

The Minutes of the 1999 Directors' Meeting (previously distributed) were accepted by motion of Akhtar Majeed, seconded by Harvey Lazar.

5. *Progress Reports: IACF Projects and Publications*

5.1 Publication of Conference Proceedings

- Adelaide 1998

The President reported that Cliff Walsh remained ill and unable to move forward with the publication of the papers from the Adelaide conference. Other staff at the South Australian Centre, including Dean of the Economics Faculty, Jonathan Pincus, had indicated that the center might be able to publish the papers, but that it did not have copies of the papers. The President advised that, with the help of the Secretary, he had compiled a list of the presentations made at the Adelaide conference. Papers or presentations had been given by Harvey Lazar (who indicated that he had sent his revised paper to Cliff Walsh in May 1998), Jutta Kramer, Giorgio Brosio, John Kincaid, Nicolas Schmitt, and Nico Steytler. There had been a wrap-up session, which included comments by John Henderson, Bruce

Parr, Ronald Watts, and Giorgio Brosio. A paper by Abdulrahim Vijapur had been distributed as well.

There was discussion about the value of publishing the papers. It was thought that the papers were now too out-of-date to be of value, and that some papers had already been published elsewhere. There may be some value, however, in saving some of the papers as the basis for the proposed *Handbook of Fiscal Federalism*.

It was decided not to pursue publication of the papers, and the President undertook to advise the South Australian Centre staff of the Directors' decision.

Jerusalem 1998

The President advised that he was waiting on advice of the representative of the Jerusalem Centre for Public Affairs, Justus Weiner, who had not yet arrived at the meeting. Dr. Weiner subsequently advised the President that the Jerusalem Center is unfortunately not in a position to publish the papers.

Tübingen, 1999

The President reported that Rudolf Hrbek had advised that he expected to publish the papers from the 1999 conference in the first half of 2001.

5.2 International Bibliography of Federalism

Harvey Lazar reported that the Bibliography had been revised and now had a new Internet address (<http://www.cnfs-rcef.net/>) which was the home of the Canadian Network for Federalism. The Bibliography would be announced to relevant Canadian audiences next week via the Canadian Political Science Association's website. Harvey suggested that the IACFS Directors arrange to have the site announced to the relevant federalism networks in their own countries. The Bibliography would be updated by users, with users proposing new entries, which would be vetted by a nominated IACFS member in each country. Proposed entries would be sent to the nominated member quarterly.

It was agreed that the IACFS website and members' websites should have a link to the Bibliography.

Jutta Kramer noted the debt owed by other members to the Institute of Intergovernmental Relations for coordinating the Bibliography. It is up to the members to keep it up to date and to let people know about it, especially students. It will be a way to make the IACFS more visible and will be a concrete service to the community.

Harvey Lazar requested members to get back to him in the next month about the Bibliography's operation. The Institute has separate funds for a short time to be used for improvements. In countries where there is more than one member, one will need to be nominated as the Bibliography contact.

5.3 Handbook on Fiscal Federalism

The President reported that he had had discussions with the World Bank about the possible funding of a series of handbooks on a number of aspects of comparative federalism. One of them might be fiscal federalism, which would pick up the idea of a handbook of fiscal federalism which Cliff Walsh had proposed in 1998.

There was discussion about what commitment to such a project might be available from the members. The issue of the value of a printed handbook on such a changing issue was discussed, with the possibility of publishing it either in loose-leaf format or on the Internet. It was noted that cross-disciplinary issues, in terms of differing methods and approaches, need to be taken into account. Thomas Fleiner agreed that coordination with World Bank would be very useful, and noted that his Institute had worked with the World Bank in February 2000 on a conference on federalism and ethnic problems, which had generated a publication from the World Bank. Ronald Watts noted that the key to successfully developing such a series is to have one person in the IACFS responsible for the project, and that there be a broad template devised for contributors. He also suggested that the Forum of Federations might be interested in supporting such a project, possibly in collaboration with the World Bank.

Thomas Fleiner proposed that one of his colleagues, Thomas Stauffer, might be the appropriate person to take on the fiscal project, with the Institute of Federalism's backing. It was agreed that Stauffer would draft a handbook proposal and template and circulate it among the members for comment. By the 2001 meeting, there would need to be an agreed-upon template and sufficient funding in place for the proposal to go ahead, and the information then to be kept up-to-date, possibly via the Internet.

5.4 Website for IACFS (<http://www.iacfs.org>) + Links to Each IACFS Center

Frederic Lepine reported that the website had been up and running for many months, and was currently

enjoying two hits per day, having been registered with the principal search-engines. It was linked to the members' own sites, and had the potential to be a valuable crossroads of information on federalism. It can perform a number of functions, depending on what the Association wants.

There was discussion about the role of the website, and the possible value of having a professional developer have some role with the site. The importance of any new developments not compromising its ease of access for developing countries was noted. Harvey Lazar advised that the Canadian federalism Internet project, funded by the principal Canadian research body, is supported by a professional website developer who was based at the Institute of Intergovernmental Relations. This person might be able to provide some assistance to the development of the IACFS website. The Secretary offered to do some work on the site over the summer to make it more user-friendly.

After further discussion, it was agreed to revisit the issue in 2001, and the President asked the Directors to think about how the website might be made more professional and user-friendly.

5.5 New IACFS Booklet

There was discussion about the information booklet and how it might be kept current. There were suggestions about additional content, including the process for potential applicants to follow. The recommendation was made that a new printing of the booklet be deferred until 2001, because the website offers a means to have membership and other information updated. The Secretary advised that changes to member information should be sent to her and that she will send/e-mail addenda sheets out to go in the booklet.

5.6 Other Possible Projects

No projects were raised for discussion.

6. *Report of the IACFS Outreach committee*

6.1 IACFS Relations with the Forum of Federations

The President welcomed again Ralph Lysyshyn, Dr. Raoul Blindenbacher, and Andrea Hf of the Forum of Federations and invited Mr. Lysyshyn to address the Directors on the Forum and its relations with the IACFS.

Ralph Lysyshyn gave an overview of the work of

the Forum. The Forum is presently in Phase 2 of its existence. Phase 1 involved the lead-up to the Mont Tremblant conference in 1999, while Phase 2 will focus on identifying what the Forum's ongoing role should be. It is currently developing a program of activities.

Its Board of Directors is comprised of the Honorable Bob Rae (Chair), former Premier of Ontario; Professor Rui de Britto Álvares Affonso, Director, Public Sector Economy, Fundação do Desenvolvimento Administrativo (Brazil); the Honorable Jocelyne Bourgon, President, Canadian Centre for Management Development; Sameena Dalwai, Law student (India); Dr. Alex Ekwueme, former Vice-President of Nigeria; Chief Clarence (Manny) Thomas Jules, Chairman, Indian Taxation Advisory Board (Canada); Professor Dr. Arnold Koller, former President of Switzerland; Judith Maxwell, President, Canadian Policy Research Networks; Professor Gil Rémillard, former Minister of Justice and Intergovernmental Affairs, Québec; Dr. Henning Voscherau, former Mayor of Hamburg, (Germany); and Professor Ronald L. Watts. Ralph Lysyshyn is also a member of the Board. The Forum is looking to add Board members from the United States, Russia, and Belgium.

The Forum does not see itself as an IACFS-like organization in terms of its approach to federalism: it does not carry out research, and it is not a center of expertise. It sees itself rather as a catalyst, focussing on activities such as networking for practitioners, providing policy and advisory assistance, and working with young people.

It has a decent budget, but the Board does not see the Forum as a funding organization nor as autonomous. The key is to establish partnerships, with those with mutual interests. The Forum's interest is to be involved in events or projects that others normally wouldn't do; being involved in running a conference, for example, would not be of interest to the Forum unless its approach was unique.

Activities of the Forum thus far have included:

Publications

The publication *Federation* is aimed at the busy practitioner and is designed to be compiled into a looseleaf folder. The Forum sees opportunities for cooperation with IACFS members in terms of submitting articles or suggesting topics or authors for articles. It has found that producing

the appropriate style for the publication is quite demanding, as the style is more along the lines of a political briefing or journalistic piece.

- The Forum is working on a *Handbook* on federalism, to be ready in November 2001, envisaged as a 'tool-kit' on how to set up a federation. The Forum is looking to IACFS members for country chapters.
- The proceedings and outcomes of the Mont Tremblant conference have been published on CD.

Conferences

- The Forum is organizing a conference in Switzerland in 2002, covering a broad range of themes. Raoul Blindenbacher and Andrea Iff are part of the conference organizing team.
- The Forum is having discussions with the Council of the State Governments and the Meyner Center in the United States about a possible conference on mechanisms in federal states for coordination among constituent units.
- The Belgian President has made a media announcement about a conference in 2004.
- A conference was held in Brazil in May 2000, examining a range of themes with a Brazilian focus. The Forum had been approached by the Brazilian government to assist with the conference, and it was a great success, with participation by government and opposition politicians.
- A workshop is to be held in Canada for a Russian audience prior to President Putin's visit.
- In the planning stages are: a conference in Nigeria in the Summer of 2001 (liaison with the Minister for Intergovernmental Relations); a conference in Mexico, initiated by President Vincente Fox, in November 2001, a workshop having been held for the Transitional Cabinet in Mexico in November 2000; and a workshop in Nigeria.

Larger projects

- Workshops in Ethiopia (funded by the German government)
- Workshop on fiscal federalism in Brazil
- Youth activities: while it is easy to attract youth to its usual activities, it is harder to find partners to work on developing specific youth activities

In terms of working with the IACFS, Ralph Lysyshyn told the meeting that work was already happening with members: an article provided to the Forum by John Kincaid, for example, and a Nigerian

Governors' Workshop organized in cooperation with Isawa Elaigwu. The Forum plans to set up liaison partnerships with organizations in most federations; some would be with IACFS members, while others would be with practitioners' organizations. The Forum will seek members' input on articles (topics, authors, etc) which the Forum will pay for, as well as suggestions for those to be on the Forum's publications mailing list. IACFS members can identify practitioners in their country and activities of interest to them, and serve as advisers on projects.

The IACFS website already has some synergy with the Forum's. The Forum wants to develop its site to serve as a better resource. Ralph Lysyshyn welcomed input from IACFS members on their various conferences, publications, and other activities.

There are funds available for joint projects, as well as in-kind contributions, such as labor and accommodation. In the short term, the Forum does not plan to spend all the funds available to it on projects, but is looking to how it can offer assistance to eligible developing countries.

In the period leading up to the Swiss conference in 2002, the Forum will focus on fiscal federalism, the role of constituent units in international affairs, and the management of ethnic conflicts in federal states. In the longer term, there will be multi-phase projects.

Ralph Lysyshyn's presentation was followed by discussion and comment as follows:

- whether the Forum should become a member of the IACFS;
- that one strength of the Forum is that it can mobilize practitioners and politicians; this is positive for the IACFS because it gives the IACFS better access to such people through its work with the Forum and enables links between academics and practitioners;
- that conferences run by the Forum should be places for practitioners to learn, particularly about comparative approaches, and should be issue-oriented rather than theme-oriented.

6.1a 2002 Forum of Federations' Meeting in Switzerland

Dr. Raoul Blindenbacher gave a progress report on the planned Swiss conference. It is still in its preliminary stages, and he was eager to hear from IACFS members.

The organization is on three levels:

- Federalistic Dialogue: this is a political responsibility, led by the President of Switzerland and including three cantonal representatives;
- Strategic Responsibility, involving Swiss citizens and foreign organizations; and
- Operational Management: Dr. Blindenbacher and two colleagues.

In terms of finance, the aim is to have a diverse base. Currently, there is financial support from federal and cantonal governments in Switzerland. The private sector will also be approached for support. Three topics will be the focus of the conference, and it will be important to ensure that the content matches the process to achieve results. In response to questions, Dr. Blindenbacher advised that there will be registration fees, similar to those at Mont Tremblant.

Thomas Fleiner noted that the Mont Tremblant conference had been criticized by developing countries: "The First World telling the Third World how to do federalism." It is very important that this not happen again. New processes could include, for example, a preparatory conference in Australia for Asia-Pacific area participants. Ralph Lysyshyn responded that this was not the intention and that there was no long-term problem in terms of inclusiveness.

Thomas Fleiner explained that the Swiss government had taken the initiative with the 2002 conference because Switzerland is very isolated in terms of international forums, such as the UN and UNESCO. This is a way in which the Swiss can contribute and play a role in multicultural and international affairs. It will also have an educative role for the Swiss people and policymakers.

Jutta Kramer requested an opportunity to consider the Forum's relationship with the IACFS among the members themselves. She said that cooperation could attract more resources to the member organizations, and that there needs to be an ongoing conversation between the Forum and the IACFS and that projects such as the *Handbook* give each organization opportunities for coordination and cooperation.

On the issue of Forum membership in the IACFS, Ronald Watts noted that an exchange of publications between organizations was already part of the IACFS's activities and that this could continue with the Forum. The Forum is not looking to duplicate the work of the IACFS.

Ralph Lysyshyn, Raoul Blindenbacher, and Andrea Iff retired from the meeting, and further discussion resumed.

There was discussion of members' experiences working with the Forum on events in their own countries. Concern was expressed that the arrangements had sometimes ended up in practice being less a partnership than a service-delivery arrangement for a fee. There had also been differences in views on approaches to be made to political leaders and no consultation on timing and scheduling of events, or on important invitations. There was concern that access to one of the IACFS's most important resources, its national and international networks, might be one reason for approaches currently being made to it.

A number of members advised that they had received invitations from the Forum to tender to be the nominated center/institute in their country with which the Forum would have formal ties. This was felt to be more like competition than cooperation. The contract to be signed by such a center was felt to be one-sided, with little benefit to the center, and only a small honorarium being paid.

It was proposed and agreed that a protocol setting out the guidelines on the way in which the Forum and the IACFS and its members would work together should be drafted, which would address the concerns raised. A committee comprising Jutta Kramer, Ronald Watts, Xavier Arbos, Harvey Lazar and the Secretary was established and charged with the task of drafting the guidelines.

Professor Watts provided further information on the Forum's publication projects:

- Yearbook: This is planned to come out every 2-3 years. It will be written by academics and will identify federations in the world, and outline their constitutional structure and political dynamics;
- Handbook: This will identify the main issues that new federations might need to consider; and
- Briefing Papers. Published three times a year, with five double-sided sheets, not in an academic style.

He suggested that the Yearbook might include a list of centers and leading scholars and publications for each country.

- 6.2 IACFS Relations with the Federalism Network (<http://federalism.com> or federalism.ca or federalism.net) C/O Public Interest Research and Communications Inc., Ottawa, Ontario.

The President noted that he had previously circulated material on this commercial operation which had contacted him about a possible relationship with the IACFS. The network had purchased the three domain names noted above, and claimed 2,000-4,000 hits a month, including hits from students. The website includes a subscription newsletter. It offered, at no cost to the IACFS, to list IACFS events and provide links to the IACFS site.

Thomas Fleiner reported disagreeable contacts with the Federalism Network, including a letter advising him that his Institute was not allowed to use the domain name 'federalism.ch' and threatening legal action to prevent its use. Although the network had been shown that the Swiss institute had the domain name first, the network did not cooperate at all. Xavier Arbos advised that he had looked at the site, but while it is poorly organized, it is quite useful.

It was agreed that given the attitude of the company in relation to Thomas Fleiner's Institute, as well as the commercial nature of the operation, that the IACFS will not become involved in the Federalism Network.

- 6.3 World Bank

The President reiterated that he had had preliminary discussions with World Bank personnel about possible support for one or more handbooks. Some interest was expressed by the Bank, but nothing is definite at this time.

7. Future Meetings

- 7.1 2001: Centre for Federal Studies, New Delhi, India

The President reported that the Centre for Federal Studies in New Delhi is no longer in a position to host the 2001 meeting because of changes at the University. Akhteer Majeed advised that it might be possible for his Centre to host the meeting in 2003.

7.2 2002 & 2003: Need proposals

Proposals are therefore needed for 2001-2003. The President advised that there had been no reply yet from an approach to the Austrian member from Innsbruck to host the 2002 meeting, so that candidates are needed for the next three meetings.

Suggestions:

Innsbruck. Frederic Lepine advised that the CIFE could finance a meeting through its European Union funding anywhere in the EU, and could share the costs with the host center. It could therefore be in Innsbruck in one of those years.

Barcelona. Xavier Arbos advised that the Institute for Political and Social Science in Barcelona might be able to host in 2002 or 2003. Co-hosting with CIFE may be a relevant consideration.

Hannover. Jutta Kramer advised that if no one else was able to host it, the Institute for Federal Studies in Hannover could do it. There would need to be a discussion about costs, models, and translation issues.

Cape Town. Nico Steytler suggested that the Community Law Centre might be able to host the meeting in 2003 or 2004.

Other possibilities could be Melbourne, Australia, or the Meyner Centre in the U.S.

It was agreed that if Innsbruck is unable to host it in 2002, it would be in another European city, with New Delhi being the tentative host for 2003, and then a look in 2004 at the other offers.

7.1a Discussion of 2001 Program Theme and Topics

It was agreed that the theme for the 2001 conference will be initiated in the first instance by the hosting center.

8 IACFS Financial Report

The Secretary reported that the funds for the IACFS currently stood at A\$7,188.42. The 2000 invoices had yet to be issued, and it was agreed that the 2000 and 2001 invoices be issued together.

9. Proposed Amendment of the IACFS By-laws, Section 5.2

The President spoke to the proposed amendment to the IACFS By-laws which had been circulated. Its

purpose is to bring the By-laws into conformity with the actual tenure of the IACFS officers, with the next three-year term commencing on 1 January 2002. The President recommended its adoption. The motion was moved by Ronald Watts, seconded by Ellis Katz, and approved unanimously.

10. *Recommended Nominating Committee for IACFS Officers*

The President sought three people to serve on a nominating committee for the election of office-bearers at the 2001 IACFS meeting. Ferdinand Kinsky agreed to chair the Committee, with Nico Steytler and Ronald Watts being members. It was agreed that the Committee will bring its nominations to the next meeting.

11. *Review of Current IACFS Membership*

11.1 Center for the Study of Federalism, Philadelphia

Ellis Katz advised the meeting that he had acted as interim Director of the Philadelphia Center in the period following Daniel Elazar's death, in order to complete outstanding projects. The future status of the Center had been the subject of discussion, and it was decided to close the Center, effective 1 October 2000. The President advised that Dan Elazar had asked that John Kincaid take over the work of the Philadelphia center, to which he agreed. The Center for the Study of Federalism had, therefore, moved to the Meyner Center at Lafayette College, and the archival material had been transferred as well. It will be included on the appropriate website.

The President advised that the question of whether *The Federalism Report* would continue had not yet been decided. If funding is found, then it is possible that it will continue. An on-line version might be possible. The Center would continue with a board and tax-exempt status and would maintain its network of scholars.

The President's proposal was that the Center for the Study of Federalism remain as the formal member of the IACFS and that the Meyner Center would withdraw, as the President is director of both. A motion was made by Ronald Watts and seconded by Jutta Kramer. The motion was adopted unanimously.

11.2 U.S. Advisory Committee on Intergovernmental Relations (U.S. ACIR)

The President advised that the U.S. ACIR appeared to no longer exist. All attempts at communication had come to nothing. It had not paid its fees and according to the by-laws, its membership had lapsed, and it was no longer a member of the IACFS.

The President proposed a motion that the U.S. ACIR no longer be regarded as a member of the IACFS. A motion was so moved by Ronald Watts, seconded by Ellis Katz, and approved unanimously. The meeting adjourned at 1:10 pm and agreed to consider Item 15 (Brief Report by Each Centre on Its Work and Major Developments in Its Country) over lunch. The meeting resumed at 9:10 am on 10 November. A quorum was present.

12. *Applications for IACFS Membership*

12.1 Center for State Constitutional Studies, Rutgers -- The State University of New Jersey, USA, Director: Professor G. Alan Tarr

Professor Tarr was invited to speak to his application. Information on the Center was distributed to members. Professor Tarr answered questions about the Center. Ronald Watts spoke about Alan Tarr's participation in a conference in South Africa and of his visit to the Center. He supported the application, as did Viacheslav Seliverstov, Ellis Katz, Thomas Fleiner, and Jutta Kramer. The value of having expertise in state constitutional law was noted.

12.2 The Constitution Unit, University College London, UK Director: Professor Robert Hazell.

Professor Hazell was invited to speak to his application. Information on the Unit was distributed to members. Professor Hazell answered questions about the Unit. Ronald Watts advised that he had visited the Unit. The Unit's links with the civil service was noted.

The Directors of the applicant centers left the room. There was discussion of both applicants. It was suggested that in future only neutral comments about applicant centers be made in the presence of the relevant director. The proposal was put to accept the Center for State Constitutional Studies as a member of IACFS. The motion was moved by Viacheslav Seliverstov and seconded by Thomas Fleiner, and accepted unanimously.

The proposal was put to accept The Constitution Unit as a member of the IACFS. The motion was made by Ronald Watts and seconded by Nico

Steytler. The proposal was accepted unanimously.

The directors of the new member centers rejoined the meeting as member representatives.

13. *Questions of IACFS Membership*

13.1 Centre for European Union Studies, University of Hull, UK, Director: Dr. Michael Burgess. The President noted that Michael Burgess had been suffering from health problems but was still interested in executing his application and would submit a revised one in the coming year.

13.2 Instituto Brasileiro de Administracao Municipal, Rio de Janeiro, Brazil, Director: Dr. Carlos Alberto d'Oliveira. The President advised that he had not been able to contact this center. Ronald Watts had had the same experience, but hoped that the IACFS will do all it can to look for prospective members in Latin America. Jutta Kramer agreed and added the need for more members from African and Asian countries. Such countries need not be federal, but research centers interested in federalism. Ferdinand Kinsky noted that he had attended a conference on federalism in Sao Paulo in 1997, one of the best he had attended, and which had involved 400 local academics, all experts on federalism.

13.3 Istituto di Studi sulle Regioni, Rome, Italy, Director: Professor Giorgio Lombardi. The President advised that the Institute was undergoing rearrangement and its application would be deferred.

13.4 *Membership of University/College Disciplinary Departments*

The President noted that he had received a request from staff at a Spanish university department about whether the IACSF membership was open to it. The correspondence had been circulated. He noted that there was nothing in the By-laws and, thus, wanted to consult the Directors.

Harvey Lazar registered his strong opposition because it would mean a potential explosion of membership, and if staff were really interested in federalism, then a center could be established out of the department. There was general discussion, all of which opposed allowing departments in as members because it would change the character of the IACFS, which had chosen to be center-based as opposed to, for example, the International Political Science Association (IPSA), which has individual membership of its federalism committee. Increased membership would also impose a heavy burden on

hosting organizations. Ronald Watts suggested that inquirers be directed to the IPSA Federalism Research Committee.

14. *Other Business Proposed By Members*

Discussion of the IACFS's relationship with the Forum of Federations resumed under this item. The document prepared by the Drafting Committee was distributed for discussion. It was agreed that the document was a good basis for the relationship and would prove very useful for those members who were considering signing the relationship agreement with the Forum. It was pointed out that the document and the principles in it were to act as guidelines for negotiation for members, and its aim was not to restrict members too much in their individual dealings with the Forum. It was agreed that discussions would be held on the document with Ralph Lysyshyn during the conference, to see if he was comfortable with it or had suggestions about it. The nature of the document was discussed, and it was considered to be a statement of intent for both sides in their dealings with each other.

The document was amended following discussions of its title, and it was proposed that the amended document be accepted and be the basis for discussions with the Forum of Federations, subject to discussions between the President and Ralph Lysyshyn. Once it was settled, it would be sent to the Chair of the Forum's Board of Directors. A motion to adopt the document was moved by Thomas Fleiner, seconded by Ferdinand Kinsky, and approved unanimously.

The appreciation of the Directors of the work of the Drafting Committee was noted. As Item 15 had been dealt with at lunch on the previous day, the meeting was closed at 10:15 am.

American Political Science Association Organized Section on Federalism and Intergovernmental Relations

Chairperson (2000-2002)	Council (1998-2001)	Council (1999-2002)	Council (2000-2003)
Paul L. Posner General Accounting Office Washington, DC	Timothy J. Conlan George Mason University Fairfax, Virginia	Richard C. Elling Wayne State University Detroit, Michigan	Laura S. Jensen University of Massachusetts Amherst, Massachusetts
Secretary-Treasurer (1999-2004) Michael A. Pagano Miami University Oxford, Ohio	Kenneth T. Palmer University of Maine Orono, Maine	Beryl A. Radin State University of New York Albany, New York	Michael J. Rich Emory University Atlanta, Georgia
	Nelson Wikstrom Virginia Commonwealth University, Richmond, Virginia	Bruce A. Wallin Northeastern University Boston, Massachusetts	Lyke Thompson Wayne State University Detroit, Michigan

Panels for 2001 APSA Meeting

The Section on Federalism and Intergovernmental Relations has experienced an attrition of APSA panel allocations in recent years. The number of panels allocated to the Section each year depends on attendance at the previous year's panels. It is extremely important, therefore, that Section members and others attend the Section's 2001 panels.

28-1: "INTERSTATE RELATIONS: COOPERATIVE FEDERALISM"

Date: Saturday, September 1, 8:45 a.m. to 10:30 a.m.

Chair: Carl W. Stenberg, III, *University of Baltimore*

Papers:

"State to State in the United States Federal System"
Ann O'Meara Bowman, *University of South Carolina*

"Interstate Organizations for Water Resource Management"
Jeffrey P. Featherstone, *Delaware River Basin Commission*

"Formal and Informal Interstate Administrative Cooperation"
Joseph F. Zimmerman, *SUNY, University at Albany*

Discussant: Nelson Wikstrom, *Virginia Commonwealth University*

28-2: "CURRENT ISSUES IN FEDERALISM AND INTERGOVERNMENTAL RELATIONS"

Date: Friday, August 31, 1:30 p.m. to 3:30 p.m.

Chair: Beryl A. Radin, *SUNY, University at Albany*

Papers:

"Fiscal Federalism: Placing the Clinton Years and the Clinton

Legacy in Context"

Charles Brecher, *New York University*, and Colin Chellman, *New York University*

"Federalism at the Northern US Border"

Jameson W. Doig, *Princeton University*, and Mary H. Durfee, *Michigan Technological University*

"Intergovernmental Bargaining in an Age of Devolution"

William T. Gormley, Jr., *Georgetown University*

"The Unfunded Mandates Reform Act: A Five Year Review"

Janet M. Kelly, *University of Tennessee*, and Teresa Gullo, *Congressional Budget Office*

Discussant: Robert Agranoff, *Indiana University*

28-3: "FEDERAL AND STATE GOVERNMENT POLICY INTERACTIONS"

Date: Thursday, August 30, 1:30 p.m. to 3:30 p.m.

Chair: Carol S. Weissert, *Michigan State University*

Papers:

"Alternatives in Policy Activism between the Federal Government and States"
Jose A. Bocanegra, *University of Houston*

"Federalism and Immigration Exceptionalism"
Clare Sheridan, *University of California at Berkeley*

"Evolving Educational Federalism: States' Reactions to 1999 IDEA Federal Regulations"

Dana Lee Baker, *University of Texas, Austin*, and Eva Marie Stahl, *Brandeis University*

"The Devolution Revolution in the 1990s: Changing Patterns and Perceptions of State Administrators"

Chung-Lae Cho, *Univ. of North Carolina at Chapel Hill*,
and Deil S. Wright, *Univ. of North Carolina at Chapel Hill*

Discussants: Frank J. Thompson, *SUNY, University at Albany*,
and Colleen M. Grogan, *University of Chicago*

28-4: "WELFARE POLICY AND FEDERALISM"

Date: Thursday, August 30, 8:45 a.m. to 10:30 a.m.

Chair: Paul L. Posner, *U.S. General Accounting Office*

Papers:

"Welfare Policy Devolution and the Response of Local
Service Providers"

Kenneth N. Bickers, *Indiana University*

"Packaging Supports for Low-Income Families: State Policy
Trajectories in the 1990s"

Janet C. Gornick, *CUNY, Baruch College*, and Laura Peck,
Columbia University

"The Impact of Professionalization on Local Government
Officials' Ability to Respond to Poor Relief Needs in Indiana
Communities"

Marilyn E. Klotz, *Indiana University*

"Implementing Welfare Reform Policy: The Role of Front-
Line Management and Practices"

Norma M. Ricciuti, *SUNY, University at Albany*, and Irene
Lurie, *SUNY, University at Albany*, and Marcia K. Meyers,
Columbia University

Discussant: R. Kent Weaver, *Brookings Institution*

**28-5: "GLOBALIZATION, DECENTRALIZATION, AND
FEDERALISM IN DEVELOPING COUNTRIES"**

Date: Saturday, September 1, 10:45 a.m. to 12:30 p.m.

Chair: Lawrence Saez, *University of California at Berkeley*

Papers:

"Unity by the Stick: Regional Conflict and the Origins of
Argentine Federalism"

Tullia Gabriela Falsetti, *Northwestern University*

"Globalization and Federalism in Big Emerging Markets"

Lawrence Saez, *University of California at Berkeley*

"Decentralization and Municipal Autonomy in Mexico and
India"

Eduardo J. Gomez, *RAND Organization*, and Emily Edmonds
Poh, *University of California at San Diego*

**28-6: "INDIAN SOVEREIGNTY AND FEDERALISM: AN
UNCERTAIN FUTURE"**

Date: Friday, August 31, 3:30 p.m. to 5:15 p.m.

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

Papers:

"Dilemmas of Triple Citizenship: American Indian
Sovereignty in an Era of Forced Federalism"

Jeff Cornassel, *Virginia Tech*

"The Interaction of Federal, State, and Tribal Courts in
Wisconsin"

Carol L. Tebben, *University of Wisconsin at Parkside*

"Implementing the Voting Rights Act: Indian Voting in State
and Local Elections"

Daniel C. McCool, *University of Utah*

"Indian Cases and 'State Centered Federalism' in the
Rehnquist Court"

Paula Arledge, *University of Louisiana at Monroe*, and
Anne Merline McCulloch, *Columbia College*

**28-7: "WOMEN'S REPRODUCTIVE HEALTH IN TWO
FEDERAL SYSTEMS: THE U. S. AND CANADA"**

Date: Friday, August 31, 3:30 p.m. to 5:15 p.m.

Chair: Judith A. Baer, *Texas A&M University*

Papers:

"A Checkerboard System of Access: Canadian Abortion
Provisions under Provincial Authority"

Melissa Haussman, *Suffolk University*

"Hospital Mergers: Implications for American Reproductive
Health Services"

Marian Lief Palley, *University of Delaware*, and Theresa
Kohler, *U.S. Department of Transportation*

"The Politics of Hospital Mergers: Pro and Anti Choice
Advocacy at the Community Level"

Joyce Gelb, *City College of New York*, and Colleen J.
Shogan, *Yale University*

"Have Restrictive Welfare Policies Resulted in Increased
Abortion Rates for Poor Women?"

Roisin Bentley, *Georgia State University*

Discussants: Debra L. Dodson, *Rutgers University*, and Georgia
Duerr-Lahri, *Beloit College*

**28-8: "INTERGOVERNMENTAL ASPECTS OF
ENVIRONMENTAL POLICY"**

Date: Friday, August 31, 8:45 a.m. to 10:30 a.m.

Chairs: Donald P. Haider-Markel, *University of Kansas* at
Lawrence, and Herman L. Boockvar, *San Jose State
University*

Papers:

"Fry Breed Federalism: American Indian Intergovernmental
Relations and Environmental Policy"

John G. Bretting, *University of Texas at San Antonio*, and
Barbara J. Morris, *University of Redlands*

"Governance and Collective Action in Coastal Watersheds"

Mark N. Lubell, *Florida State Univ.* John T. Scholz, *SUNY at Stony Brook*, and Mark Schneider, *SUNY at Stony Brook*

"Intergovernmental Transaction Costs and Local Environmental Policy Choices"

Antonio Tavaras, *Florida State University*, and Richard C. Ekiok, *Florida State University*

"The Impact of Federalism and Other Patterns of Institutional Fragmentation on Environmental Policy"

Sonja Wali, *Georgetown Public Policy Institute*

Discussant: Mihriye Metc, *Michigan State University*

28-9: "THE POLITICAL ECONOMY OF FEDERALISM AND INTERGOVERNMENTAL RELATIONS"

Date: Friday, August 31, 10:45 a.m. to 12:30 p.m.

Papers:

"Why Does the Federal Government Pick Up the Welfare Hot Potato?"

Karen Baehler, *Victoria University at Wellington*

"Governing the Fiscal Commons"

Christopher Berry, *University of Chicago*

"Are Federal Nations Decentralized? Local Governments in Federal Systems"

Pradeep Chhibber, *University of California at Berkeley*, and Easwaran Somanathan, *University of Michigan*

"Election Timing and Intergovernmental Bargaining in a Two-Tier Three-Party Parliamentary System"

Maria E. Gallego, *Wilfrid Laurier University*

Discussant: Craig Volden, *Claremont Graduate University*

28-10: "CITIES IN THE INTERGOVERNMENTAL CONTEXT"

Date: Thursday, August 30, 3:30 p.m. to 5:15 p.m.

Chair: Robert M. Stein, *Rice University*

Papers:

"Lessons from Adaptive, Entrepreneurial Cities"

John J. Kirlin, *Indiana University*

"Tense Commandments: Federal Prescriptions and City Problems"

Pietro S. Nivola, *Brookings Institution*

"Government of Last Resort: Cities and the Devolution of Welfare"

Juliet F. Gainsborough, *University of Miami*

"Duelling Federalism: The Dynamics of Dirty Air"

George W. Meals, *Georgia State University*

Discussants: Robert M. Stein, *Rice University*, and Gerry Stoker, *University of Manchester*

2001 Section Business Meeting

Date: Friday, August 31, 12:30 p.m. to 1:30 p.m.

Location: Hotel Nikko
Nikko 1

2001 Reception Co-Sponsored by the Section and *Publius: The Journal of Federalism*

Date: Saturday, September 1, 6:30 p.m. to 8:00 p.m.

Location: Hilton Hotel
Union Square 14

Report on 2000 Section Workshop

The Federalism and Intergovernmental Relations Section sponsored a short course on "Federalism Advocacy and Adjudication: Key Issues and Trends in the Supreme Court and State and Local Interest Groups" at the 2000 APSA meeting. David Broder of the *Washington Post* gave the keynote address. Opening on a humorous note, he observed that everyone in the country who is interested in federalism was inside that room. Broder suggested that events such as passage of the 1996 Welfare Reform Act show just how much American federalism has changed in recent years.

Regarding the upcoming presidential election, Broder predicted that there would be a noticeable difference between the two major-party candidates in terms of their Cabinet and other administrative appointments. Al Gore, a member of the Washington elite, would more likely propose federal programs and appoint big-city mayors to key administrative positions; George Bush, a governor, would more likely look to the states for policy innovation and appoint other governors to give his administration a pro-state outlook. Broder stated that such a pattern would be consistent with previous administrations.

A panel then discussed the political efficacy of the public interest groups ("PIGs"). The speakers primarily addressed how states and localities have responded to recent changes in federal policymaking, both individually and as represented through the PIGs. The hot-button issue that nearly all of the panelists mentioned was federal preemption.

Ray Scheppach, Executive Director of the National Governors' Association and a former director of the Congressional Budget Office, noted that the federal impulse to transfer federal programs to the states is driven as much by budgetary concerns to reduce federal spending as by a politically motivated desire to shift responsibility for such programs to state and local government. He then criticized Congress's preemption of state authority, as exemplified in NAFTA, GATT, and other federal regulations in the telecommunications and health-care industries and public utilities. Due to forces arising from globalization, Scheppach predicted that federal preemption would increase dramatically over the next five to ten years, and that moratoriums on state taxation in certain industries would lead to further reduction of state revenue sources. On the positive side,

Scheppach encouraged government-commercial negotiations, as is currently evident in the wireless phone industry. He also commended the "EPA model" of regulation, which allows states to enforce federally prescribed standards. But despite his proposals, he remained pessimistic about the future of federalism in America.

Donald Borut, Executive Director of the National League of Cities and former city manager of Detroit, opened his talk by announcing the primacy of local home-rule as a defining point of federalism that is "not to be compromised," calling it a "religious tenet." He then touched on several issues facing state and local governments: unfunded mandates, federal pre-emption, and public takings by the federal government, especially in the Western states.

Borut expanded on the importance of local home-rule, but counterbalanced his point by noting that traditional geographical and political boundaries are becoming more porous and less confining economically, socially, and politically. This, he suggested, requires the NLC and its constituents to rethink what local home-rule means in a globalizing technology- and information- based economy. While sympathetic to localities' desire to protect home rule, Borut warned that if the NLC and its constituents refuse to adapt their view of home rule to the rapidly changing times, they will be perceived as reactionary, which will only hurt their effort to advance local interests in the federal policy arena.

Carl Tubbesing, Director of the Washington Office of the National Conference of State Legislatures, described how the NCSL has been involved in helping state legislative staffs implement new federal legislation and helping states carry out their new responsibilities, such as managing TANF funds. Tubbesing also decried the push for term limits and the increase in federal pre-emption by Congress, the latter of which he called the "evil twin of devolution," and, he charged, stifles state policy innovation. The NCSL vehemently opposes both, and is attempting to draft a bill to limit federal pre-emption.

Jim Seeley, Director of the Washington Office of the City of Los Angeles, elaborated on how the law of unintended consequences has popped up in recent federal policies and actions, including FEMA requirements that states insure against natural disasters, mandated Social Security, and Clinton's federal crime bill, which will ultimately burden states.

Audience members asked questions regarding the bipartisan make-up of the PIGs, whether the speakers thought the distinctions of local, state, and federal levels of government still matter in the policymaking arena, what role institutions such as think tanks and universities might have in advancing a pro-federalism agenda, and the significance of the PIGs' influence outside of Washington.

The second panel discussed recent jurisprudential trends on the U.S. Supreme Court and upcoming federalism cases. Contrary to those who see the Court as increasing state power and curbing federal power, Charles Wise of Indiana University's

School of Public and Environmental Affairs observed that the Court has both limited (e.g., *Lopez* and *Printz*) as well as expanded (e.g., *Condon*) federal power. Further, although the Court has been especially active in limiting Congress's powers under the commerce clause and the Fourteenth Amendment's due process clause, it has left Congress's spending power untouched.

Wise further noted that, despite the dramatic change in the Court's federalism jurisprudence, it has yet to actually define the boundaries of congressional power. Finally, he listed three policy implications arising from the Court's federalism decisions. First, state officials should be careful about pushing state sovereignty too far too fast, citing the 1976 *Usery* decision, which was soon after overturned. Second, both state and federal officials should carefully observe constitutional allocations of power. Third, federal officials should be aware that the Court may still choose to limit Congress's spending power. Finally, Wise pointed out that a change in one justice on the Court, depending on the winner of the presidential election, could quickly change the Court's jurisprudential bias.

Paul Noe, a staffer serving on the Senate Governmental Affairs Committee, had high praise for the Court's recent federalism decisions, citing William Van Alstyne's argument that process federalism, which has allowed Congress to set its own limits, has failed. He also denounced the federalization of criminal law which has undermined federalism and is opposed by most law-enforcement agencies, but which few politicians oppose out of fear that they will be perceived as soft on crime. Finally, Noe, criticized the increase in federal pre-emptions, observing that national interest groups oppose proposals to limit pre-emptions because non-pre-emption would increase the likelihood that they would have to distribute their lobbying efforts to the states rather than focusing on Washington.

Linda Greenhouse, legal correspondent for the *New York Times*, said she believed that Congress's spending power will eventually be limited by the Court. She also suggested that the *Condon* decision may show that the Court is willing to overturn *Garcia*, though noting that the Court decided not to call *Condon* a federalism case, but only a garden-variety regulation case. She wrapped up the panel by giving a preview of upcoming federalism cases on the Court's docket. Two cases she said to watch in the upcoming term are *University of Alabama v. Garrett* and *Solid Waste Agency, Cook County v. U.S. Army Corps of Engineers*. *Garrett* involves the same issue dealt with in *Kimel*, but applies it to the Americans with Disabilities Act; *Solid Waste Agency* involves a challenge to the federal Clean Water Act. Paul Chen, UCLA

2000 Annual Section Business Meeting Minutes

The annual meeting of the Organized Section on Federalism and Intergovernmental Relations of the American Political Science Association was called to order at 12:35 p.m., 31 August 2000 in the Marriott Hotel, Washington, D.C., by president Carol S. Weissert (Michigan State University). Weissert reported the section has 449 members.

The Treasurer's report was presented by Michael Pagano (Miami University) who announced that the section's balance as of 1 July 2000 was \$2,788.72. The report was accepted by the membership. Pagano noted that the balance did not include the section's costs of producing *The Federalism Report*. John Kincaid (Lafayette College) noted that *The Federalism Report* had only recently been mailed to subscribers (including section members) and that the costs of producing the *Report* were substantial. He noted that future issues might be issued electronically, but wanted feedback from users.

Kincaid, the program chair for the 2000 meetings, announced that the APSA allocated seven panels to the section in addition to one co-sponsored panel. Kincaid also reported that *Publius: The Journal of Federalism* had been given one panel and that the Center for the Study of Federalism had also been granted one panel by the APSA. He encouraged members to attend the panels because next year's allocation of panels depends on attendance at this year's panels. Kincaid also reminded members that a memorial reception for Daniel J. Elazar, co-sponsored with the State Politics section and *Publius*, would be held Saturday evening. Carol Weissert announced that next year's program chair for the section is Beryl Radin (SUNY-Albany). She reminded members that the deadline for submitting proposals electronically for the 2001 meetings is 15 November 2000.

Paul Posner (U.S. General Accounting Office) reported on the short course sponsored by the section. It was held on Wednesday, 30 August 2000, at the Public Affairs Center of the University of Southern California. Speakers included David Broder, Linda Greenhouse, Charles Wise, Paul Noe, Donald Borut, Ray Schepach, Carl Tubbesing, and Jim Seeley. Thirty-seven persons attended the four-hour session and paid \$25 each. Carol reported on the enthusiastic response by the participants, and expressed appreciation to Posner and Radin for a splendid job in organizing a successful short course.

Weissert announced that the section has been discussing the possibility of creating a website. Richard Nathan (Rockefeller Institute, SUNY-Albany) has been approached to host it. Although nothing has been formalized yet, Carol raised questions about the content of the website (e.g., links to other organizations, papers, and conferences). Nathan asked for input from members. Weissert announced that the Executive Council agreed that beginning next year, the Distinguished Scholar award would be named in Elazar's honor. It will be referred to as the Daniel J. Elazar Distinguished Scholar Award.

The Best Paper committee for a paper presented at the 1999 annual meeting of the APSA was chaired by the 1998 winner, Troy Smith (Bucknell University). Other committee members were Susan MacManus (University of South Florida) and Richard Cole (University of Texas-Arlington). The award was presented to Alexandra Filindra (Rutgers University) for her paper, "Fiscal Federalism and the Politics of Intergovernmental Grants: Lessons for the European Union."

The Best Book committee was chaired by Bruce Wallin (Northeastern University); other members were Laura Jensen

(University of Massachusetts-Amherst) and David Beam (Illinois Institute of Technology). The award was presented to David Walker (University of Connecticut) for his 1981 book on changes in the federal system entitled *Toward a Functioning Federalism*.

The Distinguished Scholar award committee was chaired by David Berman (Arizona State University); other members were Fran Berry (Florida State University) and Larry O'Toole (University of Georgia). A 1961 graduate of Princeton, author of the influential *American Federalism and Public Policy* (1991) which won the Klammerer Award, and author of numerous publications on federalism and intergovernmental relations, Thomas J. Anton (Brown University) was announced the 2000 award recipient. Deil S. Wright (University of North Carolina) in his nomination letter noted the "multiple and significant contributions to the field" by Anton.

Carol thanked the three executive committee members whose terms had expired: David Berman, Jocelyn Johnston (Kansas), and Paul Posner.

The nominations committee, chaired by Tim Conlan (George Mason University) with help from Sarah Liebschutz and Robert Agranoff (Indiana University), presented a slate of candidates. For a 2-year appointment as President, the committee nominated Paul Posner. For three-year appointments on the executive committee, the nominees were Laura Jensen, Michael Rich (Emory University), and Lyke Thompson (Wayne State University). The membership approved the slate by acclamation.

Outgoing President Weissert introduced incoming President Posner. Posner, along with the membership, thanked Carol for her hard work and dedication to the section. He made several suggestions for the proposed website, such as providing summaries of books, new information on federal issues, etc. He also raised ideas for the section to consider, such as instituting a regular (monthly?) brown-bag in Washington to discuss key intergovernmental issues and pursuing suggestions of collaborative work with public interest groups as proposed by participants of the short course.

Among other ideas/issues raised by the membership: Joe Zimmerman (Albany) suggested that the newsletter be continued, an idea supported by David Beam who also urged consultation with ASPA's Section on Intergovernmental Administration and Management; Wallin recommended that as a recruiting device, the section should consider setting aside one panel at the APSA for graduate students. Kincaid responded that quite a few papers at these meetings were delivered by graduate students, and Radin said that she also would ensure graduate student participation at next year's meetings; Rick Fejock (Florida State University) announced a new website that he is hosting on local governments (<http://www.fsu.edu/~localgov>).

The meeting was adjourned at 1:15 p.m.

Respectfully submitted,
Michael A. Pagano
Secretary-Treasurer

More Federalism News

2001 Meeting of the IPSA Research Committee on Federalism

The Comparative Federalism and Federation Research Committee of the International Political Science Association will hold its annual workshop in Jávea (Alicante), Spain, at the National Parador of Jávea on October 4-7, 2001. The workshop's theme is "Decentralization and Federalism." The president is Robert Agranoff at Indiana University (agranoff@indiana.edu).

Forum of Federations

The Forum of Federations held an international conference on "Foreign Relations of Constituent Units" in Winnipeg, Manitoba, on May 11-12, 2001. The Forum will post transcripts of the conference on its website and issue a report. The Forum also publishes a looseleaf newsletter five times a year entitled *Federations: What's new in federalism worldwide*. The annual subscription is \$20. The address is: Forum of Federations; 700-325 Dalhousie Street; Ottawa, Ontario K1N 7G2; Canada. The e-mail address is forum@forumfed.org.

ACIR Resurrection?

David Brunori created some intergovernmental excitement by publishing an article in *State Tax Notes* (January 15, 2001) entitled "Advice to the New Congress—Bring Back the ACIR." The ACIR was defunded by Congress in September 1996. John Kincaid, former executive director of the U.S. Advisory Commission on Intergovernmental Relations from January 1988 to May 1994, responded (*State Tax Notes*, January 29, 2001) by commending Brunori while suggesting, however, that revival of the ACIR is, for various reasons, unlikely. Cameron Gordon, former ACIR staff member and executive director of the private American Council on Intergovernmental Relations, echoed Brunori's call to revive the ACIR (*State Tax Notes*, February 12, 2001). The Section on Intergovernmental Administration and Management (SIAM) of the American Society of Public Administration decided in March to pursue the matter of reviving the ACIR. Meanwhile, all of the ACIR's reports and publications can be located at the University of North Texas's cybercemetery at: www.library.unt.edu/govinfo/research/research.html.

In Memoriam

Alexandre Marc, a giant intellectual figure in modern European federalism and a key founder of the Personalist Federalism movement in France, died on February 22, 2000, three weeks after his 96th birthday. He also founded the International Centre of European Studies at Nice in 1954. A memorial to his life and work can be found in *Publius: The Journal of Federalism* 30 (Fall 2000): 169-172.

Diane Blair, formerly of the University of Arkansas and member of the *Publius* Editorial Advisory Board, died at her home in Fayetteville on June 26, 2000, at age 61. Diane was also chairperson of the Board of Governors of the Public Broadcasting System. She was originally appointed to the board in 1993 by President Bill Clinton. A memorial to her life and work can be found in *Publius: The Journal of Federalism* 31 (Winter 2001): 65-66.

Publications of Interest

Glenn Beamer, *Creative Politics: Taxes and Public Goods in a Federal System*. Ann Arbor: Univ. of Michigan, 2000 (0-472-08730-4).

Arthur Benz, Dietrich Fürst, Heiderose Kilper, and Dieter Rehfeld, *Regionalisation: Theory, Practice and Prospects in Germany*. Stockholm: Fritzes, 2000 (91-38-31695-1).

William M. Donnelly, *Under Army Orders: The Army National Guard during the Korean War*. College Station, TX: Texas A&M University Press, 2001 (1-58544-117-1).

Frederick D. Drake and Lynn R. Nelson, eds., *States' Rights and American Federalism*. Westport, CT: Greenwood Press, 1999 (0-313-30573-0).

Daniel J. Elazar and John Kincaid, eds., *The Covenant Connection: From Federal Theology to Modern Federalism*. Lanham, MD: Lexington Books, 2000 (0-7391-0026-2).

Bruno S. Frey and Reiner Eichenberger, *The New Democratic Federalism in Europe: Functional, Overlapping and Competing Jurisdictions*. Cheltenham, UK: Edward Elgar, 1999 (1-84064-004-9).

Robert Hazell, ed., *The State and the Nations: The First Year of Devolution in the United Kingdom*. Thorverton, UK: Imprint Academic, 2000 (0-907845-80-0).

John Lauritz Larson, *Internal Improvement: National Public Works and the Promise of Popular Government in the Early United States*. Chapel Hill: University of North Carolina Press, 2001 (0-8078-4911-1).

Harvey Lazar, ed., *Toward a New Mission Statement for Canadian Fiscal Federalism*. Montreal & Kingston: McGill-Queen's University Press, 1999/2000 (0-88911-843-4).

Akhtar Majeed, ed., *Coalition Politics and Power Sharing*. New Delhi: Manak, 2000 (81-86562-96-6).

E-Research: Federalism and Intergovernmental Resources

Section on Federalism and Intergovernmental Relations
<http://www.apsanet.org/about/sections/section1.cfm>

The Federalism Project – AEI Policy Research
<http://www.federalismproject.org/>

Institute of Intergovernmental Relations
http://qsilver.queensu.ca/iigr/IIGR_home_page.html

Publius: The Journal of Federalism
<http://www.Lafayette.edu/publius>

U. S. Advisory Commission on Intergovernmental Relations
<http://www.library.unt.edu/gpo/acir/acir.html>



THE FEDERALISM REPORT

is published by the Center for the Study of Federalism at the Robert B. and Helen S. Meyner Center for the Study of State and Local Government, Lafayette College, in cooperation with the Institute for Regional Analysis and Public Policy, Morehead State University.

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