

THE FEDERALISM REPORT

VOLUME 25, NUMBERS 1-2

WINTER/SPRING 2002

CONTENTS

Center for the Study of Federalism (CSF) Notebook

Special Report: Terrorism and Federalism	2
Meyner Center Conducts Fulbright Institute	5
Scholars' News	5
Blazer Symposium	6
Publics Tables of Contents	7

International Association of Centers for Federal Studies (IACFS) Newsletter

2000 IACFS Meeting	8
2001 IACFS Meeting	9
2002 IACFS/PSA Meeting	8

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

Section Website	10
2001 Section Business-Meeting Minutes	10
Demographics of Section Members	12

Institute for Regional Analysis and Public Policy

National Network of State Polls	13
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More Federalism News

New Books of Interest	15
Humor in Federalism	16

From the Editors

The terrorist attacks of September 11, 2001, on the United States of America have changed the world situation, contemporary warfare, and international relations in ways still yet unknown. More than 3,200 people, including citizens of more than 80 countries, died in the civilian aircraft assaults on the World Trade Center in New York City, the Pentagon Building of the U.S. Department of Defense in Arlington, Virginia, and the aircraft crash in rural Pennsylvania, which resulted from the apparently democratic decision of passengers to overwhelm their hijackers rather than submit passively. The

impacts of these events on federalism in the United States and in other federal democratic polities remain uncertain.

Combating terrorism with co-mingled military institutions, domestic police agencies, civilian regulatory institutions, and even civil society generally in ways that could strain the separation of military and civilian affairs that has traditionally prevailed in the United States and most federal democratic polities. Making counter-terrorism a substantial component of national defense policy and domestic governance policy will, therefore, pose significant challenges to federal democracies, as well as to the rights and liberties of individuals. The world's federal democracies will surely rise to this challenge without warping their federal principles into extinction; but the role of students of federalism in helping to meet these challenges will be more important than ever.

Terrorism has also thrown into high relief the role of federalism in both domestic and international peacemaking. Already there have been proposals of federalism to accommodate and pacify the tribal and religious factionalism in Afghanistan, Iraq, and elsewhere. But, as students of federalism realize, federalism is not a panacea, and federal structures that work admirably in some countries can wither when transplanted elsewhere. At the same time, we know little about the potential viability of federalism in the Muslim world and about the role of federalism in modernization in a world already led by post-modern politics, which include some of the world's oldest federal democracies. Extending our scholarly work and vision, therefore, has been placed forcefully on our agenda.

In order to make *The Federalism Report* fully and broadly informative, we invite news from you about your relevant activities and publications. Send news, as well as address changes, to Dr. John Kincaid, Meyner Center for the Study of State and Local Government, 602 Kirby Hall of Civil Rights, Lafayette College, Easton, PA 18042-1785. The fax is 610-330-5598; the e-mail address is meynerc@lafayette.edu. CSF at the Meyner Center expresses appreciation for generous assistance from the Earhart Foundation in helping to support *The Federalism Report*. The views expressed herein are not necessarily those of the Foundation.

John Kincaid, Editor

Michael W. Hail, Associate Editor

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CSF Notebook

SPECIAL REPORT

Terrorism and Federalism: Views from the Section on Federalism and Intergovernmental Relations of the American Political Science Association

By Richard L. Cole and John Kincaid

The death toll from the terrorism of September 11, 2001, was the highest on U.S. soil since the Civil War of 1861-1865. The Civil War was American federalism's gravest crisis. Do the terrorist attacks of 2001 and possible future attacks presage another severe crisis for federalism? Generally, the answer, according to scholars of federalism, is "no." The federal system will respond to terrorism as adroitly as it has responded to other crises since 1789.

To assess possible impacts of terrorism on U.S. federalism, we conducted an e-mail survey of 295 U.S. members of the APSA's Section on Federalism and Intergovernmental Relations in November and December 2001. The number of usable responses was 158, for a response rate of 53.6 percent.

Intergovernmental Implications

Only 21.7% of the federalism scholars believed that the terrorist attacks will cause significant change in U.S. intergovernmental relations. Fully 66.9% said that the attacks might result in "marginal" change, and 11.5% expected little or no change. Women scholars (34.9%) said, more often than men (17.3%), that the attacks will result in significant change, as did scholars (32.0%) from the nation's largest cities (1,000,000 or more people).

Similarly, when asked whether the surge in public trust and confidence in the federal government following September 11th will be of long or short duration, only 31.8% believed it will be "a long-term shift, lasting for a year or more." Fully 68.2% said it probably will last for a year or less. In turn, only 4.5% said that the events of September 11th will precipitate a decline of the

public's trust and confidence in state and local governments. Nearly half (48.4%) believed that September 11th's events will have no effect on the public's trust and confidence in state and local governments; 47.1% foresaw an increase trust and confidence in state and local governments.

In terms of more specific intergovernmental implications, 62.8% believed that Congress will use this period of national emergency to achieve greater preemption of state regulations in such areas as disaster relief, emergency preparedness, and law enforcement, and 50.6% believed that Congress will step up preemption in other areas, such as public health, transportation, and commerce.

Yet, 84.6% also believed that the United States will experience more effective federal, state, and local cooperation in disaster relief and emergency preparedness as a result of the attacks, while 73.7% anticipated more intergovernmental cooperation in other areas as well, such as law enforcement and public health.

When asked whether the federal government should "undertake a highly federalized effort to protect U.S. citizens from terrorism," 63.9% agreed and 36.1% disagreed. At the same time, an even larger proportion of scholars (85.3%) agreed that the federal government should "undertake a highly intergovernmental effort to protect U.S. citizens from terrorism." Scholars (78%) from the largest cities were the most likely to endorse a highly federalized effort, while also being less supportive (73%) of an intergovernmental effort. A larger percentage of women scholars (91%) than men (82%) supported an intergovernmental effort. Although it is clear that some respondents distinguished between federalized and intergovernmental efforts, the majority of scholars appears to support a highly federalized intergovernmental effort against terrorism.

A large proportion of the scholars (72.1%) agreed that the federal government should ensure that state Army and Air Guard units are adequately funded to protect U.S. airspace, and 58.8% said that state Guard

units should be federalized in terrorist situations. Some 57.6% also supported greater federalization of some domestic services performed largely by state and local governments, such as airport security, community health, law enforcement, and public safety. Only a tiny proportion of the respondents (11.0%) supported privatization of such functions as airport security, community health, and public safety. Similarly, only 19.7% of the scholars believed that the federal courts should give more authority to states in the areas of airport guard and security training.

Despite the fact that the members of the Section on Federalism are overwhelmingly Democratic, statistically significant partisan differences were found for some responses. For example, 66% of strong Democrats, compared to only 11% of strong Republicans, supported greater federalization of such services as airport security, community health, law enforcement, and public safety. Likewise, 39% of strong Republicans and only 3% of strong Democrats supported greater privatization of such services.

Judicial Federalism

Only 11.5% of the scholars believed the terrorist acts and the need to respond to terrorism will lead the U.S. Supreme Court to discontinue its post-1990 trend of state-friendly federalism decisions in favor of rulings more supportive of federal power. Women scholars (21%), however, more often than men (8%) expressed the view that terrorism will induce the Court to retreat from its state-friendly rulings.

When asked if the Court should discontinue its state-friendly jurisprudence and return to a more federal-friendly approach to federalism, only 33.8% said definitely or probably yes. Quite significantly, though, 52% of strong Democrats declared that the Supreme Court should discontinue its state-friendly rulings, compared to only 6% of Republicans. In addition, scholars from New England and the Mid-Atlantic were somewhat more likely than respondents from other regions to urge the Court to halt its state-friendly trend.

Grant-in-Aid Implications

Slightly more than half of the scholars (56.4%)

expected that the need to respond to terrorism will definitely or probably set off a new round of major federal grants-in-aid for state and local governments, compared to 43.9% who believed that there will not be a new round of grants. When asked whether new grants should be primarily block or categorical grants, the scholars split almost evenly between 51.7% advocating mostly categorical grants and 48.3% advocating mostly block grants. Mirroring the real partisan landscape, Democratic scholars (60%) were markedly more supportive of categorical grants than were Republican scholars (35%). This was the only characteristic that significantly distinguished responders on this question.

The federalism scholars were even more diverse in their views on where grant monies should go. Some 40.7% said that all funds should go to the states, while nearly a third (31.3%) said that at least 50% of such funds should go to local governments. Some 10.0% said that at least 75% of such funds should go to local governments, while 18.0% believed that at least 25% of funds should be awarded to local governments. Thus, a majority of the respondents (59.3%) felt that some portion of federal-grant funds pertinent to terrorism should go to localities.

There was much more consensus, though, on targeting grant funds. Fully 82.8% of the scholars believed that any new grants for terrorism preparedness should include in the distribution formula a factor accounting for the likelihood that a state or locality will be the target of attack (e.g., location of nuclear plants, major dams, and reservoirs). Only 17.2% believed that likelihood of attack should not be a distribution factor. Again, party identification was a significant distinguishing factor on this question. Some 87% of Democrats, compared to 65% of Republicans, advocated likelihood-of-attack targeting.

However, when asked if any new grants for terrorism preparedness should include in the distribution formula a factor accounting for the value of each state's or locality's economic base for the national economy, 58.6% said definitely or probably not, while 41.4% said "yes." Interestingly, scholars from the South and Southwest (57%) and the West (43%) more often supported such an economic factor than did scholars from the presumably more target-vulnerable New

England or Mid-Atlantic (32%) and Midwest (33%) regions of the country.

Possible Local, State, and Federal Initiatives

In light of September 11th, 63.8% of the federalism scholars generally agreed that the federal, state, and local governments should shift some intelligence and law-enforcement resources from the war on drugs to homeland security. Only 36.2% disagreed. The respondents supporting transfers differed considerably, though, on the proportion of drug-war resources to be shifted to homeland security. Some 23.0% advocated a shift of 100-75% of drug-war resources; 37.0% supported a shift of 75-50%; 30.0% supported a 50-25% shift; and 10.0% advocated a transfer of less than 25 percent. Overall, women respondents more often supported a shift, and larger shifts, than did men.

When asked whether the states should enact new laws to combat terrorism through such means as increased criminal penalties, improved surveillance, and enhanced cooperation with other jurisdictions, 21.2% said, "yes, completely," 68.2% said, "yes, partially," and 10.6% said, "no, not at all." However, 62.3% of the scholars believed that states should not create a cabinet-level department modeled after the federal Office of Homeland Security. Only 4.6% of the respondents said that states should definitely do so, while 33.1% said that the states should probably create such a cabinet-level office.

Despite the allocations of substantial federal resources to anti-terrorism since September 11th, 55.3% of the scholars said that federal agencies should definitely or probably not relinquish many domestic law-enforcement tasks to state and local officials, while 44.7% said that federal agencies should do so. However, when asked whether, in light of the federal government's need to focus on terrorism, Congress should halt the federalization of criminal law that is unrelated to terrorism, 55.3% said definitely or probably yes, compared to 44.7% who said definitely or probably not.

On the latter questions, there were strikingly partisan differences. Republicans were considerably more likely than Democrats to agree that the states should enact

new laws to combat terrorism, that federal officials should relinquish many domestic law-enforcement tasks to state and local officials, and that Congress should halt the federalization of criminal law that is unrelated to terrorism.

Appropriate Locus of Responsibility

More than half (59.1%) of the scholars reported that the provision of airport security with regard to screening passengers and their baggage should be done by employees of the federal government. Only 9.7% felt that these tasks should be performed by a private company, while 16.9% felt they should be done by local airport authorities. Some 12.3% said they should be done by relevant state governments, and 1.3% said that these tasks should be performed by the relevant county or municipal governments. Democrats (75%) were far more likely than Republicans (22%) to say that the federal government should be responsible for airport security, and Republicans (39%) were far more likely than Democrats (2%) to say that private companies should screen passengers and their baggage. In addition, scholars from larger cities more often supported federal responsibility for such airport security, while respondents from smaller communities more often supported allocation of this responsibility to private companies.

The federalism scholars were also asked: "If a local hospital concludes that a patient might have anthrax, smallpox, or another illness possibly caused by a yet unknown terrorist act, whom should the hospital call first?" More than half (52.6%) said, federal Centers for Disease Control. Only 23.4% said, state health department, while 12.4% picked county health department, and 11.7% specified municipal health department.

Responses were much more dispersed on the following question: "If a municipal hospital concludes that a patient might have a contagious illness possibly caused by a yet unknown terrorist act, who should most appropriately be assigned the responsibility to quarantine the relevant neighborhood or entire municipality, thereby preventing movement into or out of the area?" For this scenario, 22.6% picked the federal Centers for Disease Control, and 22.6% also picked the state health department. Some 19.2% selected the governor;

15.8% chose the county health department; 8.9% picked the municipal health department; 6.8% picked the city mayor; 3.4% chose the city manager; 0.7% selected the President of the United States; and 0.0% selected county elected officials.

Conclusion

Contrary to most media and many media-scholars' responses to September 11th, most members of the APSA's Section on Federalism and Intergovernmental Relations do not believe that the terrorist attacks will significantly alter intergovernmental relations in the United States. Generally, though, the federalism scholars do endorse a more nationalized than devolutionary approach to counter-terrorism, though with a strong expectation of, and recognition of the need for, intergovernmental cooperation and coordination. However, the dispersals of responses to most specific policy issues and choices do not offer clearcut guidance to federal, state, and local policymakers. On many key issues, moreover, the scholars' responses mirror the partisan differences on federalism evident since the start of Reagan era. Democratic scholars tend to favor federal power; Republican scholars tend to favor state power.

Meyner Center Conducts 2001 Fulbright Institute

The Robert B. and Helen S. Meyner Center for the Study of State and Local Government conducted 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, was directed by John Kincaid. Other scholars who served as institute faculty were: Barbara Allen, Carleton College; Jerry F. Heavey, Lafayette College; Ellis Katz, retired from Temple University; Donald S. Lutz, University of Houston; Joseph R. Marbach, Seton Hall University; Stephen L. Schechter, Russell Sage College; and Conrad Weiler, Temple University.

The international participants were: Laura Marcela Saldivia, Argentina; Bede Harris, Australia; Hajrija Sijercic-Colic, Bosnia; Sok Keang, Cambodia; Luis

Fernando Torres, Ecuador; Abdel-Aziz Shady, Egypt; Mulu Sendek, Ethiopia; Jean-Eric Branaa, France; Michael Piazolo, Germany; Patrick Joseph Joachimi Pierre-Louis, Haiti; Satya Arinanto, Indonesia; Hassan Bashir, Pakistan; Ahmed Khalidi, Palestinian Authority; Eduardo Hernando, Peru; Marcial Concepcion Pimentel, The Philippines; Jean Marie Kamatali, Rwanda; Haykel Ben Mahfoundh, Tunisia; and Damalie Musoke, Uganda.

The participants spent four weeks in academic residence at Lafayette College, Easton, Pennsylvania, during which time, they also visited New York City and Independence Hall in Philadelphia and participated in a seminar hosted by the National Constitution Center. For their last two weeks, the participants traveled on a study tour to Colorado and New Mexico for meetings at the National Conference of State Legislatures, Western Governors' Association, Americans for Indian Opportunity and tribal leaders, Hispanic scholars, and Southwestern College, with sightseeing at Buffalo Bill's grave, Garden of the Gods, Mesa Verde, and other spots. The study tour ended in Washington, D.C., for sightseeing and meetings, including a seminar with Edwin Meese III, former U.S. Attorney General.

Scholars' News

Robert B. Hawkins, Jr., Institute for Contemporary Studies, issued a report, coauthored with Kate Semerad, for the U.S. Agency for International Development entitled *Conflict Prevention and U.S. Foreign Assistance: A Framework for the 21st Century*. Among other things, the report concludes that many developing countries face a serious political poverty gap, which is the key cause of conflict and underdevelopment because the political opportunity structure is closed to all but elites. In addressing the political poverty gap, four values are key:

1. Democracy must be seen as a way of life, building on the cooperative behavior of communities of interest coming together to solve joint problems.
2. Healthy states will be multiconstitutional, having multiple points of political access to address and solve problems.

3. Effective long-term problem solving will be multileveled and focus on building political solutions from solid social and economic foundations.

4. A strong and active citizenry to design local institutions and coproduce public goods and services is indispensable.

John Kincaid received the Distinguished Scholar Award from the Section on Federalism and Intergovernmental Relations of the American Political Science Association. The award was presented by Frank J. Thompson, SUNY-Albany, at the 2001 APSA meeting in San Francisco. John recently published several articles:

"Devolution in the United States: Rhetoric and Reality," *The Federal Vision: Legitimacy and Levels of Governance in the United States and the European Union*, eds., Kalypso Nicolaides and Robert Howse (Oxford: Oxford University Press, 2001), pp. 144-160.

"Terrorism at the W.T.C. New York: Response from a Federal Democracy," *Indian Journal of Federal Studies* 2:2 (2001): 166-169

"Public Opinion and American Federalism: Perspectives on Taxes, Spending and Trust," *Spectrum: The Journal of State Government* 74:3 (Summer 2001): 14-18, coauthored with Richard L. Cole.

"The American Devolution Derby: The Devolution Turtle vs. The Decentralization Rabbit," *Reforming Governance: Lessons from the United States of America and the Republic of Germany*, eds. Franz Gress and Jackson Janes. New York: Palgrave, 2001, pp. 86-134.

"Economic Policy-Making: Advantages and Disadvantages of the Federal Model," *International Social Science Journal* 167 (March 2001): 85-92.

Joseph F. Zimmerman's latest book, *Interstate Cooperation: Compacts and Administrative Agreements*, will be published by Praeger in Fall 2002. Joe has also written chapters on Interstate Relations and on State-Local Relations for the forthcoming 2002

Book of the States published by the Council of State Governments. He is preparing a manuscript on Interstate Economic Relations, while also conducting research on devolution in the United Kingdom, with a particular focus on the Greater London Authority and relations between the Government and Mayor Kenneth Livingstone. He is examining, as well, the impacts of the Authority on local authorities in the greater London area.

Elazar Symposium

The Annual of the Society of Christian Ethics, Volume 20, 2000 (0732-4928) published a "Symposium on the Work of Daniel Elazar," pages 89-140, containing the following essays:

Introduction to Daniel J. Elazar
by William Johnson Everett

Kinship and Consent in Daniel Elazar's Covenantal Perspective
by William Johnson Everett

Feminist Conversations with Daniel Elazar
by Martha Ellen Stortz

The Renewal of Covenant and the Problem of Economic Rights: The Contributions of Daniel Elazar
by Darryl M. Trimiew

Covenant, Federalism, and Social Justice
by James W. Skillen

Models of Polity and the Reinvention of Covenant in a Postmodern Society
by Hak Joon Lee

Covenant in a Global Era: A Tribute to the Contribution of Daniel Elazar
by Max L. Stackhouse

Publius: The Journal of Federalism
31:2 Spring 2001
Contents

Federalism: The Lost Tradition?
 by Charles S. McCoy

National-State Relations: Cooperative Federalism in the Twentieth Century
 by Joseph P. Zimmerman

Managing Within the Matrix: Do Collaborative Intergovernmental Relations Exist?
 by Robert Agranoff

Managing Carrots and Sticks: Changes in State Administrator's Perceptions of Cooperative and Coercive Federalism During the 1990s
 by Chung-Lae Cho and Deil S. Wright

National and State Cultural Influences on Principals' Administration of Local Schools
 by Frederick M. Wirt and Samuel Krug

Publius: The Journal of Federalism
31:3 Summer 2001
Contents

The State of U.S. Federalism, 2000-2001: Continuity in Crisis
 by John Kincaid

Federalism in the 2000 Presidential Election
 by Troy E. Smith

The West in Flames: The Intergovernmental Politics of Wildfire Suppression and Prevention
 by Charles Davis

Education Reform and the Politics of 2000
 by Kenneth Godwin and Wenda Sheard

The Sprawl Debate: Let Markets Plan
 by Peter Gordon and Harry W. Richardson

Wealth-Transfer Taxes in U.S. Fiscal Federalism: A Levy Still in Need of Reform
 by J. Richard Aronson and Vincent G. Munley

Who Permitted the Massachusetts Harma Law? Federalism and Political Accountability Under Global Trade Rules
 by Robert Steinberg and Matthew C. Porterfield

Changing Public Attitudes on Power and Taxation in the American Federal System
 by John Kincaid and Richard L. Cole

Publius: The Journal of Federalism
31:4 Fall 2001
Contents

Rights and the Political Process: Physician-Assisted Suicide in the Aftermath of *Washington v. Glucksberg*
 by John Dinan

Fiscal Decentralization and Federalism in Latin America
 by María Escobar-Lemmon

After Decentralization: Patterns of Intergovernmental Conflict in Argentina, Brazil, Spain, and Mexico
 by Alfred P. Montero

Multi-Sphere Governance in South Africa: An Interim Assessment
 by Richard Simeon and Christina Murray

Federal Arrangements as a Peacemaking Device During South Africa's Transition to Democracy
 by Nico Steytler and Johann Meitler

Anglicizing the United States Constitution: James Bryce's Contribution to Australian Federalism
 by John S. F. Wright

International Association of Centers for Federal Studies



IACFS

NEWSLETTER
BULLETIN
d'INFORMATION
RUNDSCHREIBEN

2000 Meeting: Minutes' Correction

The Minutes of the 2000 directors' meeting and conference of the International Association of Centers for Federal Studies (IACFS) inadvertently omitted two director attendees: Dr. J. Isawa Elaigwu, Institute of Governance and Research, Nigeria, and Viachoslav Seliverstov, Siberian International Center for Regional Studies, Russia. The official Minutes have been corrected accordingly; kindly note the corrections for your records.

2001 Meeting: Physical Cancellation and Virtual Resurrection

The 2001 directors' meeting and conference of the IACFS was to be held in Abuja, Nigeria, on October 22-26 and to be hosted by the Institute of Governance and Social Research (IGSR), Jos, whose president is Professor J. Isawa Elaigwu. The Forum of Federations was co-sponsoring the conference. Unfortunately, the meeting was canceled because of the disruptions in air travel caused by the terrorist events of September 11, 2001, and ensuing uncertainties. It is our sincere hope that the IACFS can yet have a meeting in Nigeria in the not-too-distant future.

In the meantime, the IACFS held its first global cyberspace meeting for the purpose of deliberating and voting on measures requiring action. Ballots were cast by 14 member centers.

The Minutes of the 2000 IACFS Directors' Meeting were approved, as was the proposed theme (see below) for the 2002 IACFS meeting in Innsbruck.

The IACFS members also approved the joint project with the Forum of Federations entitled "A Global Dialogue on Federalism in the 21st Century: Practices, Perspectives, and Prospects."

In addition, the IACFS members approved a slate of officers for three-year terms beginning 2002:

President

John Kincaid, United States

First Vice President

Cheryl Saunders, Australia

Second Vice President

Hans-Peter Schneider, Federal Republic of Germany

Secretary/Treasurer

Ellis Katz, United States

2002 Meeting

The 2002 IACFS directors' meeting and conference will be held in Innsbruck, Austria, on 13-17 November 2002. The meeting will be hosted by the Institute of Federalism and the University of Innsbruck, with financial assistance from the International Centre for European Studies (CIFE). The institute's director is Professor Dr. Peter Bussjäger. The 2002 IACFS conference will be held jointly with the Comparative Federalism and Federation Research Committee of the International Political Science Association (IPSA). The theme for the conference is as follows:

The Homogeneity of Democracy, Rights, and the Rule of Law in Federal or Confederal Systems

1. General Remarks

As a general subject, the conference will address the question of the homogeneity and enforcement of democracy, rights, and the rule of law in federal or confederal systems (including regional systems, if regions have the power to legislate). That is, how uniform must these matters be throughout the constituent units of a federal/confederal arrangement, and when and how should the federal/confederal government intervene in or enact sanctions against a constituent unit deemed to be inadequately democratic, rights-protecting, or law-abiding? (This subject also touches on the "sanctions" imposed on Austria by the European Union. The system now provided by the Treaty of Nice should be dealt with as well.)

In accordance with this basic idea, papers should discuss how far the autonomy of constituent states or units goes, or ought to go. Also, are demands for a homogeneity of the rule of law higher than those for rights protection, and those for rights protection higher than those for democracy? Further, papers should clarify which instruments and institutions are used by the federation (and the superior level respectively) to enforce homogeneity and which instruments it is allowed to use constitutionally (e.g., Art. 28 of Germany's Basic Law; Art. IV, Sec 4 and Sec. 5 of 14th Amendment to the U.S. Constitution).

2. Possible Contents

- Common fundamental values/rights?
- Uniform democratic concepts?
- Underlying philosophy of the relations between the federation/confederation and its constituent states with respect to homogeneity as expressed in written documents and political traditions.
- The autonomy of constituent units, focusing on how they arrange the basic relationship between

the citizen and the government and on the tensions between autonomy and homogeneity.

- Problems of violating the homogeneity of democracy, human rights, and the rule of law.
- Enforcement instruments used by the federal/confederal government against constituent units.
- How to deal with secessionist tendencies.

3. Conference Structure

Two days will be available to treat the proposed theme. Preferably, basic questions regarding the tensions between constituent autonomy and federation-wide autonomy should be discussed on the first day. The second day should focus on constituent states' violations of common values of democracy, rights, and the rule of law as well as the intervention into their affairs and/or the supervision they are placed under by the federal/confederal government.

4. Call for Papers

Papers are invited on the above theme, especially the topics in paragraph 2, addressing them under the aspects of different states and federal/confederal systems, such as:

- *Common fundamental values*, demonstrated by the examples of a confederal system, such as the EU, and of a culturally and ethnically non-homogeneous federal system, such as India.
- *Autonomy of constituent states with regard to democracy and its limits* (e.g., USA).
- *How federal systems deal with secessionism* (e.g., Canada and Ethiopia).

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

Section Website

Paul Posner

The APSA Section on Federalism and Intergovernmental Relations is about to unveil its website, under development with the support of the Rockefeller Institute of Government at SUNY, Albany. The site will help facilitate easy access to Section programs, research resources, course syllabi, and related federalism links, as well as promote member communication through a message board. The site will include the following pages:

- Section activities
- Research projects by Section members
- Papers and articles on federalism issues
- Books and publications on federalism issues
- Syllabi for courses on federalism and intergovernmental relations
- Member directory for the Section
- Message board for Section members
- Meetings and conferences at APSA and other associations
- Publishers and editors
- Links and resources to other federalism-related sites
- Federalism policy developments: federal, state, and local

Developing the content for these pages is no easy task. We will proceed incrementally and with the help of as many members who wish to volunteer. A site is valuable only if it is maintained and updated periodically. Fortunately, Steven Bragaw of Sweetbriar College has volunteered to serve as site administrator.

2001 Annual Section Business-Meeting Minutes

The Section met for its 2001 annual membership meeting on Friday, August 31, at 12:30 p.m. at the Nikko Hotel in San Francisco. Paul Posner (U.S. General Accounting Office) Chair, presided. Posner reported that the latest membership figures from the APSA put the Federalism Section at 448.

The minutes of the 2000 meeting were distributed and approved.

The treasurer's report was presented by Michael Pagano (University of Illinois at Chicago). Revenues for 2000-01 were \$1,849.12 and expenses were \$1,856.55. The ending balance as of 30 June 2001 was \$2,782.18. The financial report was accepted.

Beryl Radin (SUNY-Albany), the program chair for the 2001 meeting, informed the Section that it was

allocated only five panels. Through co-sponsorship with other sections, the Federalism Section is listed as sponsoring or co-sponsoring 10 panels. She reminded members that next year's allocation is based on attendance at panels this year. Please attend!

Michael Rich (Emory) was introduced as the program chair for the 2002 meeting in Boston. Because the theme of the APSA meeting next year is "current and possible contributions of political science to policy," Rich thought that it would be possible for the Federalism Section to sponsor a theme panel, which would add to the number of panels we'll be allocated. He also reminded the Section that the deadline for submitting proposals is 15 November 2001 and that all proposals must be submitted electronically.

John Kincaid (Lafayette) discussed the prospects for the Federalism newsletter, *The Federalism Report*. He informed the section that the Institute for Regional Analysis and Public Policy at Morehead State University is bearing most of the cost of two issues (January and June). The January issue will focus partly on the activities of the Section's members; the June issue will highlight the panels for the 2002 meetings. The newsletter will complement the website, he added.

Seven-five percent of all APSA sections have a website. Posner reported that Richard Nathan of the Rockefeller Institute agreed to finance the up-front development costs of the Federalism Section website, which was done. But for a sustainable, day-to-day website, the Section needed a webmaster. Steven Bragaw (Sweetbriar) agreed to host the website at www.federalismapsa.org. The website will house research links, syllabi, conferences, books, a message board, a member directory, etc. Please notify Professor Bragaw of any other item that should be posted or changed. On behalf of the Section, Posner thanked Bragaw for volunteering to make the website sustainable.

Posner reported that he would like the section to host brown bags in Washington, D.C. He had hoped to schedule Christine Simons (from the White House Intergovernmental Affairs office) to meet sometime soon.

The nominations committee, which was chaired by Carol Weissert with Laura Jensen and Larry O'Toole, nominated three members to a three-year term on the Executive Council. The nominees were: Frances Berry (Florida State); Richard Cole (Texas-Arlington); and Deborah McFarlane (New Mexico). Deil Wright moved adoption of the slate, which was approved unanimously.

The "best paper" committee (Thomas Gais, Alexandra Filandra, and David Beam) made its award to Tim Conlan and Francois Vergniolle de Chantal for their piece, "Court Devolution. . . ." The paper was just recently published in *Political Science Quarterly*.

The award for the "best book" that is at least ten years old was presented to Ivo D. Duchacek for *Comparative Federalism: The Territorial Dimension of Politics* (Holt, Rinehart and Winston, 1970). The committee, consisting of Richard Elling, Dale Krane, and Denise Cheterle (Green Bay), noted that the book is over 30 years old but has staying power! The award was presented posthumously.

The Daniel J. Elazar award for Distinguished Scholarship was presented to John Kincaid of the Meyner Center for the Study of State and Local Government at Lafayette College by Frank Thompson, who chaired the committee along with Martha Derthick and John Kirlin. Thompson listed only a few of Kincaid's notable accomplishments and contributions to the study of federalism systems: Kincaid is a member of the National Academy of Public Administration; he's recipient of the Donald Stone Distinguished Scholar award from the Section on Intergovernmental Administration and Management of the American Society for Public Administration; he is former executive director of the U.S. Advisory Commission on Intergovernmental Relations, where he also served as Director of Research; he is general editor of *Publius: The Journal of Federalism*; and he is editor of the Nebraska Press' series on state politics series. Kincaid commented that he was awarded the Elazar prize 21 years after entering academia, which was 21 years after Elazar began his illustrious academic career.

Under "new business," Posner raised the issue that membership had been fairly stable for many years. The question he raised for the Section is whether the section could increase the number of graduate students in the Section and of other political scientists. Bragaw suggested publishing dissertation abstracts; Robert Agranoff thought that the Section could appeal to members of the Public Policy Section by noting the linkages between the Section and their scholarly pursuits; Radin suggested contacting those people on panels with federalism themes, but not sponsored by the Federalism Section, and encouraging them to join the Federalism Section; Jameson Doig noted that scholars interested in Native American issues, comparative policy, and structure (e.g., the European Union) should be contacted; Dale Krane added that relationships among the appropriate sections (especially, Urban, State, Public Policy, Public Administration) should be encouraged even more; and Radin urged the website to post the links to those other sections.

Posner adjourned the annual section meeting at 1:30 p.m.

Respectfully submitted,

Michael A. Pagano
Secretary-Treasurer

2001 Demographic Characteristics of Sample Members of the APSA's Section on Federalism and Intergovernmental Relations

The following demographic information is from a November-December 2001 e-mail survey of members of the federalism section conducted by Richard L. Cole, University of Texas at Arlington, and John Kincaid, Lafayette College. The sample is not a true random sample of the section's members because we were limited to the 295 members for whom we had listed and valid e-mail addresses. The response rate of 53.6% represents 44.8% of the Section's reported 353 U.S. members. All numbers are total percentages. Percentages do not always add to 100 because of non-responses.

<i>Place of Employment</i>	
University	79.1
State/Local Agency	2.5
Federal Agency	2.5
Other	12.7
<i>Student/Faculty Status</i>	
Graduate Student	9.5
Assistant Professor	12.7
Associate Professor	13.9
Professor	38.6
Other	7.6
<i>Department Affiliation</i>	
Political Science	59.5
Public Administration/Affairs	15.2
Other	7.0
<i>Political Party Affiliation</i>	
Strong Democrat	39.2
Leaning Democrat	23.4
Leaning Republican	8.9
Strong Republican	11.4
Other	13.3
<i>Region</i>	
New England/Mid-Atlantic	34.8
Midwest/Plains	22.2
South/Southwest	23.4
West	13.9
<i>Community Population</i>	
Less than 50,000	27.2
50,000-250,000	27.2
250,000-500,000	7.0
500,000-1,000,000	10.1
Greater than 1,000,000	25.9
<i>Sex</i>	
Female	27.2
Male	70.3
<i>Age</i>	
20-29	5.2
30-39	21.4
40-49	17.5
50-59	31.3
60 and Over	23.3

Institute for Regional Analysis and Public Policy

Social Science Data for Questions of Federalism: The National Network of State Polls

By Jeremy L. Hall

The National Network of State Polls (NNSP) is a national consortium of organizations that conduct state-level surveys, with headquarters currently located at the University of Kentucky Survey Research Center. The network is somewhat heterogeneous, comprised of a range of organizations such as private research firms and large public universities. These members vary not only in their type and size, but also with regard to the nature of their survey activities; some conduct several surveys in any given year while others engage in polling only occasionally. In total, there are 59 member organizations from 37 states.

The NNSP began in 1980 when representatives of six polling units met at the Eagleton Institute of Politics, Rutgers University, to discuss the possibility of interorganizational survey coordination. A subsequent conference at the University of Kentucky the following year provided the groundwork to develop a permanent structure and a state survey archive. The network headquarters were established at the University of Alabama in 1984, moved to the Odum Institute for Research in Social Science at the University of North Carolina from 1991-2000, and again relocated to the University of Kentucky Survey Research Center in 2001.

As stated on the NNSP homepage, the organization's dual purpose is to promote collection and use of state-level survey data and to develop a comprehensive archive of state survey data. In meeting this purpose, the NNSP maintains an electronic archive of state survey data that is available to all interested researchers, who can then use this database to identify questions that have been used in different states to study a particular topic.

In addition to using the database for question development, researchers are also able to obtain copies of complete survey data for further analysis or incorporation into their own research. The NNSP database is maintained by the Odum Institute for Research in Social Science at the University of North Carolina, Chapel Hill, and the NNSP material is accessible online through the NNSP website, <http://survey.rgs.uky.edu/nnsp/abtnnsp.htm>, or through the Odum Institute's Public Opinion Item Index, http://www.irss.unc.edu/data_archive/. Presently, the data archive contains more than 350 studies from 22 contributing organizations, and includes in excess of 31,000 questions. Researchers can access the database index free of charge through any internet connection.

In order to search the index, the following link directs you to the Public Opinion Poll Question Database where the NNSP data is stored: http://www.irss.unc.edu/data_archive/pollsearch.html. Between one and four words and/or strings can be searched simultaneously, and the search engine permits the exclusion of results by word or string as well. The search can be limited to question text, or information included elsewhere in the survey. In addition, searches can be restricted by poll type and date. The web interface limits the number of displayed matches to 150 per search, or alternatively creates a downloadable file of up to 500 matches at the researcher's option. In cases where the search parameters return more than the maximum number of results, the researcher has the option to view random matches, or to view records beginning with the most recent, or the oldest. In all, the search mechanism is flexible and easy to use. For instructions on downloading data from the archive, see the following web page: http://www.irss.unc.edu/data_archive/accessing_files_frame.html.

Most policy areas are subject to intergovernmental constraints and interaction in some form or other. Consider the field of education policy, where federal, state, and local governments along with independent school districts interact to produce various policy outcomes. A quick search of the State Poll data archive (1990 to present) using the terms 'federal' and 'school' returned six questions such as the following:

Who do you think has the most responsibility for dealing with the problem of day care and after-school care for children — the family, local schools and government, churches and other private organizations, or state and federal government? (October 1991, North Carolina residents 18 and older)

Some people feel that the Federal government sometimes must be involved in the assignment of teachers and students to schools to see that children of all races receive equal educational opportunities. While others feel that these assignments should be left to local school boards. What do you think? Should the Federal government sometimes be involved, or should the assignments be left for local boards? (April 1990, Tennessee residents 18 and older)

Would you favor or oppose a federal government program that would give low and middle income families tuition assistance monies to send their children to whatever public, private, or religious school they choose? Would you say you strongly

favor, favor, oppose or strongly oppose this? (1992, Wisconsin residents 18 and older)

These search results demonstrate the variety of questions available within a given policy area. More importantly, each question has a clear connection to issues of federalism and intergovernmental relations. A broader search using the term 'education' returns more results with greater subject diversity that may in turn assist the researcher in formulating a more specific search string. Below are some of the questions that resulted from this broader search:

As you may know, some experts think that the federal government will have a surplus of funds in the next few years. For which one of the following would you MOST like to see the surplus funds used?

Responses: Increasing spending on social programs such as education/Paying down the national debt/Increasing spending on Medicare to provide a prescription drug benefit/Lowering taxes/Increasing spending on national defense (March 2000, North Carolina residents 18 and older)

Because some money for public education comes from local property taxes, some school districts in North Carolina spend a lot more money for each pupil than other districts. Do you think this is acceptable, or do you think the state should help equalize the amount of money spent per pupil across the state? (October 1998, North Carolina residents 18 and older)

Do you think the option to increase the state income tax for education and reduce property taxes should be put to the voters on a state ballot, or should the decision be left to the state legislature? (November 1996, Illinois residents 18 and older)

Not surprisingly, many of these questions have a focus on spending, taxation, or the distribution of the tax burden among levels of government. It is equally important to note, however, that the database contains questions pertaining to education quality, state policy (such as sex education), and interaction between policy areas (e.g. criminal justice and education, or lotteries and education).

For researchers interested in developing panel data for time series or other analysis, the data archive may prove particularly useful. Clearly, the subject material of the NNSP database is not exhaustive. Even if data within a given area of interest is available, it may not be in a state or during a timeframe such that it is useful for the specific research question. Nonetheless, the material covered in the NNSP database is of sufficient breadth to make it potentially useful to researchers

across a number of fields, including intergovernmental relations.

Looking beyond a specific policy field to the issue of federalism in general, a search of all years for the term 'mandate' generated the following results:

Do you feel that state and local governments in California have acted in good faith to carry out all the changes mandated by Proposition 13 or not? (September 1984, California residents 18 or older)

The Nebraska Legislature has mandated that, effective September 1994, every public school must design and implement a Multicultural Education Program. This means that all students will have to learn about different ethnic cultures in this country. Do you agree, strongly agree, disagree or strongly disagree that multiculturalism should be part of the public school curriculum? (September 1994, Nebraska residents 18 or older)

A search for 'regulatory' turned up the following question:

Should the Texas Public Utility Commission follow the regulatory policies of the Federal Communications Commission or apply its own rules to long distance telephone companies in the state of Texas? (January 1985, Texas residents 18 or older)

Similarly, a search for 'federalism' generated the following questions:

Do you approve or disapprove of President Reagan's New Federalism? (April 1982, North Carolina residents 18 or older)

Have you heard or read anything about President Reagan's plan, sometimes called the New Federalism to swap some government functions between Washington and the states? (April 1982, North Carolina residents 18 or older)

For social science researchers, and those interested in public policy and intergovernmental relations in particular, the National Network of State Polls data archive is well worth the visit. Further questions about the network may be directed to Dr. Ronald E. Langley, Chairperson and Director of the Survey Research Center at the University of Kentucky (email: langley@uky.edu, telephone: 859-257-4684).

More Federalism News

New Books of Interest

David Brunori, *State Tax Policy: A Political Perspective*. Washington, DC: The Urban Institute Press, 2001 (0-87766-703-9).

H. Lee Cheek, *Calhoun and Popular Rule: The Political Theory of the Disquisition and Discourse*. Columbia: University of Missouri Press, 2001 (0-8262-1333-2).

Martha Derthick, *Keeping the Compound Republic: Essays on American Federalism*. Washington, DC: Brookings Institution Press, 2001 (0-8157-0203-5).

Dall W. Forsythe, ed., *Quicker, Better, Cheaper? Managing Performance in American Government*. Albany, NY: The Rockefeller Institute Press, 2001 (0-914341-86-3).

Alain-G. Gagnon and James Tully, eds., *Multinational Democracies*. Cambridge: Cambridge University Press, 2001.

Leslie Friedman Goldstein, *Constituting Federal Sovereignty: The European Union in Comparative Perspective*. Baltimore, MD: The Johns Hopkins University Press, 2001.

Sarah Barringer Gordon, *The Mormon Question: Polygamy and Constitutional Conflict in Nineteenth Century America*. Chapel Hill: University of North Carolina Press, 2002 (0-8078-4987-1).

Jim Hancock and Julie Smith, *Financing the Federation*. Adelaide: South Australian Centre for Economic Studies, Adelaide & Flinders Universities, September 2001 (0-958-63953-1).

Yasuhiro Katagiri, *The Mississippi State Sovereignty Commission: Civil Rights and States' Rights*. Jackson: University Press of Mississippi, 2001 (1-57806-388-4).

Michael Keating, *Plurinational Democracy: Stateless Nations in a Post-Sovereignty Era*. Oxford: Oxford University Press, 2001 (0-19-924076-0).

Preston King, *Federalism and Federation*. London: Frank Cass, 2001 (0-7146-8047-8).

Laura Langer, *Judicial Review in State Supreme Courts*. Albany: State University of New York Press, 2001.

George W. Liebman, *Solving Problems Without Large Government: Devolution, Fairness, and Equality*. Westport, CT: Praeger, 2000.

Sarah F. Liebschutz, ed., *Managing Welfare Reform in Five States: The Challenge of Devolution*. Albany: Rockefeller Institute Press, 2000 (0-914341-76-6).

Forrest McDonald, *States' Rights and the Union: Imperium in Imperio, 1776-1876*. Lawrence: University Press of Kansas, 2000 (0-7006-1040-5).

Maureen Moakley and Elmer Cornwell, *Rhode Island Politics and Government*. Lincoln: University of Nebraska Press, 2001 (0-8032-8270-2).

Luis Moreno, *The Federalization of Spain*. London: Frank Cass, 2001 (0-7146-8164-4).

Robert F. Nagel, *The Implosion of American Federalism*. Oxford: Oxford University Press, 2001 (0-19-514317-5).

Kalypso Nicolaidis and Robert Howe, eds., *The Federal Vision: Legitimacy and Levels of Governance in the United States and the European Union*. Oxford: Oxford University Press, 2001 (0-19-924500-2).

Wallace E. Oates, ed., *Property Taxation and Local Government Finance*. Cambridge, MA: Lincoln Institute of Land Policy, 2001 (1-55844-144-1).

Mark E. Rush and Richard L. Engstrom, *Fair and Effective Representation? Debating Electoral Reform and Minority Politics*. Lanham, MD: Rowman and Littlefield, 2001 (0-8476-9211-6).

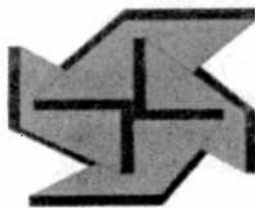
Dusan Sidjanski, *The Federal Future of Europe: From the European Community to the European Union*. Ann Arbor: University of Michigan Press, 2000.

John R. Vile, *A Companion to the United States Constitution and Its Amendments*. 3d ed. Westport, CT: Praeger, 2001 (0-275-97252-6).

Ute Wachendorfer-Schmidt, ed., *Federalism and Political Performance*. London & New York: Routledge, 2000 (0-415-21810-1).

Humor in Federalism

Four five-year-olds, playing around the U.N. podium, wondered where babies come from. "My mommy calls an 800 telephone number," said the American, "and then the stork delivers the baby." "My French mom and English dad go into their bedroom," replied the Canadian. "They negotiate for a long time; then they go to the hospital to get a bilingual baby." "My mother and father just march into the bedroom and go boom, boom for *Bundestreue*" said the German proudly. "In Switzerland," announced the Swiss youngster matter-of-factly, "it varies from canton to canton."



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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