

THE FEDERALISM REPORT

ISBN 0194-2840

Volume 17, No. 2
Winter 1992

IN THIS ISSUE

CSF NOTEBOOK	1
IACFS UPDATE	11
FEDERALISM/INTERGOVERNMENTAL RELATIONS NEWSLETTER	13

* * * * *

CSF NOTEBOOK

FROM THE EDITOR

As the Center enters its 25th anniversary year, the format of its quarterly report has been changed to reflect its expanded activities; *The Federalism Report* will now contain three newsletters: the *CSF Notebook*, the *IACFS Update* and the *Federalism/Intergovernmental Relations Newsletter*. As always, the *CSF Notebook* will include the activities of the Center and its Fellows. The *IACFS Update* section will include news from the International Association, including its publications, conference details and matters of related interest. The *F/IGR Newsletter* will report on the activities of the American Political Science Association Section on Federalism and Intergovernmental Relations.

It is the editor's hope that these changes will better serve the needs of readers interested in the field of federalism and intergovernmental relations. Your comments and suggestions are welcome.

* * * * *

The 1992-93 Center for the Study of Federalism Publications Catalog is now available upon request. Please call (215) 787-1480, or write to the Center for your copy.

CSF ENTERS ITS 25TH ANNIVERSARY YEAR

The Center has planned a number of activities to celebrate its twenty-fifth anniversary. In the Spring, the Center's Public Agenda Series will focus on various international aspects of federalism and confederal arrangements by examining developments in the Commonwealth of Independent States (March 24) and in Canada (April 14). These sessions are held at Temple University's Center City Campus. They are free and open to the public.

At the upcoming meeting of the American Political Science Association in Chicago, the Center will once again co-sponsor, along with the Section on Federalism and Intergovernmental Relations, a cocktail reception. The reception will be held immediately after the Section's general membership meeting. Please consult the APSA final program for the time and location.

The Center will also conduct three conferences during the year. The first is an invitational conference commemorating the 700th anniversary of Swiss independence and federalism. It is entitled "**The Swiss Experience with Federal Liberty**," and will be held in Brunnen, Switzerland from March 27-30, 1992. Five papers have been specially commissioned for the conference. They are: Daniel Elazar's "The Federal Basis of Swiss Liberty;" J. Wayne Baker's "The Religious Basis of Swiss Liberty;" Max Frenkel's "The Territorial Communal Basis of Swiss Liberty;" Gerhard Lehmbruch's "The Consociational Basis of Swiss Liberty" and Charles B. Blankart's "The Economic Basis of Swiss Liberty."

The second conference, entitled "**Freedom and Responsibility in the Works of Bernard Malamud**," is also sponsored by the Liberty Fund. The dates for this conference have been scheduled for September 12-14, and will be held in Minneapolis, Minnesota.

Finally, the centerpiece of the Center's activities during this anniversary year will be a public conference organized on the theme of "**Federalism and Rights**." Funding for this conference has been provided by a grant from the National Endowment for the Humanities. The conference will be held in Philadelphia at the Hilton Hotel and Towers from November 14-16, 1992. It will investigate the relationship between federalism and rights in the United States and other federal systems. Underlying all of the conference's deliberations will be the question: how does federalism promote or undermine individual rights? To answer this question, the conference will undertake a systematic investigation of five major considerations: 1) the theoretical relationship between federalism and rights; 2) the tension between group rights and individual rights in federalism; 3) the historic interplay between federalism and rights in the United States; 4) the ways that federal systems understand the sometimes competing claims for diversity and for individual rights, and; 5) current issues involving federalism and rights, both within and beyond the boundaries of the United States.

The co-directors of the conference are Ellis Katz of Temple University and G. Alan Tarr of Rutgers University. The conference is being co-sponsored by the U.S. Advisory Commission

on Intergovernmental Relations, the Philadelphia Bar Association, and Rutgers University, Camden Campus.

For more information on this or any of the Center's activities, please contact the Center at (215) 787-1480.

CSF FELLOWS IN THE EX-COMMUNIST BLOC

Daniel J. Elazar, Director of the Center, travelled to Moscow from July 24 - August 1, 1991. While there, he addressed the Committee on Inter-Republic Relations of the Russian Parliament on issues of federalism in general and Russian federalism in particular.

Dan also met with representatives of the Institute for Economic and Industrial Technology to discuss arrangements for admitting that organization into the International Association of Centers for Federal Study.

John Kincaid participated in two conferences on federalism which were held in Moscow on November 11-15 and December 17-19, 1991. The lead article of the 1991 Annual Review issue of *Publius*, "The State of American Federalism: 1990-1991" by Michael A. Pagano, Ann O'M. Bowman, and John Kincaid, was translated and reprinted in Russian by the Foundation for Social and Political Studies in Moscow for the December conference. John also presented a paper at a Colloquium on Intergovernmental Fiscal Relations held in Saarbrucken, Germany, on November 8-10, 1991.

Donald S. Lutz held a seminar on constitutional theory in Czechoslovakia from June 1-8, 1991. The seminar was sponsored by the U.S. Department of State and featured readings from the *Federalist Papers*. He will be returning to Czechoslovakia and Poland in June 1992 for a similar program.

RECENT PUBLICATIONS

From ACIR

Coordinating Water Resources in the Federal System: The Groundwater-Surface Water Connection, finds that all types of governments have roles to play in improving water resource coordination, one of the most important being to change laws and policies that obstruct more efficient resource use. A consensus favoring coordinated use of groundwater and surface water - conjunctive management - has arisen in the past decade. This policy report contains contrasting perspectives on groundwater use and management, and an analysis of institutional arrangements and intergovernmental relations. The report identifies barriers to better coordination and suggests changes that the federal and state governments can make to eliminate those barriers.

A-113; 1991; 152 pp.; \$15.00

Significant Features of Fiscal Federalism: Revenues and Expenditures (1991 Edition, Volume II) presents data on revenues and expenditures for the federal, state, and local governments. New in this edition are tables on state and local debt and state volume caps on private-activity bonds, state and local public employee retirement systems, federal Medicaid matching ratios and state Medicaid expenditures, and education aid and sources of school district revenue. *Significant Features* contains a broad picture of changes in the government's role in the economy from 1929 through 1989. Also presented are changes in the composition of expenditures and revenues from 1952 through 1989 and in the level and relative importance of federal grants to state and local governments from 1952 through 1993.
M-176-II; 1991; 340 pp.; \$22.50

Other ACIR Titles

Changing Public Attitudes on Governments and Taxes 1991
S-20; 1991; 48 pp.; \$10.00

Competition Among State and Local Governments: Efficiency and Equity in American Federalism
OP-1; 1991; 299 pp.; \$52.75 (cloth) \$24.25 (paper)

From Greenwood Press

State Constitutions and Criminal Justice

Barry Latzer

The new "Judicial Federalism" is a significant development in American law: more cases are being decided by state constitutions than ever before in history. In this book, Barry Latzer provides the most thorough treatment available of the criminal law aspects of the New Federalism. His comprehensively researched and documented analysis of the state law movement covers all fifty states over the past two decades. Drawing from both legal and political science perspectives, Latzer examines recent court interpretations of state constitutions, specifically those pertaining to the criminally accused. He provides background on the development of the New Federalism, details the relationship between the U.S. Supreme Court and state courts, and analyzes all of the state constitutional provisions on the issues covered in the book. This is an important resource for professionals and students of criminal justice and law, and anyone concerned with the political-ideological tension between federal and state courts.

1991; 232 pp. ISBN 0-313-26112-1 \$47.95

Political Participation and American Democracy

William Crotty, editor

This volume addresses a recurring and seemingly intractable problem of the U.S. political system: the nonparticipation of significant numbers of citizens in the political process. Specifically, the contributors explore the reasons why half of our eligible voters fail to exercise this most basic rights, even in presidential elections. Among the questions the contributors

explore are: Is there a fundamental and systematic basis in participation patterns? Does social condition, class status, and social identity relate to the likelihood of voting? Does political knowledge and information relate to participation? Do patterns of participation vary among minority and politically under-represented groups? By analyzing these and other topics related to political participation, the contributors shed new light on an issue that, until now, has received only modest attention in the social scientific literature.

1991, 248 pp. ISBN 0-313-27652-8 \$47.50

From the University of Nebraska Press

Mississippi Government and Politics: Modernizers versus Traditionalists

Dale Krane and Stephen D. Shaffer

In this latest volume of the Center for the Study of Federalism/University of Nebraska Press Series on Government and Politics of the 50 states, the authors of *Mississippi Government and Politics* go beyond the stereotyped view of the Magnolia State to consider the dramatic social, economic, and political changes taking place there in recent years. Yet the past is inextricably bound up with the present, as Dale Krane and Stephen D. Shaffer make clear in developing their central theme: the ongoing clash in Mississippi between traditionalists intent on preserving the status quo and progressives who have grown up with the civil rights movement.

Based in part on public opinion polls measuring the attitudes of Mississippians over a decade, *Mississippi Government and Politics* presents a vivid social history and analysis of the state's executive, legislative, and judicial branches. Krane and Shaffer have contributed chapters on the culture of Mississippi, the origins and evolution of its ruling class, and efforts to modernize the economy and to bring more blacks and poor whites into the power structure. Krane writes about the struggle over public policy, or "who gets what," and the highly ambivalent attitude of Mississippians toward the federal government. Shaffer addresses the role of interest groups in effecting change and the shifting allegiances of political parties in the state.

The contributors include leading political scientists and public administrators. Tip H. Allen, Jr. looks at the century-old, much amended, constitution, and Douglas G. Feig considers the dominance of the legislature and the winds of change blowing through it. Thomas H. Handy describes the traditionally weak governorship. Diane E. Wall threads her way through the antiquated judicial system. Edward J. Clynch sizes up tax policy, and Gerald Gabris delves into the dynamics of local government. The result is the most comprehensive and authoritative book on Mississippi political culture in many years.

432 pp.; \$17.95 (paper) \$45.00 (cloth)

BOOK REVIEWS

Euro-Politics: Institutions and Policymaking in the "New" European Community

Alberta M. Sbragia, editor

In his forward to *Euro-Politics*, Bruce MacLaury, President of the Brookings Institution, discusses two views of the European Community that most Americans hold: The European

Community as either a common market system or nation state similar to any other that they are familiar with. Since the European Community, in actuality, fits neither of these simple understandings, being a complex, ever-changing, and often misunderstood institution, it would seem essential for a comprehensive work to be done that shows the student of the European Community both what it isn't and sets out to show them what it is.

Euro-Politics brings together various authors to write chapters on such subjects as: "The 1992 initiative," several chapters on institutions within the European Community, monetary issues, politics and the future. The text is readable, informative and scholarly. The book shows the reader both what they need to know to understand the European Community as well as idiosyncrasies which might go unnoticed by the casual observer of European politics; for example, B. Guy Peters demonstrates some of the more subtle political workings in organizations within the EC by stressing the importance groups and individuals in the decision-making processes.

Europe and the European Community are no doubt going to grow in importance and influence in the world. Actually, to term it as such might suggest that its role has been less than important in the past. This would be a mistake. Rather, it should be clear that the face of Europe is changing. Once familiar characteristics are gone, as are global environments in which we learned these old characteristics. *Euro-Politics* catches us up to speed on the changes, and provides the reader with a source of information that should prove invaluable when trying to keep pace with the new Europe.

The editor concludes *Euro-Politics* with a chapter on the future. With what can the student of European politics compare the changes in order to predict or formulate positions? A difficult aspect of European politics, Sbragia warns about comparing the Community with other historical federations, stating "The economic, social and political context within which federalization is currently taking place is so different from the context in which the older federations emerged that comparison is difficult." Difficult, yes. Meaningless, no. Sbragia wants the student of the Community to be aware of its unique characteristics, the time frame in which changes are taking place, and other factors that make it a very different specimen for study. The authors of this book go a long way in assisting readers to understand these factors.
Paul T. Neal, Temple University

Governors, Legislatures, and Budgets

Edward J. Clynch and Thomas P. Lauth, editors

Governors, Legislatures, and Budgets is a very good resource for anyone who is interested in state financial policies and politics, meeting an important need in the material that exists on the subject. *GLB* is both descriptive and comparative, making it an effective means for readers to completely understand the state budgeting process.

GLB provides the reader with chapters on 13 different case studies of 13 different states--each offering some unique feature worthy of note and discussion. By providing so many different

cases, the book allows the reader to draw connections in similarities or differences from one state to the next, and one is also able to see how similar situations affect politics and policy.

Overall, *GLB*, gives the reader a very comprehensive look at the budgeting process and the political factors surrounding it. It is a vital source for the student of state government and should prove a useful tool in developing further analysis.

Paul T. Neal, Temple University

PUBLIUS:

The Journal of Federalism
Volume 22, Number 1
Winter 1992

Symposium on Federalism and the U.S. Constitution

Garcia and the Political Safeguards of Federalism: Is There a Better Solution to the Conundrum of the Tenth Amendment?

by *John C. Pittenger*

State Corporate and Federal Securities Law: Dual Regulation in a Federal System

by *Roger J. Dennis and Patrick J. Ryan*

State Sovereignty and the Eleventh Amendment in the U.S. Supreme Court: Significance of the 1988 Term

by *Vicki C. Jackson*

Other Features

Natural Resources and Canadian Federalism: Decentralization, Recurrent Conflict, and Resolution

by *Robert D. Cairns*

The Effects of Federal Aid on State-Local Spending

by *J. Edwin Benton*

Toward Judicial Comity: Certification in the Courts

by *John W. Winkle III and David Roebuck*

Environmental Protection and the New Federalism: A Longitudinal Analysis of State Perceptions

by *Richard J. Tobin*

Decentralizing Community Development Decisions: A Study of Oklahoma's Small Cities Program

by *Sheilah S. Watson*

*The Virtuous Polity, the Accountable Polity: Liberty and Responsibility in *The Federalist**

by *Michael P. Zuckert*

Publius: The Journal of Federalism invites original articles of high quality for a special issue on "Federal Preemption of State and Local Authority." The sharp increase in the number of total and partial preemption statutes enacted by the Congress since 1965 has produced significant changes in the nature of the federal system in the United States. Federal courts in general have given a broad interpretation to the scope of the delegated powers of the Congress and also have placed state and local governments under court orders and assumed direct control of state and local governmental institutions. The special issue seeks to examine in a comprehensive manner the nature of the changes produced by statutory and judicial preemption of the powers of the states and their political subdivisions.

In particular, *Publius* invites articles on congressional preemption, judicial preemption, the financial implications of preemption, the accountability and responsibility problems associated with certain types of partial preemption, and implications for federalism theory.

Strong empirical articles, illuminating case studies, and pertinent historical articles will be considered for publication. Proposals or works in progress should be sent to the guest editor for the issue: Joseph F. Zimmerman, Graduate School of Public Affairs, State University of New York at Albany, 135 Western Avenue, Albany, NY 12222. Phone: (518) 442-5378. Fax: (518) 442-5298.

The deadline for submitting proposals is March 1, 1991. Complete manuscripts for review will be due by November 1, 1992, with final manuscripts due by August 1, 1993.

* * * * *

ANNUAL INVENTORY OF RESEARCH AND PUBLICATIONS

As a service to its members, the Center for the Study of Federalism takes an annual inventory of members' current research activities and publications. The result of the inventory will be published in a forthcoming issue of *The Federalism Report*. The following form is provided for your convenience. Please fill it out and return it to the Center for the Study of Federalism by March 31, 1992.

Annual Inventory of Research and Publications

1. Name
2. Institutional Affiliation (university and department, governmental agency, etc.) and Address
3. Title and Position
4. Current Research Activities - For each project, please provide the following:

PROJECT 1

- (a) Title:
- (b) Description:
- (c) Information Contact:
- (d) Starting Date/Completion Date:
- (e) Availability of Final Report (address):

PROJECT 2

- (a) Title:
- (b) Description:
- (c) Information Contact:
- (d) Starting Date/Completion Date:
- (e) Availability of Final Report (address):

5. Recent Publications - For each publication, please provide the following:

PROJECT 1

- (a) Title:
- (b) Journal or other publication source:

(c) Description:

(d) Availability of reprints (address and cost, if any):

PROJECT 2

(a) Title:

(b) Journal or other publication source:

(c) Description:

(d) Availability of reprints (address and cost, if any):

6. Center for the Study of Federalism Activities

(a) What services would you like the Center to provide for its members?

(b) What topics would you like to see included in the APSA's Section on Federalism and Intergovernmental Relations at the annual American Political Science Association Meetings?

(c) Would you be willing to serve as a reader for Publius manuscripts? Yes No

If yes, please indicate your area of specialization and interest.

(d) Would you be willing to review books for Publius? Yes No

If yes, please indicate what topics you would like to review.

Please return to: Joseph R. Marbach, Editor
Center for the Study of Federalism, Temple University
1616 Walnut Street, Suite 507
Philadelphia, PA 19103

IACFS UPDATE

NEW MEMBERS

The International Association of Centers for Federal Studies has added two new members. The first is The Center for Constitutional Analysis of the Human Sciences Research Council of South Africa. Its Director is Bertus de Villiers. Inquiries should be directed to the Center, Private Bag x41, Pretoria 0001, South Africa.

The Association has also admitted the Institute of Economics and Industrial Engineering of the Siberian Branch of the Russian Academy of Sciences. It is located in Novosibirsk, Siberia.

1992 MEETING

The next IACFS meeting will be hosted by the Centre for Comparative Constitutional Studies and will be held in Melbourne, Australia during August 1992. The substantive issue that will be discussed at the meeting is "Economic Union in Federal-Type Systems." This issue is currently the focus of proposals for major change and is being examined under the auspices of a series of Special Premiers' Conferences.

Additional details will be published as they are finalized.

RECENT PUBLICATIONS

From the Institute of Intergovernmental Relations, Queen's University

The Institute announces the release of its annual collection of articles on current issues affecting Canadian federalism. *Canada: The State of the Federation 1991*, edited by Douglas M. Brown, contains eight original essays on a variety of subjects surrounding Canadian federalism today. It contains the views of both relatively new and well-known commentators on the Canadian scene, including Graham Fraser, Terrance Hansley, Donald Savoie, Donna Tingley, Norman Ruff and Kathy Brock. The state of the federation in 1991 is one of suspended animation -- poised for an historic set of choices which will fundamentally change the federal system. This book provides fresh and timely analyses of these choices, including: the current constitutional debate in Quebec and the rest of Canada; an assessment of the processes of constitutional reform; policy issues such as the proposals for greater Maritime economic integration and cooperation, and the place of British Columbia in the federation. The volume concludes with the annual chronology of significant events in Canadian federalism and intergovernmental relations, in addition to a select bibliography on constitutional reform in the post-Meech era.

The price is \$18.00 per copy. To order, or for more information, please contact:
The Institute of Intergovernmental Relations, Queen's University, Kingston, Ontario K7L 3N6
Phone: (613) 545-2080 / Fax: (613) 545-6606

From the Federalism Research Centre, Australian National University

Intergovernmental Relations and Public Policy

Brian Galligan, Owen Hughes and Cliff Walsh, editors

March 1991, 418 pp.

Federalism and Public Policy: Intergovernmental Grants and Health Care Financing

J. R. G. Butler, editor

May 1991, 132 pp.

From the Jerusalem Center for Public Affairs/University Press of America

Constitutional Design and Power-Sharing in the Post-Modern Epoch

Daniel J. Elazar, editor

This volume is the product of the world conference of the International Association for Centers of Federal Studies held at the Jerusalem Center for Public Affairs in 1984. The work explores the current issues in federal theory, new forms of power-sharing in the local arena, recent innovations in national and supranational power-sharing, as well as the use of power-sharing arrangements to resolve intense conflict situations. The book is the work of many contributors who have developed over the years a theoretical framework, a language, and a set of thought hypotheses from within which they are now able to articulate a number of important political questions of our time. Elazar's work is truly crucial to anyone interested in a comprehensive and provocative exploration of federalism today.

1991; 268 pp.; \$38.50 (cloth)

Two Peoples . . . One Land: Federal Solutions for Israel, the Palestinians, and Jordan

Daniel J. Elazar, editor

For over a decade the Jerusalem Center for Public Affairs has been exploring federal solutions for Israel, the Palestinians, and Jordan as the only way out of the Middle East conflict. In this volume, edited by renowned scholar Daniel J. Elazar, eleven separate options are presented and extensively explored, and a path is suggested for bringing peace to Israel and the Middle East. The work is a must read for anyone interested in this ever growing focal point of international debate and conflict. Paperback edition also available to the trade through National Book Network.

1991; 216 pp.; ISBN paper, 0-8191-8265-6 \$14.95; ISBN cloth, 0-8191-8096-3 \$42.50

From Leicester University Press

Soviet Federalism: Nationalism and Economic Decentralization

Alastair McAuley, editor

This book presents an interdisciplinary assessment of the forces that are pressing for changes to the Soviet treaty of union. A full review will appear in the next *Update*.

1991, 214 pp.

FEDERALISM AND INTERGOVERNMENTAL RELATIONS NEWSLETTER

NOMINATIONS FOR SECTION OFFICES

As instructed by the general membership at the 1991 APSA meeting, Section Chair Donald S. Lutz (University of Houston) has announced the formation of a Nominations Committee to submit a list of nominees to the general membership at the 1992 APSA meeting in Chicago.

The members of the committee are:

- Donald Lutz (University of Houston)
- Dale Krane (University of Nebraska)
- Ellis Katz (Temple University)

The duties of the Nominations Committee will include reviewing the qualifications of individuals nominated, and presenting a list of recommended candidates to the general membership. Members present at the general membership meeting will also be permitted to nominate other candidates prior to the section's election.

This election will fill the offices of the following individuals:

Section Chair (1990-92)	Donald Lutz, University of Houston
Executive Council (1988-92)	Daniel Elazar, Temple University Kenneth Palmer, University of Maine Robert Dilger, University of Redlands
Executive Council (1989-92)	Stephen Schechter, Russell Sage College Robert Thomas, University of Houston Diane Blair, University of Arkansas

Members are asked to submit nominations by filling out the form on page 15 and mailing it to Donald Lutz.

The following Section officers will remain in office:

Secretary-Treasurer (1990-94)	Dale Krane, University of Kansas
Executive Council (1990-93)	Samuel Gove, University of Illinois Ronald Watts, Queen's University Deil Wright, University of North Carolina

SECTION AWARD

The Section will present its annual award to an individual for his or her "significant contribution to the field of federalism and intergovernmental relations" at the 1992 APSA meeting in Chicago, IL. Nominations should be sent by August 1, 1992 to:

Professor Stephen L. Schechter
Political Science Department
Russell Sage College
Troy, NY 12180

Your letter of nomination should include a brief statement explaining the candidate's qualifications and contributions. Previous award recipients have been Daniel J. Elazar (1990) and Vincent Ostrom (1991).

REGIONAL MEETING

The Northeastern Political Science Association will hold its annual meeting in Providence, RI, at the Omni Biltmore Hotel, from November 12-14, 1992. Individuals interested in additional information should contact:

Steven A. Peterson, Program Organizer
Alfred University
Division of Social Sciences
P. O. Box 545
Alfred, New York 14802
(607) 871-2215

STUDENT WRITING COMPETITION

The *Temple Law Review* in association with the National Association of Attorney Generals is sponsoring a student writing competition on any topic of importance to State Constitutional Law. The winning entry will receive \$1,000 and will be published in the *Review*. Entries should be 30 - 40 pages in length, double spaced. The Blue Book citation format is preferred, however, the Turabian style is acceptable. The deadline is May 15, 1992. Contact David Furr at (215) 586-1644, for more information.

NOMINATION BALLOT

For the following office, I nominate

Section Chair
(submit one name)

Executive Council
(submit up to six names)

Member's name

Please complete and mail by March 30, 1992

.....
(FOLD HERE)

Please
Affix
Postage

Dr. Donald Lutz
Political Science
University of Houston
Houston, TX 77204-3474

THE FEDERALISM REPORT

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

RETURN POSTAGE GUARANTEED

THIRD CLASS

The Federalism Report is published by the Center for the Study of Federalism,
Temple University, 1616 Walnut Street, Suite 507, Philadelphia, PA 19103

EDITOR: *Joseph R. Marbach*

PRODUCTION: *Carol F. Hawfler*