

# The Federalism Report

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## CSF NOTEBOOK

### FROM THE EDITOR:

- The Center is pleased to announce the arrival of Dr. Sang Woo Han of Seoul, Korea. Dr. Han is an instructor at Hanyang University and senior researcher at the Center for Local Autonomy. He will be a resident scholar at the Center for the next 10 months. Dr. Han's subject of research is the impact and effects of federal aid in intergovernmental relations. Dr. Han can be contacted at the Center.
- In this issue, check out new resources on the subject of covenant as part of a new section of the *Federalism Report*, entitled the *Covenant Letter*.

## Center News

1. The Center has a worldwide web home page address. The site is under construction and should be up and running by the end of the year. Check out the site and give us some feedback.

Our Address:

WWW.TEMPLE.EDU/FEDERALISM

2. The Center for the Study of Federalism and the Companheiros das Americas, Comite Bahia-Pennsylvania cooperated to produce a August 12-13, 1996 conference in Salvador, Bahia Brazil on the topic "MERCOSUL, NAFTA and the European Union: Juridical, Political and Economic Aspects of Integration on Three Continents." The conference was under the direction of Ellis Katz of the Center for the Study of Federalism and Miriam Souza of the Federal University of Bahia. American participants included Professors George Gross, Wayne Selcher and Conrad Weiler and Pennsylvania Supreme Court Justice Sandra Newman. Brazilian participants were Federal Senators Josaphat Marinho and Waldeck Ornellas; Bahia Supreme Court Justice Gerson Pereira dos Santos; Sao Paulo Justice Antonio Rulli, Jr.; Bahia state Assembly President Otto Alencar; university Presidents Felipe Serpa and Jose Carlos Almeida; businessmen Edivaldo M. Boaventura, Francisco Sa, Eberard Nunes and Gerson Gabrielli; and Professors Pedro Manso Cabral, Felipe Serpa, Ary Guimaraes, Henrique Altemani and Saulo Casali. Other speakers included Professor Peter Leslie from Canada, Felix Pena from Argentina and Manuel Filipe Correia de Jesus from Portugal. The papers from the conference will be published in both English and Portuguese.

## Recent Visitors

1. Professor Dirceu Torrecillas Ramos of the Fundaco Getulio Vargas in Sao Paulo Brazil spent two months at the Center for the Study of Federalism studying models of asymmetrical federalism and their applicability to Brazil. Professor Dirceu is preparing a book on federalism in Brazil.

## 2. NCLS Regional Governments in Italy Project

Mr. Daniele Alni  
Leader of the PDS Regional Council

Mr. Paolo Bartolozzi  
Tuscany Regional Councilmember

Mr. Fabio Binelli  
President, PDS Group  
Lombardy Regional Council

Mr. Angelo Capodicasa  
Sicilian Regional Assembly

Mr. Enrico Cecchetti  
Tuscany Regional Councilmember

Mr. Roberto Cianferoni  
Tuscany Regional Councilmember

Mr. Vasco Errani  
Counselor to the President  
Regional Government

Ms. Elena Gazzola  
Lombardy Regional Councilmember

Mr. Fabio Granata  
Sicilian Regional Assemblyman

Mr. Francesco Lanocita  
Campania Regional Councilmember

Ms. Anna Limone  
Budget Director  
Regional Government and Regional Assembly

Ms. Emma Mazzoni  
Councilmember  
Campania Regional Council

Mr. Giancarlo Merandi  
President  
Lombardy Regional Council

Ms. Simone Vicari  
Sicilian Regional Assemblywoman

### 3. Professors of Geography and History from Senegal

Mr. Babacar Diba  
Mariama Ba High School

Mr. Papa Sene  
Galandou Diouf High School

Mr. Mamadou Ndiaye  
Valdiodio Ndiaye Junior High School

Mr. Mamadou Guye  
Blaise Diagne Sencior High School

Mr. Fodia Diallo  
Louga High School

Mr. Mor Samb  
Leopold S. Senghor High School

Ms. Mbaye Fatou Kane  
Cem Unite 19 Junior High School

Mr. Abdoulaye Toure  
Researcher, Ifan University Dakar

Mr. Ousmane Ngom  
Djignabo High School

Mr. Mademba Ndoye  
Alpha M. Welle High School

Mr. Keba Seck  
Charles De Gaulle High School

Ms. Fatou Ndoye  
Administrative Secretary

### 4. Swedish Government Visitors

Mr. Clas Heinegard  
Agency of Public Administration

Mr. Thomas Palsson  
Agency of Public Administration

### Book Reviews

**Shea, Daniel.** *Transforming Democracy: Legislative Campaign Committees and Political Parties.* Albany: State University of New York Press. 1995.

Over the past twenty years, legislative campaign committees (LCC) have become a part of the structure of state legislative elections in forty states. Daniel Shea has undertaken the most comprehensive study of state legislative campaign committees to date in an effort to understand what legislative campaign committees mean to political parties at the state and local level. He finds that the LCCs, which emerged at the state level in the 1970s and flourished in the 1980s, operate outside of the boundaries of traditional state and local party organizations and are the result of increasingly professionalized and institutionalized state legislatures.

State legislative political caucuses give birth to the legislative campaign committees. The amount of services provided by the LCC depends on the state and whether the party is in the majority or minority. At the very least, they provide cash contributions to party candidates in marginal districts. In states where the LCCs are more active, they may provide more extensive campaign services such as "candidate seminars, survey research, media production, direct mail and computerized targeting." (p. 17) Shea examines the rise of these LCC with a skeptical eye toward the weakening effects they may have on local and state party organizations because of their centralized targeting of campaign funds and their potential to further increase candidate-centered elections at the expense of parties. *Transforming Democracy* accomplishes this task by extensive surveying of the leaders of the Democratic and Republican parties in all fifty states, county leaders in Ohio, Indiana, Florida and Tennessee, and leaders of both state and county parties in New York state. From the analysis of the surveying, Shea makes two major conclusions concerning the rise and effects of LCCs on state and local politics.

First, Shea finds that state legislative campaign committees "should be considered distinct organizations, at best nominally linked to traditional geographic party organizations." (p. 166) Their relative autonomy allows them to operate as campaign machines, focused only on the current election, rather than contributing to the less transitory goals of the party. Shea argues that LCC operators are "part of a new breed of campaign consultants whose interests extend no further than the election at hand." (p. 171) Through his surveys, Shea finds that perception of the legislative campaign committee's function and position in relation to the state party depends on the amount of contact party leaders

have with the LCC. A majority of state party leaders correctly believe that the LCCs are not part of their organizations, while most county chairs believe that they are. Local party leaders are less likely to be familiarized with the legislative campaign committees because they would only have contact with them if their district were targeted by the LCC.

Second, *Transforming Democracy* rejects the traditional explanation that LCCs result from weakened party organizations and a more competitive political environment. Rather, Shea claims that the professionalization of legislatures and the increased amount of special interest money available to state officials, has "helped legislative leaders, as political entrepreneurs, establish LCCs." (p. 167) Therefore, LCCs were not caused by a vacuum in party fundraising machinery. Rather, they were formed in order to allow legislators to operate independently of the state party and for their caucus' benefit rather than the party's.

As the author acknowledges in his conclusion, *Transforming Democracy* is only the beginning of research into state legislative campaign committees. One of the questions left to be explored, which is of particular interest to scholars of intergovernmental relations, is the effects of LCCs on local government party organizations. First, will candidate-centered LCCs hurt party building exercises at the state and local level? Second, having extended from the federal level to the state level, are the LCCs going to surface at the local level as well? Shea argues that it is possible, if local and county races become increasingly expensive, and the offices become professionalized. He correctly worries that the direct link that local parties provide between citizenry and public officials may be endangered if "myopic, level- and office-specific campaign organizations" surface in local elections

*J. Wesley Leckrone*  
*Temple University*

## Recent Publications

**Fino, Susan P.** *The Michigan State Constitution: A Reference Guide.* Westport, CT: Greenwood Press. 1996. and **William P. McLaughlan.** *The Indiana State Constitution: A Reference Guide.* Westport, CT: Greenwood Press. 1996.

These two volumes are the latest in the "Reference Guides to the State Constitutions of the United States" series which is edited by G. Alan Tarr. While the histories and political cultures of the states are different, with Michigan framing four constitutions, the most recent in 1962, and Indiana having only replaced its constitution once, in 1851, the series examines them with the same model. The constitutional history of Michigan and Indiana is explored and then a detailed deconstruction of the text of the constitutions is undertaken.

**Lieberman, Carl, Editor.** *Government, Politics and Public Policy in Ohio.* Akron, OH: Midwest Press, Inc. 1995.

*Government, Politics and Public Policy in Ohio* is an edited volume that explores the political culture, institutions, decision makers and public policy of Ohio. The book is useful not only as a case study of Ohio, but also for its ability to connect the state's politics to the larger issues of American political science such as intergovernmental relations, interest groups and political parties.

**States and Tribes: Building New Traditions.** Washington, DC: National Conference of State Legislatures. November 1995.

This report from the National Conference of State Legislatures Task Force on State-Tribal Relations seeks to address one of the most ambiguous areas facing the American system of intergovernmental relations: government-tribal relations. Traditionally, tribes have dealt primarily with the federal government. However, in recent years, states have settled controversies with tribes by entering into intergovernmental compacts. Unfortunately, the lack of a legal and historical foundation between tribes and states has lead the Task Force to declare that "[b]ecause of ill-defined relationships and imprecise definitions of regulatory authority, state and Indian tribal governments are often on their own to work out one-to-one arrangements." *States and Tribes* attempts to rectify this deficiency by studying state-tribe cooperation on health, education, economic, taxation and environmental issues. The Task Force concludes that the federal government should encourage state-tribal agreements to clarify and resolve conflicts. It also promotes new state legislation to increase the ability of state agencies to negotiate and make compacts with Native American tribes.

**Ayers, Edward, et.al. All Over the Map: Rethinking American Regions. Baltimore: Johns Hopkins University Press. 1996.**

How are regions defined? This is the question posited by four scholars in this brief study of American regionalism. Edward L. Ayers and Peter S. Onuf answer by arguing that a "dialectic of space and time, mobility and nostalgia has shaped our understanding of the role of regions in American history." These two authors, in tandem with Patricia Nelson Limerick and Stephen Nissenbaum, find that Americans in general, and historians in particular, have dealt with regionalism as a static concept, locking sections of the country into a stereotype of their past. *All Over the Map* seeks to move past this misconception and formulate a new view that defines regions as "complex and unstable constructions, generated by constantly evolving systems of government, economy, migration, events and culture." Several case studies are undertaken, as the authors explore the formation of regional identity in post-Revolutionary and antebellum America, and the myths and realities of New England and Southern culture. The book is concluded with a discussion of regionalism and reason.

Deadline for the Winter Issue  
of the *Federalism Report* is

January 15, 1997

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contributions from its readers.

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## Worth Repeating

**U.S. Senate, Committee on  
Governmental Affairs  
March 21, 1996**

### *Testimony of John Kincaid*

Thank you Mr. Chairman. My name is John Kincaid. I am the Robert B. and Helen S. Meyner Professor of Government and Public Service at Lafayette College, Easton, Pennsylvania, and former Executive Director of the U.S. Advisory Commission on Intergovernmental Relations, Washington, D.C. (1988-94).

I appreciate the opportunity to testify before this committee in general support of the proposed bill entitled the "Tenth Amendment Enforcement Act of 1996." My authority to present this testimony is that of a citizen. I represent no institution, interest group, or political party. I have had a long-standing interest in federalism as a citizen; I co-edit an academic journal, *Publius: The Journal of Federalism*, which marked its 25th anniversary last year; I have written on matters of federalism; and I had the privilege of chairing the Scholars Advisory Committee to the Federalism Summit held last October.

#### **Restoring Balance and Cooperation in the Federal System**

In my view, this bill is a very positive, if modest, step forward toward restoring a better balance of power and responsibility in our federal system. The bill is also a very healthy step backward toward a recovery of the substance and spirit of cooperative federalism that once prevailed in relations between the federal government and the states.

Cooperative federalism was wedged into a small corner of the political universe in the late 1960s by the emergence of an era of coercive federalism, which continues today. I refer to this era as one of coercive federalism because federal policy making for the past 30 years has been marked by unprecedented intrusions into the affairs of state and local governments, mainly through conditions attached to federal grants-in-aid, mandates placed on state and local governments, and preemptions of state and local powers. The Congress has enacted more explicit preemptions of state powers since 1969 than it did from 1789 to 1969. More mandates and conditions of aid have been enacted by the Congress during the past 30 years than during the previous 177 years of our federal history. In addition, we have seen the federal government enter huge fields of domestic law previously reserved to our state and local governments, such as the astonishing federalization of criminal law during the

past three decades. Furthermore, the United States Supreme Court has generally deferred to this congressional construction of coercive federalism, as reflected in the court's 1985 holding in *Garcia v. San Antonio Metropolitan Transit Authority* on the Tenth Amendment and in the Court's ruling in *South Dakota v. Dole* (1987) on conditions of federal aid.

If our forbears from George Washington to John F. Kennedy managed not merely to get along for 170-some years, but to build the greatest civilization in the history of the world, without all of these conditions, mandates, preemptions, and other paraphernalia of federal power, then why have we needed them for the past 30 years? What happened in the late 1960s to make the members of Congress suddenly so much wiser, more virtuous, and more enlightened than the great men and women who had served in Congress during the previous 170-some years? And what happened to make the legislative judgments of the 535 members of Congress suddenly so superior as to justify their displacement of the legislative judgments of the thousands of people elected to our state legislatures, county commissions, and city councils?

There was no constitutional change in the 1960s to bring about this transformation. Instead, what happened was K. Street, television, political action committees, and the politics of ambition. Special interests stormed the constitutional ship and sent it careening through the harbor of federalism, swamping the state and local boats engaged in the day-to-day business of keeping the country afloat.

Meanwhile, public trust and confidence in the federal government plummeted during this 30-year period of coercive federalism, and spilled over into public distrust of all governments in our federal system. The federal government has run an unprecedented string of annual budget deficits since 1968. Real wages have essentially stagnated for most Americans, and our economy has been jolted by many shocks from global competition. Citizens feel less safe and snug in their homes than they did 30 years ago, and we feel less confident about the future. So many issues have become nationalized that our political process has become polarized and embittered in the white heat of interest-group competition inside the beltway. From what, then, has all this frenetic federal activity rescued us?

Every measure taken to assert federal power during this era of coercive federalism has ardent defenders, and every measure has been justified as good for the country. Indeed, we have realized important benefits from these measures, not the least of which is a new level of individual rights protection of historic significance. But like medication, two pills are not necessarily better than one pill. The federal government has popped so many power pills during the past 30 years, all in the name of one or another cure-all, that our federal system has gone into convulsion.

We need, therefore, to restore the health of the federal government and of our state and local governments at the same time.

### **A Hamiltonian Federal Government Harnessed to a Madisonian Constitution**

I hesitate to bring up the name of Alexander Hamilton in this context, but I support the intentions of this bill because I believe that it represents a step toward a Hamiltonian federal government harnessed to a Madisonian Constitution. We need, as the Founders argued, an energetic federal government. To achieve this objective, the people of the states delegated to the federal government powers relevant to the fundamental, general interests of all Americans and their several states. The U.S. Constitution gives the federal government a rather focused mission and the power to carry out the mission while reserving, as the Tenth Amendment reiterates, all other powers of government a general police power, and the Congress was not intended to function like a super city-council attending to every pothole in the body politic.

The bill also addresses the predicament of the states following the *Garcia* decision in which the Court opined that the states must rely on the national political process rather than on judicial enforcement of the Tenth Amendment to protect their powers in the federal system. This bill, if enacted, would resuscitate federalism in the legislative process, at least as a key point of debate, and perhaps nudge U.S. Supreme Court to advance what is already a newly emerging, but still hesitant, jurisprudence of federalism.

The bill is also important for its provisions on preemption, an exponentially growing body of federal law which, until recently, went largely unnoticed and unaddressed by students of federalism and by actors in the federal system. The bill incorporates some key concepts stemming from recommendations made by the U.S. Advisory Commission on Intergovernmental Relations (ACIR) about five years ago and from the "Preemption Clarification and Information Act" introduced into the Senate by Senators Carl Levin and David Durenberger in 1991.

### **The Necessary and Proper Congressional Conduct Act of 1996**

I do, however, have reservations about the title of the bill. The "Tenth Amendment Enforcement Act" sends an overly broad and somewhat misleading signal. In my view, the bill actually goes more to the necessary and proper clause in Article I of the Federal constitution than to the Tenth Amendment. In essence, the bill very nicely points the Congress back to its limited, delegated powers, which are interpreted through the prism of the necessary and proper clause. The bill does not, and cannot, guarantee enforcement of the Tenth Amendment; instead, it seeks to guarantee due consideration of the constitutional limits of federal power.

within the federal system, which is already an obligation of the necessary and proper clause. The Congress is not limited to its expressly delegated powers, but it is obligated to limit its lawmaking to measures necessary and proper for executing its elevated powers. This is, in the final analysis, a matter of self-restraint, something the Congress was generally able to exercise for some 170 years. Given that the Congress has had difficulty restraining its appetite for the past 30 years, this bill is, perhaps, a necessary dietary regimen.

The Congress rarely considers the constitutional limits on its powers, and it too often neglects to consider the prudential limits on its powers as well. Even when the Congress can be said to have the constitutional authority to act, state governments may be better suited to legislate on certain matters. A key policy making question in our federal system is not simply whether government should act on a particular matter but, equally important, which government--federal or state--should act on that matter. By directing Congress to address the constitutional basis and prudential wisdom of its actions, therefore, this bill might more accurately be called "The Necessary and Proper Congressional Conduct Act of 1996." I believe that a message of self-discipline and self-restraint would resonate better with the sentiments of the general public.

### Section 3.

#### Congressional Declaration of Constitutional Authority

Section 3 would require the Congress to investigate, identify, and declare the constitutional base of its authority to enact any particular statute. This is a matter of no little significance, given the Congress's general inattention to constitutional matters for federalism in recent decades.

One concern, though, is whether the required declarations of constitutional authority will simply become *pro forma* boilerplate statements needed to avoid a point-of-order challenge. If a majority of either house of the Congress is intent on passing a bill, boilerplate language will likely be accepted as compliance with this bill. The point-of-order rule in Section 4 applies only in the absence of a declaration of constitutional authority, not to incorrect or questionable declarations of constitutional authority--although such questionable declarations would likely trigger debate on the floor of the House and the Senate. Nevertheless, it might be advisable to beef up paragraph(b) of Section 3 along the lines

suggested by the Federalism Summit so as to elicit more thorough factual findings and federalism impact assessments from congressional committees.

We can probably assume that unless the Congress directs the courts to the contrary (which the draft bill does not do), the courts will be free to uphold a federal statute on any basis. Even if the Congress attempted to direct the courts to the contrary, the courts might refuse to be bound by the Congress's direction. However, the courts might very well uphold statutes on grounds not identified by the Congress. More likely, though, so long as the Congress does not attempt to direct the courts, the courts will be fairly deferential to congressional identifications of its constitutional authority, and will be reluctant to uphold statutes on grounds not identified by the Congress.

*If our forbears from George Washington to John F. Kennedy managed not merely to get along for 170-some years, but to build the greatest civilization in the history of the world, without all of these conditions, mandates, preemptions, and other paraphernalia of federal power, then why have we needed them for the past 30 years?*

A deeper concern for state and local government is whether the proposed statute will lead to expansive constructions of federal power both in the Congress and in the courts. Although the bill admonishes the Congress to recognize its limited powers, "limits" lie in the eye of the beholder, and congressional perceptions of such limits may be

more expansive the state or public perceptions of those limits. Federal statutes, moreover, ordinarily come to the courts with a presumption of constitutionality, and if the elected representatives of the people in Congress can be said to have investigated, interpreted, and declared under this bill what they regard as their constitutional authority for any particular enactment, the courts would be pressed to uphold the Congress's determination. If congressional declarations of authority become boilerplate, it might be all that much easier for the courts to uphold broad constructions of congressional power. Of course, no one knows for sure how the dynamic between the Congress and the Supreme Court might develop pursuant to this proposed statute; hence, we cannot be certain of the outcome of the bill's required declaration of constitutional authority.

### Section 4.

#### Point of Order on Constitutional Authority Declaration

The point of order adds considerable strength to the bill's fundamental requirement that members of Congress pay attention to their constitutional authority to act on any particular matter.

The super-majority requirement in Sec. 4(a)(2) gives the bill teeth, although it may be a hurdle to enact because the Congress has generally been unwilling to hold itself to super-majority rules, and did not do so in the



point of order incorporated the Unfunded Mandates Reform Act of 1995. However, given that the rule itself could be overturned by a simple majority vote of the House or the Senate, the three-fifths rule is wholly reasonable. Furthermore, I believe that regardless of the super-majority question, the Congress could always pass a statute by a simple majority in disregard of this bill, and there would be no judicial remedy.

Consideration should be given, however, to requiring a recorded roll-call vote to waive or suspend the constitutional declaration requirement so as to ensure transparency and accountability on important questions of federalism.

### Section 5.

#### Executive Preemption of State Law

Section 5 of the bill is an important provision because it addresses the problem of implied preemptions of state powers by federal agencies. The section follows upon the recommendation of the Federalism Summit and earlier recommendations made by ACIR. The provision is intended to ensure that preemptive rule-making by executive departments and agencies, as well as independent agencies, does not exceed the intended preemption explicitly stated in federal statutes or exceed preemptions needed to resolve clear and unavoidable conflicts between federal and state law.

Sec. 5, 8560(a) is intended to establish standards for executive preemptions of state law in light of the inherent difficulty of articulating a clear and definitive standard for such preemption. The language is somewhat vague, but it may be the best that can be achieved under circumstances and without an unduly cumbersome list of criteria.

The provision in paragraph (b) is intended to alert federal regulators as well as state and local officials of the intended scope of any regulatory preemption and also to prevent creeping preemption through gradually expanding bureaucratic interpretations of rules and regulations. It may sometimes be difficult to describe the intended scope of preemption precisely, but executive departments and independent agencies should make good-faith effort to do so.

In paragraph (c), which is intended to ensure a state and local voice in rule-making consideration should be given to exempting these proceedings from the federal Advisory Committee Act, which can be a barrier to effective state and local participation in rule-making.

Paragraph (e) requiring periodic department or agency review of preemptive rules and regulations is quite useful. Without such review, rules and regulations can become inert and obstructive of progress in a dynamic society. Given that the bill would not apply retroactively to current agency constructions of current statutes, this review process would at least enable agencies to reconsider long-

standing rules and regulations in light not only of their continuing utility but also of the objectives of this bill.

### Section 6.

#### Construction

Section 6 reflects and reinforces a recent trend on the U.S. Supreme Court to construe federal statutes more narrowly than in the recent past and in a manner that reduces undue federal interference with state law. This provision, I believe, would be judicially enforceable. At the very least, it would direct, though probably not require, the courts to interpret federal statutes and administrative rules in ways that preserve state authority whenever possible.

Paragraph (a) of this section, moreover, would apply only to statutes enacted, or rules adopted, after the effective date of the provision's enactment. This prospective approach avoids unsettling expectations in many areas, such as the relationship between state and federal securities laws, that could spawn widespread litigation or have damaging effects on existing contracts and other standing arrangements. Paragraph (b) would apply to current laws, though only to ambiguities in current law; consequently, it is not likely to have an unsettling effect on standing law.

Another approach here, however, would be to require the inclusion of this bill's rule of construction in every future statute or to allow a point of order to lie against any bill or resolution not containing such a rule of construction. The point of order would be judicially enforceable, but the rule of construction included in future statutes would be judicially enforceable.

This is an important consideration because it is not clear whether the general statutory rule of construction in Section 6 directing the courts to construe all future federal laws narrowly in order to preserve state powers will be regarded as binding on future Congresses, be taken seriously by the courts, or be any more effective than the Tenth Amendment's existing rule of construction. Like the Tenth Amendment, the U.S. Supreme Court might interpret such a statutory rule of construction as a "mere truism."

### Conclusion

In summary, I support the basic intentions of this bill as a modest but important step toward revitalizing our federalism and reviving our rights of state and local self-government, which were never delegated to the federal government in the first place.



## CSF REPRINTS AVAILABLE

Readers may request the following reprints directly from the Center.

Elazar, Daniel J. "International and Comparative Federalism," *PS: Political Science and Politics*, 1993 (vol. xxvi, no. 2), pp. 190-195.

Hueglin, Thomas O. "Johannes Althusius and the Modern Concept of Civil Society" (from Bibic, A. and G. Graziano, editors; *Civil Society, Political Society, Democracy* (Ljubljana: Slovenian Political Science Association 1994).)

\_\_\_\_\_. "Have we Studied the Wrong Authors? On the Relevance of Johannes Althusius," *Studies in Political Thought*, 1992 (vol. 1, no. 1) pp. 75-93.

Howard, A. E. Dick. "Protecting Human Rights in a Federal System," from *Comparative Constitutional Federalism*, edited by Mark Tushnet.

\_\_\_\_\_. "The Values of Federalism," *New Europe Law Review*, 1993 (vol. 1, no. 2), pp. 143-162.

\_\_\_\_\_. "The Renaissance of State Constitutional Law," *Emerging Issues in State Constitutional Law*, 1988 (vol. 1, no. 1, pp. 1-15.)

Kincaid, John. "Constitutional Federalism: Labor's Role in Displacing Places to Benefit Persons," *PS: Political Science and Politics*, 1993 (vol. xxvi, no. 2), pp. 186-189.

Krane, Dale A. "American Federalism, State Governments, and Public Policy: Weaving Together Loose Theoretical Threads," *PS: Political Science and Politics*, 1993 (vol. xxvi, no. 2), pp. 186-189.

Liebschutz, Sarah F. "Fiscal Dependence and Revenue Enhancement Opportunities for Local Governments in the United States," Presented at the International Conference on Local Autonomy, Tokyo, Japan, May 23-26, 1996.

Marc, Alexandre. "Dialogue Avec La Science," *Extrait de L'Europe en Formation*, no. 273, automne-hiver 1988.

Pulmer, Kenneth T and G. Thomas Taylor "Maine in the 104th Congress: Life without Mitchel," *Maine Policy Review*, 1995 (June, vol. 4, no 1), pp. 33-42.

Savage, Robert L. "The Appearances of Realignment and Dealignment in Arkansas," *The South's New Politics: Realignment and Dealignment*, Robert H. Swansbrough and David Brodsky, editors (Columbia: University of South Carolina Press, 1988), pp. 126-140. With Diane D. Blair.

\_\_\_\_\_. "Constructing and Reconstructing the Image of Statecraft: The Rhetorical Challenges of Gubernatorial Transitions," *Political Communication Yearbook 1984*, Keith R. Sanders, Lynda Lee Kaid, and Dan Nimmo, editors (Carbondale: Southern Illinois University Press, 1985), pp. 242-261, 313. With Diane D. Blair.

Schwarzer, William W. and Russell R. Wheeler, *On the Federalization of the Administration of Civil and Criminal*, (Federal Judicial Center 1994).

Shannon, John. *Reflections on the Fourth State of Federalism: The Moderating Power of the Middle Class*, (Washington: Urban Institute, 1994).

Tarr, G. Alan. "Understanding State Constitutions," *Temple Law Review*, 1992 (vol. 65, no. 4), pp. 1169-1195.

Williams, Robert F. "State Constitutional Law Processes," *William & Mary Law Review*, 1983 (vol. 24, no. 2), pp. 171-227.

\_\_\_\_\_. "State Constitutionalism: Completing the Interdisciplinary Study of Constitutional Law and Political Theory," *Perspectives on Political Science*, Summer 1993 (vol. 22, no. 3) pp. 110-115.

Yoo Jae-Won and Deil S. Wright. "The Changing Character of Intergovernmental Management: Measuring Perceived national Influence at the State Level in Federal Aid Programs, 1978 and 1988," paper presented at APSA, Chicago Illinois, September, 1992.

Zimmerman, Joseph F. "Congressional Regulation of Subnational Governments," *PS: Political Science and Politics*, 1993 (vol. xxvi, no. 2), pp. 177-180.

\_\_\_\_\_. "Overview of Voting Rights Law," *Communities & The Voting Rights Act* (Denver: National Civic League, 1996), pp. 8-16.

\_\_\_\_\_. "The Changing Legal Competence of Local Governments in the United States," *Home Rule & Civil Society*, 1996 (no. 7), pp. 123-136.

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#### Articles

The State of American Federalism, 1995-1996  
**Carol S. Weissert and Sanford F. Schram**

Regulatory Reform in the 104th Congress: Revolution or Evolution  
**Rosemary O'Leary and Paul Weiland**

Deficits and Devolution in the 104th Congress  
**R. Kent Weaver**

Block Grants: A Perennial, but Unstable Tool of Government  
**Paul L. Posner and Margaret T. Wrightson**

The Impact of U.S. v. Lopez on Intergovernmental Relations: A Preliminary Assessment  
**Kenneth T. Palmer and Edward B. Lavery**

Splitting the Atom of Sovereignty: Terms Limits, Inc.'s, Conflicting Views of Popular Autonomy in a Federal Republic  
**Cynthia L. Cates**

Federal Cutbacks and the Fiscal Condition of the States  
**Bruce A. Wallin**

Quebec Confronts Canada: Two Competing Societal Projects  
Searching for Legitimacy  
**Alain-G. Gagnon and Guy Lachapelle**

#### Book Reviews

# THE COVENANT LETTER

• *A Periodic Supplement to the Federalism Report* •

The Center's longstanding publication, *The Covenant Letter*, will appear in the pages of the *Federalism Report* as an added feature. This current supplement consists of two selected bibliographies of a timely nature that should prove of interest to our readers.

## Bill Clinton and the "New Covenant"

1992 Democratic Platform: "A New Covenant with the American People". Washington, DC: Democratic National Committee. 1992.

Balz, Dan. "Jackson Preaches the Challenge of Clinton's Covenant: Bill Clinton Attends a Sermon Delivered by Jesse Jackson". *The Washington Post*. November 23, 1992, p. A1.

Barela, John. *The New Covenant of Bill Clinton and Al Gore: Neo-Pagan Fundamentalism and the New Politics*. Tulsa, OK: Mark 4 Publications. 1992.

Barnes, Fred. "The New Covenant". *The New Republic*. Vol. 207, No. 20 (November 9, 1992).

Clinton, Bill. *Empowerment, A New Covenant with America's Communities: President Clinton's National Urban Policy Report*. Washington, DC: U.S. Department of Housing and Urban Development. 1995.

"Covenant or Contract? Republican and Democratic Visions for the Future". *The Christian Science Monitor*. January 26, 1995, p. 18.

De Witt, Karen. "Teacher Inspired Clinton's 'New Covenant': Bill Clinton's History Teacher, Carroll Quigley, Helped Form his Political Meas". *The New York Times*. July 17, 1992, P. A12 (N) and P. A15.

Duke, Lynn. "Minorities to Monitor 'Covenant': National Rainbow Coalition to Monitor President Bill Clinton's Campaign Promise of a 'New Covenant' with the American People". *The Washington Post*. P. A16.

Excerpts from the Platform: "A 'New Covenant' with Americans: Democratic Party Platform. From the Democratic National Convention". *The New York Times*. July 15, 1992, P. A10.

Galston, William. "Student Aid for National Service: President Clinton's New Covenant for Educating America". *AAHE Bulletin*. Vol. 45, No. 9, (May 1993).

Harris, John E. "President Defends His Activism, Georgetown Speech Avoids Policy Details; Bill Clinton Declares a New Covenant Between the Government and the People". *The Washington Post*, July 7, 1995, p. A4.

Kaslow, Amy. "Democrats Fashion Broad Platform; Clinton and Party Offer 'New Covenant' to American Voters: Democratic Presidential Candidate Bill Clinton; Democratic National Convention Espouses Economic Growth in Lieu of Wealth Redistribution." *The Christian Science Monitor*. July 14, 1992, p. 1.

Meyer, Philip. "Issues and Themes. Spiral of Delegitimation or New Social Covenant". in *The Elections of 1992*. Washington, DC: CQ Press. 1993.

Patterson, Orlando. "Our History vs. Clinton's Covenant: President Elect Bill Clinton's Election Holds Hope for American Dream." *The New York Times*. November 13, 1992. P. A15(N), p. A29 (L).

Pinkerton, James E. "Raiders of the Lost New Covenant: State of the Union Address by President Clinton". *Los Angeles Times*. January 26, 1995, p. B7.

Purdum, Todd S. "Clinton Calls for Sharing Responsibility in Stressing Themes of G.O.P. and of '92; Few New Goals: State of the Union Talk Revives notion of a 'New Covenant'". The New York Times. January 25, 1995, p. A1.

Richter, Paul and Marc Lacey. "Clinton Calls for a 'New Covenant'". Los Angeles Times. January 17, 1995, p. B1.

Tobias, Carl. "Keeping the Covenant on the Federal Courts: The Clinton Administration's Judicial Appointments". The Christian Science Monitor. February 14, 1994, p. 23.

McNichol, Tom. "The New Co-Dependent Covenant: Reflections on Bill Clinton as Baby Boomer Covenant". The Washington Post. February 28, 1993, p. C1.

Tobias, Carl. "President Clinton's Covenant and the Federal Courts". Denver Law Review. Vol. 71, no. 1. 1993.

Toner, Robin. "Perot Quits Race, Leaving Two-Man Field; Clinton Vows Change and 'New Covenant' as he and Bush Court Abandoned Voters". The New York Times. July 17, 1992, p. A1.

Wieseltier, Leon. "Washington Diarist: Covenant and Burling". The New Republic. Vol. 208, No. 5, (February 1, 1993).

Readers who have items related to the idea of covenant that may be of interest and worth including in a future *Covenant Letter* supplement to the *Federalism Report*, are encouraged to submit it to the Editor. Address your submissions to Paul Neal at the Center.

### Current Material on Covenant

Adams, James Luther. *Mediating Structures and the Separation of Powers*. Philadelphia: Workshop on Covenant and Politics and the Center for the Study of Federalism. 1981.

Akenson, Donald H. *God's Peoples: Covenant and Land in South Africa, Israel and Ulster*. Montreal: McGill-Queen's University Press. 1992.

Alleine, Joseph. *The Voice of God in His Promise, or Strong Consolation for True Christians: Being the Substance and Spirit of the Covenant of Grace*. Leeds: A. Newsom. 1797.

Arens, Moshe. *Broken Covenant: American Foreign Policy and the Crisis Between the U.S. and Israel*. New York: Simon and Schuster. 1995.

Baker, J. Wayne. "The Covenantal Basis for the Development of Swiss Political Federalism: 1291-1848", in *Publius*. Vol. 23, No. 2, (Spring 1993).

Bellah, Robert Neely. *The Broken Covenant: American Civil Religion in Time of Trial*. Chicago: University of Chicago Press. 1992.

Bosworth, David. "Killing the Covenant: The Savage Idolatry of the New World Order". *The Georgia Review*. Vol. XLVIII, No. 3, Fall 1994.

Christiansen, Ellen Juhl. *The Covenant in Judaism and Paul: A Study of Ritual Boundaries and Identity Markers*. Leiden and New York: E.J. Brill. 1995.

Covenant, Charter and Part: *Traditions of Revolt and Protest in Modern Scottish History*. Aberdeen, TX: Aberdeen University Press. 1989.

Covenants, Compacts and Contracts. *Workshop on Covenant and Politics and the Center for the Study of Federalism*. 1979.

"Covenant, Polity and Constitutionalism". *Publius*. Vol. 10, No. 4, (Fall 1980).

Eisen, Robert. *Gersonides on Providence, Covenant and the Chosen People: A Study in Medieval Jewish Philosophy and Biblical Commentary*. New York: State University of New York Press. 1995.

Elazar, Daniel J. *Covenant in the Jewish Political Tradition: Chapters 1 through 5 of the Covenant Idea in Politics*. Ramat-Gan, Israel: The Senator N. M. Paterson Chair, Bar-Ilan University, Department of Political Studies and the Center for Jewish Community Studies. 1983.

Elazar, Daniel J. *Federalism and Covenant*. Philadelphia, PA: Workshop on Covenant and Politics and Center for the Study of Federalism. 1980.

Elazar, Daniel J. *The Almost-Covenanted Polity*. Israel: Bar-Ilan University Department of Political Science and the Center for Jewish Community Studies. 1982.

Elazar, Daniel J. *Covenantal Teachings on Language and Family: The Biblical Perspective as Reflected in the First Nine Chapters of Genesis*. Philadelphia, PA: Workshop on Covenant and Politics and the Center for the Study of Federalism.

Elazar, Daniel J. *From Biblical Covenant to Modern Federalism, The Federal Theology Bridge*. Philadelphia: Workshop on Covenant and Politics and the Center for the Study of Federalism. 1980.

Elazar, Daniel J. *Covenant and Polity in Biblical Israel: Biblical Foundations and Jewish Expressions. Volume I of the Covenant Tradition in Politics*. New Brunswick: Transaction Publishers. 1995.

Elazar, Daniel J. *Covenant and Commonwealth: From Christian Separation Through the Protestant Reformation. Volume II of the Covenant Tradition in Politics*. New Brunswick: Transaction Publishers. 1996.

Elazar, Daniel J. *The Almost Covenanted Polity*. Philadelphia, PA: Workshop on Covenant and Politics and the Center for the Study of Federalism. 1982.

Elazar, Daniel J. Ed. *Covenant in the 19th Century: The Decline of an American Political Tradition*. Lanham, MD: Rowman and Littlefield Publishers. 1994.

Foster, Marshall. *The American Covenant: The Untold Story*. Thousand Oaks, CA: Foundation for Christian Self-Government. Mayflower Institute. 1983.

Freeman, Gordon M. *Jewish Family Covenanting*. Philadelphia: Workshop on Covenant and Politics and the Center for the Study of Federalism. 1981.

Freeman, Gordon. *The Process of Covenant*. Philadelphia: Workshop on Covenant and Politics and the Center for the Study of Federalism. 1980.

Gerstner, Jonathan Neil. *The Thousand Generation Covenant: Dutch Reformed Covenant Theology and Group Identity in Colonial South Africa, 1652-1814*. Leiden, New York: E. J. Brill. 1991.

Guardeau, John L. *The Federal Theology: Its Import and its Regulative Influence*. Greenville, SC: Reformed Academic Press. 1994.

Goldscheider, Calvin. "The Idea of Covenant in Jewish and American Thought: A Suggestion for Creative Interchange." from *What is American about the Jewish Experience?* Williamsburg, VA: Department of Religion, College of William and Mary. 1993.

Greenston, J. David. "Lincoln's Political Humanitarianism: Moral Reform and the Covenant Tradition". in *The Lincoln Persuasion: Remaking American Liberalism*. Princeton, NJ: Princeton University Press. 1993.

Greenstone, David J. *Covenant, Process and Slavery in the Thought of Adams and Jefferson*. Philadelphia: Workshop on Covenant and Politics and the Center for the Study of Federalism. 1986.

Griffioen, Sander. "The Metaphor of the Covenant in Habermas' Faith and Philosophy." *Journal of the Society of Christian Philosophers*. Vol. 8, no. 4, October 1995.

Grundmann, Fred. *Exodus: by His Mighty Hand*. St. Louis: CPH. 1995.

Gwyn, Douglas. *The Covenant Crucified: Quakers and the Rise of Capitalism*. Wallingford, PA: Pendle Hill Publications. 1995.

Hahn, Scott. *Kinship by Covenant: A Biblical Theological Study of Covenant Types and Texts in the Old and New Testaments*. Ph.D. Dissertation: Marquette University. 1995.

Hatheway, Jay. "The Puritan Covenant II. Anti-Modernism and the 'Contract with America'". *The Humanist*. Vol. 55, No. 4. July 1995.

Hazeton, John E. *Hold Fast!: A Sketch of Covenant Truth and Its Witnesses*. London: Robert Banks and Son. 1909.

Hughson, Shirley Carter. *The Approach to God: A Study of the Covenant of Prayer*. Westpark, NY: Holy Cross Press. 1957, 1932.

Ingram, Brett. *Covenant and Challenge: Reflections on Ulster's Identity*. Lurgan Co., Armagh: New Ulster Publications 1989.

Lutz, Donald. *Dimensions of Liberty in the U.S. Constitution and Covenantal Contributions*. Philadelphia: Workshop on Covenant and Politics and the Center for the Study of Federalism. 1982.

Marshall, Jay W. *Israel and the Book of the Covenant: An Anthropological Approach to Biblical Law*. Atlanta: Scholars Press. 1993.

McCoy, Charles S. *History, Humanity and Federalism in the Theology and Ethics of Johannes Cocceius*. Philadelphia: Workshop on Covenant and Politics and the Center for the Study of Federalism. 1980.

McCoy, Charles S. *Fountainhead of Federalism: Heinrich Bullinger and the Covenantal Tradition*. Louisville, Ky: Westminster/John Knox Press. 1991.

McGowan, Andrew Thomas Blake. *The Federal Theology of Thomas Boston (1676-1732)*. Ph.D. Dissertation: University of Aberdeen. 1989.

McLean, Stuart D. *The Covenant and Pre-Marital Sex*. Philadelphia: Workshop on Covenant and Politics and the Center for the Study of Federalism. 1981.

McLean, Stuart D. *A Functional-Relational Understanding of Covenant as Distinctive Metaphor*. Philadelphia: Workshop on Covenant and Politics and the Center for the Study of Federalism. 1980.

Moltmann, Jurgen. "Covenant or Leviathan? Political Theology for Modern Times". *Scottish Journal of Theology*. Vol. 47, no. 1. 1994.

Niehaus, Jeffrey Jay. *God at Sinai: Covenant and Theory in the Bible and Ancient Near East*. Grand Rapids, MI: Zondervan. 1995.

O'Neill, John. *The Missing Children in Liberal Theory: Towards a Covenant Theory of Family, Community, Welfare, and the Civic State*. Toronto: University of Toronto Press. 1994.



Peacock, John. *Covenant, Body Politics and the Great Migration*. Philadelphia: Workshop on Covenant and Politics and the Center for the Study of Federalism. 1980.

Politics and Theopolitics in the Bible and PostBiblical Literature. Sheffield, England: JSOT Press. 1994.

Poole, David N. J. *Stages of Religious Faith in the Classical Reformation Tradition: The Covenant Approach to the Ordo Salutis*. Lewiston, NY: Edwin Mellen Press. 1995.

Powers, Possessions, and Freedom: Essays in Honour of C. B. Macpherson. Toronto: University of Toronto Press. 1979.

Reich, Bernard. *Securing the Covenant: United States-Israel Relations After the Cold War*. Westport, CT: Praeger. 1995.

Riemer, Neal. *Creative Breakthroughs in Politics*. Philadelphia: Workshop on Covenant and Politics and the Center for the Study of Federalism. 1981.

Riemer, Neal. *1776 and the Tradition of Prophetic Politics*. Philadelphia: Workshop on Covenant and Politics and the Center for the Study of Federalism. 1981.

Riemer, Neal. *Covenant and Constitution*. Philadelphia: Workshop on Covenant and Politics and the Center for the Study of Federalism. 1980.

Rohrer, James R. *Keepers of the Covenant: Frontier Missions and the Decline of Congregationalism, 1774-1818*. New York: Oxford University Press. 1995.

Rothman, Rozan. *The Impact of Covenant and Contract theories on Conceptions of the Constitution*. Philadelphia: Workshop on Covenant and Politics and the Center for the Study of Federalism. 1980.

Rothman, Rozan. *Breach or Covenant: Melville's Questions about Science*. Philadelphia, PA: Workshop on Covenant and Politics and the Center for the Study of Federalism.

Sabetti, Filippo. *Covenantal Language in Canada: Continuity and Change in Political Discourse*. Philadelphia, PA: Workshop on Covenant and Politics and the Center for the Study of Federalism. 1980.

Schwartzentruber, Mary Mae. *The Development of the Sex Laws in the Covenant Codes*. Elkhart, IN: M.M. Schwartzentruber. 1993 (Student Paper)

Shanley, Mary Lyndon. *The Marriage Contract in Nineteenth Century Political Thought: Jeremy Bentham and John Stuart Mill*. Workshop on Covenant and Politics and the Center for the Study of Federalism. 1981.

Shapiro, Robert J. "A New Covenant for Reforming Entitlements" *The Responsive Community*. Volume 3, No. 1 (Winter 1992-1993), pp. 10-14.

Sherrill, Rowland A. *The Americanization of the Covenant*. Philadelphia, PA: Workshop on Covenant and Politics and the Center for the Study of Federalism. 1986.

Spear, Robert K. *Creating Covenant Communities*. Leavenworth, KS: Universal Force Dynamics Publishers. 1993.

Spender, Peter. *The Camp David Covenant*. Richmond, Victoria: William Heinemann Australia. 1989.

Strehle, Stephen. *Calvinism, Federalism and Scholasticism: A Study of the Reformed Doctrine of Covenant*. New York: P. Lang. 1988.

Sturm, Douglas. *Corporations, Constitutions and Covenants: On Forms of Human Relation and the Problem of Legitimacy*. Philadelphia: Workshop on Covenant and Politics and the Center for the Study of Federalism. 1979.

Bratt, James D. *Covenant and Family Among Dutch Americans*. Philadelphia: Workshop on Covenant and Politics and the Center for the Study of Federalism. 1981.

Summoning: Ideas of the Covenant and Interpretive Theory. Albany: State University of New York Press. 1993.

Theory and Method in Biblical and Cuneiform Law: Revision, Intepolation and Development. Sheffield, England: Sheffield Academic Press. 1994.

Wesley, John. *Directions to Penitents and Believers for Renewing Their Covenant with God*. London: The Conference Office. 1780, 1810.

Westbrook, R. "What is the Covenant Code?" *Journal for the Study of the Old Testament*. Number 181. 1994.

Wright, N. T. *The Climax of the Covenant: Christ and the Law in Pauline Theology*. Minneapolis: Fortress Press. 1993.

Zavaletta, Joseph A., Jr. *Covenant, Law and the Great Commission: An Analysis of Mexico and the United States*. Virginia Beach, VA: CBN University. 1989.

Zuckerman, Peter A. *A New Covenant: Blueprint for Survival*. Washington, DC: American Peace Network. 1988.

*Compiled by*

*J. Wesley Leckrone  
Earhart Fellow*



# IACFS

NEWSLETTER  
BULLETIN  
d'INFORMATION  
RUNDSCHREIBEN

## ANNOUNCEMENT:

### Appointment of a New Director of the Institute On Intergovernmental Relations

The Principal of Queen's University is pleased to announce the appointment of **DR. HARVEY LAZAR** to the position of Director of the Institute of Intergovernmental Relations, beginning in January 1997.

Dr. Lazar completed his university training in both Canada and the United Kingdom. He completed a Bachelor of Science from McGill University, a Master of Arts from the University of British Columbia, and a Doctor of Philosophy in Government at the London School of Economics in 1975.

Dr. Lazar brings wealth of experience in both policy-making and research to his new position. He has been involved with intergovernmental relations in a large number of departments in the federal government. He spent two periods with the Department of Finance, including one in the Federal-Provincial Fiscal Relations Branch. He has also held senior positions in the ministry of Industry, Trade and Commerce, Energy Mines and Resources Canada, and most recently, Human Policy Planning. Dr. Lazar's position as an Associate Deputy Minister in the Cabinet Office of the Government of British Columbia in the mid-1970s also enables him to bring provincial governance experience to the Institute of Intergovernmental Relations.

In addition, Dr. Lazar has provided extensive leadership in research activities within government and during his tenure as Deputy Chairman on the Economic Council of Canada (1987-92). He directed several task forces and research teams, and was a principal author of important policy documents, including: *The Retirement*

*Income System in Canada: Problems and Alternatives for Reform* (1979); *Pulling together: Productivity, Innovation and Trade* (1992); and *New face of Poverty; Income Security Needs of Canadian Families* (1992). He is currently a Research fellow at Statistics Canada and a Faculty Member at the Canadian Centre for Management Development.

The Institute of Intergovernmental Relations is a research unit that contributes to public debate and understanding about federal-provincial relations, constitutional development, and regional and linguistic realities both in Canada and other federal systems. It conducts major research projects, holds conferences, and has an active publications program. The Institute is Canada's leading centre for studies in federalism intergovernmental relations, and is an important member of an international network focussed on these issues.

With this appointment, the Institute of Intergovernmental Relations becomes an integral component of the School of Policy Studies at Queen's. The Institute will retain its distinctive organizational form, its advisory council and its own agenda of research and debate. The merger with the School will facilitate closer collaboration with related initiatives at Queen's, and will provide opportunities for consolidation of support services.

In the interim period between now and January, Dr. Keith Banting, Director of the School of Policy Studies, will also serve as acting Director of the Institute. In this role, he will consult closely with Dr. Lazar, and will be assisted by Mr. John McLean, a Research Assistant in the Institute, Ms. Patti Candido, Administrative Officer and Ms. Mary Kennedy, Secretary.



## AMERICAN POLITICAL SCIENCE ASSOCIATION

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**Alvin D. Sokolow**  
UNIVERSITY OF CALIFORNIA  
Davis

## SECTION NEWS

### 1. New Section Officers

Robert Agranoff, Indiana University-Bloomington, was elected Chair of the Section for 1996-98. Susan B. Hansen, University of Pittsburgh, Marian Leif Palley, University of Delaware, and Alvin D. Sokolow, University of California-Davis were elected to three year terms, 1996-1999; Franz Gress, Goethe University, Frankfurt, Germany was elected to fill the remainder of Robert Agranoff's term. All section officers, whose names appear on the letterhead, are eager for your suggestions and offers to actively participate in the section. The new Chair particularly welcomes hearing from you. Please call at 812-855-0731, FAX: 812-855-7802, or E-mail: [agranoff@indiana.edu](mailto:agranoff@indiana.edu).

### 2. Distinguished Scholar Award

Richard P. Nathan, Distinguished Professor of Political Science and Public Policy, State University of New York at Albany, was awarded the Section's Distinguished Scholar Award at the 1996 section business meeting in San Francisco. Nathan, Provost of the Nelson A. Rockefeller College of Public Affairs and Policy, is the author/editor of numerous works including *The Administrative Presidency*, *Block Grants for Community*

*Development, Monitoring Revenue Sharing, Revenue Sharing and the Cities, and The Consequences of the Cuts*. His work spans the critical public policy and intergovernmental management issues of the twentieth century: job training and employment, welfare reform, revenue sharing, governmental restructuring and decentralization. Nathan's contributions include development of the methodology of federalism research, the field network evaluation strategy, an approach he started with The Brookings Institution study of revenue sharing and refined through the study of many domestic programs. In addition, Nathan chaired the Manpower Demonstration Research Corporation for ten years, and served as Undersecretary of the Department of Health, Education and Welfare. These efforts reinforced his continuing interest in welfare reform, which led to his 1993 book, *Turning Promises into Performance: The Management Challenge of Implementing Workfare*.

### 3. Best Paper Award

Two awards were presented for the Section's Best Paper in the field of federalism and intergovernmental relations, presented at the previous year's annual APSA meeting. Daniel Triesman of the Russian Research Center of Harvard University was honored for his "The Politics of Fiscal Federalism in Post Soviet Russia." Also honored as co-recipients were Richard Cole, University of Texas-

Arlington, Carl W. Stenberg, University of Baltimore, and Carol S. Weissert, Michigan State University, for their paper, "Reversing Directions: A Ranking and Comparison of Key Intergovernmental Events, 1960-1980 and 1980-1995."

#### 4. 1997 Program

Ann O'M. Bowman, University of South Carolina, is our section's program chair for the 1997 APSA Annual Meeting, to be held in Chicago. If you would like to organize a panel, present a paper, or serve as a panel chair or discussant, please note the instructions in the September, 1996 *PS: Political Science and Politics*, pp. 565-90. Note the revision in the submission process, particularly submission instructions. All proposals must be sent to APSA, not the program division chair. The proposal deadline is November 15, 1996.

#### 5. 1997 Distinguished Scholar Award

Alvin D. Sokolow will chair the Distinguished Scholar Award Committee for 1996-1997. In addition to the 1996 recipient, Richard P. Nathan, previous recipients include Samuel H. Beer, Daniel J. Elazar, Vincent Ostrom, Martha A. Derthick, David B. Walker, and Deil Wright. Please send your nominations for the 1997 award to Prof. Alvin D. Sokolow, Department of Applied Behavioral Science, University of California, Davis, CA 95816. Phone: 916-752-0979.

#### 6. Best Paper Award

Joseph F. Zimmerman, State University of New York at Albany, will chair the Best Paper Award Committee. If you would like to nominate a paper presented at any panel at the 1996 APSA meeting in the field of federalism and intergovernmental relations, please contact Prof. Zimmerman at the Department of Political Science, Graduate School of Public Affairs, Rockefeller College, SUNY, 135 Western Avenue, Albany, NY 12222. Phone: 518-442-5378, FAX: 518-442-5298.

#### 7. 1997 Best Book Award

Susan A. MacManus, University of South Florida, will chair the 1997 award committee for the best book on federalism and intergovernmental relations published at least ten years ago that has made a lasting contribution to the study of federalism and intergovernmental relations.

Please send nominations to Prof. MacManus at the Department of Government and International Affairs, University of South Florida, 4202 East Fowler Avenue, SOC 107, Tampa, Florida 33620. Phone: 813-974-2384.

#### 8. 1997 Section Workshop

The section is planning a short course to be held on Wednesday afternoon, August 27, in Washington, DC, immediately before the 1997 APSA Annual Meeting. Tim Conlan, George Mason University, has agreed to chair a planning committee comprised of David Beam and Paul Posner to organize the workshop. Their working title is "The States Implement Devolution." More details will follow in subsequent newsletters. Meanwhile, mark the date in order to include it in your travel plans. Contact Tim Conlan with any suggestions at the Department of Public Affairs, George Mason University, Fairfax, VA 22030. Phone: 703-993-1427, FAX: 703-993-1399. E-mail: tconlan@wpgate.gmu.edu.

#### 9. Nominations Sought for Section Officers

The section will be electing three new council members at the 1997 Annual Meeting. G. Alan Tarr, Chair of the Nominations Committee, welcomes your nominations. Please send them to Prof. G. Alan Tarr, Department of Political Science, Rutgers University, Camden, NJ 08102. Phone: 609-225-6084, FAX: 609-225-6495.

#### 10. Thanks to Outgoing Officers

The Section officers and members would like to recognize the leadership and efforts put forth by Sarah F. Liebschutz as Section Chair, 1994-1996. Prof. Liebschutz, of SUNY-Brockport, did an excellent job of guiding the section through the beginning of its second decade. She has left it in fine condition. Have a productive and enjoyable sabbatical Sarah!

The section would also like to recognize the service of three active, outgoing Council Members, Robert J. Dilger, Theodore B. Pedeliski, and Bruce A. Wallin.

## MINUTES

1. The section met for its 1996 annual membership meeting on Thursday, 29 August 1996, 12:30 p.m., at the Hilton Hotel in San Francisco, California. Sarah Liebschutz (SUNY-Brockport), Chair, presided.

2. Joseph Zimmerman moved the minutes of the 1995 meeting approved (published in *The Federalism Report*); approved by voice vote.

3. Michael Pagano (Miami University), secretary-treasurer, presented the annual statement of revenues, expenses, and fund balance for review and approval. Revenues for 1995-96 were \$896.93 (section dues, mailing list rebate), expenses were \$1,036.03 (newsletter, plaques, copying and printing), and funds as of 30 June 1996 totaled \$2,828.04. APSA headquarters informed us that an additional \$337.33 had been deposited in the section's account during July 1996, bringing the fund balance for 29 August 1996 to \$3,165.37. The financial report was accepted.

4. The Chair reported that the Organized Section has 381 members as of June 1996, approximately the same as last year, compared with an increase in members for 6 sections, a decrease for 21 sections, and the same for 6 sections. Yet, the Federalism Section was allocated only 5 panels for the 1996 meetings. She reminded that the panel allocation is based on attendance at those panels!

The Chair extended her appreciation to Joseph Zimmerman (SUNY-Albany), program chair for the 1996 meetings, for an exciting set of panels and papers. Joe reported that it was impossible to accommodate all proposals, as good as they were. He suggested the possibility of holding a panel on Wednesday at next year's meetings, since registration will be open at 9 a.m., Wednesday.

The Chair announced that next year's program chair for the meetings in Washington, D.C., is Ann O'M. Bowman (University of South Carolina). Two changes in paper proposals were adopted by APSA earlier. First, the deadline for submitting proposals was moved up to November 15. Second, paper and panel proposals are now sent directly to APSA, which will then forward them to the appropriate program chairs.

5. Old Business: With deep regret, the Chair reported the cancellation of the short course scheduled for Wednesday due to lack of participants. She thanked Christy Jensen (Cal State-Sacramento) for putting together a terrific program on

California's proposals for the New Federalism. This marks the second year in a row the Section had to cancel a short course due to an insufficient number of registrants. The Chair raised the question of not developing a short course for Washington in 1997. John Kincaid (Lafayette College) raised the question of whether the location of the meetings affected attendance, an argument raised also by Bruce Wallin (Northeastern University). Michael Heaney (Indiana University) asked if the announcement about the short course could be made earlier in the year and if department chairs would notify their graduate students of the short course. After much discussion, the Section voted unanimously to try developing a short course one more time in 1997.

6. A second item under Old Business concerned the saga of the Anderson award. Professor Anderson was a member of the Political Science Department at the University of Minnesota between 1916-1957 and was identified with the term "intergovernmental relations." Last year, the Chair was apprised by APSA that the Anderson award was \$2700 short in the endowment and asked the Section to cover some of the shortfall so that the \$500 award for the best dissertation in "state, local, or intergovernmental relations" could still be granted. In the meantime, the Chair learned that the award was originally intended for the best dissertation in "intergovernmental relations" and that in 1982 the national APSA council voted to change the terminology to broaden the scope of the award. However, in a bizarre twist, the monetary shortfall no longer became an issue, because the stock market did well enough to cover the deficit.

Nevertheless, the Chair convened a committee of three (Liebschutz, Elazar, Wright) to address the intention of the award and the council's 1982 decision. Dan Elazar (Temple University) spoke to the issue of re-focusing the award on IGR and was informed that the Section on Federalism and Intergovernmental Relations would play a dominant role in the Anderson award next year. APSA's president, Lin Ostrom, already has asked Elazar to chair the committee.

Beryl Radin (SUNY-Albany) said an analogous situation arose with the Gaus Award for the P.A. section. By raising the issue, the chair of the section has been on the committee.

Deil Wright (University of North Carolina) then presented the ad hoc committee's formal resolution to the Section for its consideration. Wright noted that any change would have to go the Endowment Committee of APSA at its October meeting before it is sent to the national council. The resolution was then presented by Wright.

*Whereas, the William Anderson Award of the APSA for the best dissertation in the general field of Federalism and Intergovernmental Relations was officially established by the original donors and by the APSA in 1975, and*

*Whereas, the Anderson Award was intended by the original donors and by the APSA to honor Professor Anderson's immense contributions to research on the topics of Federalism and Intergovernmental Relations, and*

*Whereas, Professor Anderson personally acknowledged that, "there is no one person whose name is more closely associated with the early use of the term [intergovernmental relations] than my own in the 1930s and 1940s," and*

*Whereas, the APSA Council in 1982 altered the designation of the Anderson Award, and*

*Whereas, this 1982 action has only recently been made known to the leadership and members of the Section on Federalism and Intergovernmental Relations, and*

*Whereas, political, policy, and administrative issues involving Federalism and Intergovernmental Relations continue to be prominent and significant in the United States as well as in other countries,*

*Therefore, be it resolved by the APSA Section on Federalism and Intergovernmental Relations that:*

*1. The designation for the Anderson Award be restored to its original and essential intent: "For the best dissertation in the general field of federalism and intergovernmental relations, broadly defined," and*

*2. That this resolution and requested action be placed before the proper APSA decision bodies for appropriate action(s).*

The resolution was moved by Wright, seconded by Bob Agranoff (Indiana University) and passed unanimously and enthusiastically by the Section membership.

7. The nominations committee was chaired by Bruce Wallin (with Beryl Radin and David Berman). The committee nominated Bob Agranoff as Chair of the Section for a two-year term (1996-98). He was elected unanimously.

The committee then submitted a slate of candidates to fill the 3-year terms of the three retiring members and to fill

Agranoff's unexpired term (1 year). Al Sokolow, Marian Palley, and Susan Hansen were elected to the 3-year terms (1996-99) and Franz Gress was elected to the 1-year position (1996-97). The Chair welcomed the new Executive Council members and the new President, and thanked the three retiring members for diligent service, Robert Dilger, Ted Pedeliski, and Bruce Wallin.

8. The Section's Best Paper award for a paper presented at the 1995 annual meetings of APSA was chaired by Dale Krane (University of Nebraska-Omaha) with committee members Charles Hadley and Susan MacManus. Krane announced two co-winners:

Daniel Triesman, "The Politics of Fiscal Federalism in Post-Soviet Russia," Richard Cole, Carl Stenberg, and Carol Weissert, "Reversing Directions: A Ranking and Comparison of Key Intergovernmental Events, 1960-1980 and 1980-1995."

The Section's Best Book Award Committee chaired by Bob Agranoff (with Bob Dilger and Carol Weissert) gave the award posthumously to Morton J. Grodzins. Professor Grodzins' wife, daughter and granddaughter accepted the plaque for *The American System*, originally published in 1966 and still in print.

The Section's Distinguished Scholar award was given to Richard Nathan (SUNY-Albany) for Significant Achievements in the Study of Federalism. Accepting the award for Professor Nathan was Joe Zimmerman.

9. The Chair reminded the membership of the joint reception with the Urban Politics, State Politics, Public Administration, and Public Policy sections tomorrow night at 6:30.

10. There was no new business.

11. The Chair turned the gavel over to Bob Agranoff and the meeting adjourned at 1:30 p.m.

Respectfully submitted,

Michael A. Pagano, Secretary-Treasurer

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