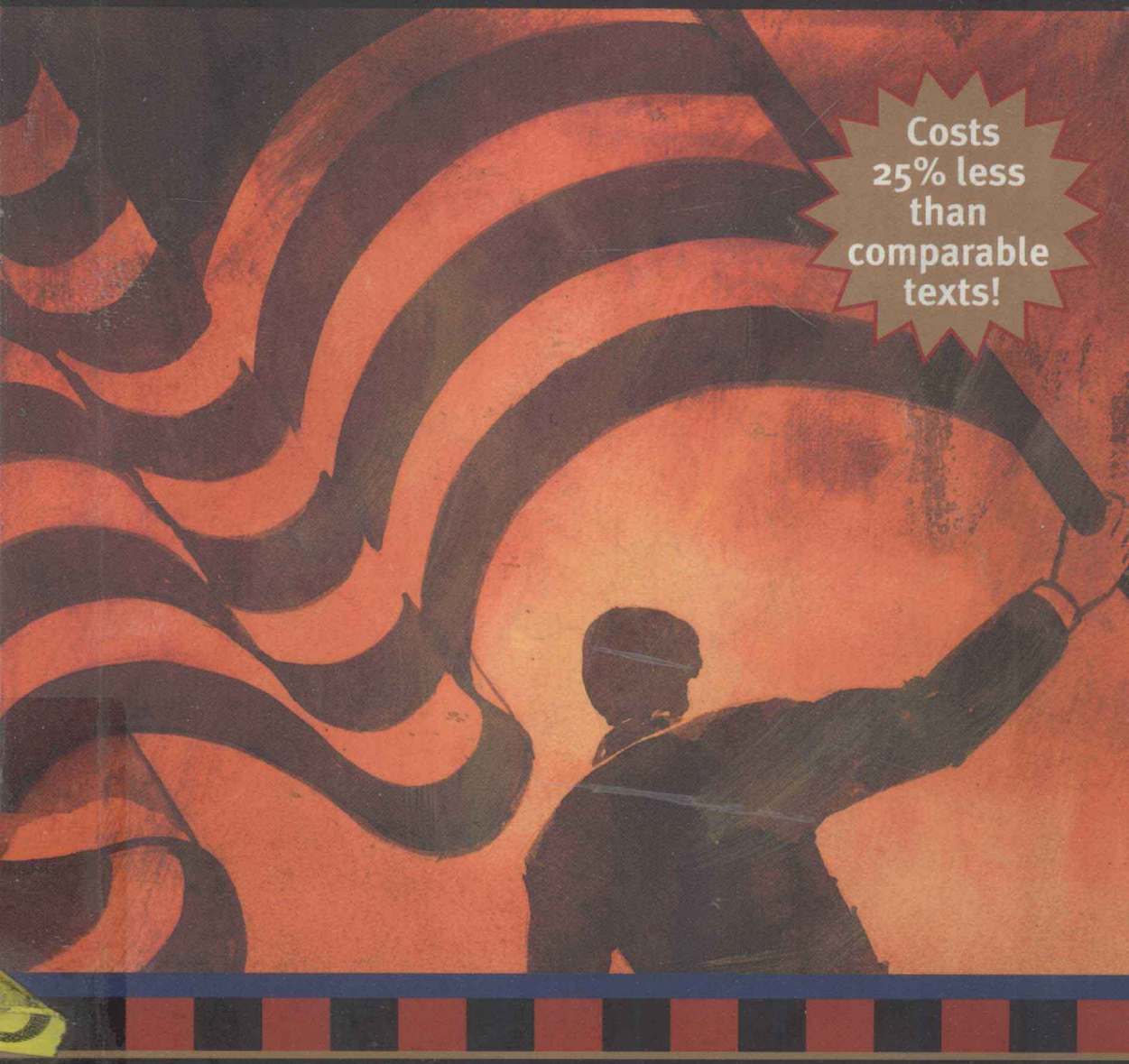
POLITICS AND POLICY

in American States and Communities



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Dennis L. Dresang ~ James J. Gosling

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Preface

As this book is being completed, states face budget crises that are the largest in U.S. history and that require major adjustments in the roles of state, local, and tribal governments. The economy in the country generally is not doing well. That means less income and fewer sales to tax, and thus reduced revenue for state and local governments. The federal government, too, faces a historic budget deficit and cannot come to the rescue. With considerably less money to spend, governments are reexamining what they do and how they do it. To varying degrees among the states, this means changes in education, public health, safety, and a host of programs designed to help business owners, workers, the elderly, and families.

Governments of states, communities, and tribes are fundamental to governance in the United States and directly affect our daily lives. The way states respond to the challenges of the early twenty-first century is both interesting and critical. We have been pleased to see the increased interest in and appreciation of politics and policy making in states and communities over the past two decades. Those who understand governance at the grassroots have a more accurate picture of the United States than if they only focus on what happens in Washington, D.C.

Basic Perspective and Features

Our own experiences, both as professors and as officials in state and local government, prompted us to write this book. We were concerned that students—and citizens—typically have a low level of knowledge about the governments that affect them so directly. It was out of this concern that we developed our *face-to-face* approach, in which we relate politics, institutions, and policies to the interactions that each of us has with state and local government officials and employees. We found that our students better understood concepts, theories, and institutions if they were able to draw on connections to their own lives and experiences such as being pulled over for speeding, getting a fishing license,

having trash collected, streets cleaned, and snow plowed, and going to a public school. Face-to-face interactions raise questions about the authority, discretion, and resources of public employees and about an individual's attitude toward government and politics. These interactions provide the foundation and the inspiration for this text.

The uniqueness of this book is not only its perspective, but also its coverage. We include tribal governments in our discussions of institutions and policies. Although the treaties of American Indian nations are with the federal government, tribal rights and activities have important impacts on the operations of state and local governments. We discuss intergovernmental relations extensively. Those relations involve the federal, state, local, and tribal governments.

Those who have used previous editions have praised the attention to policy making and to major policy issues. They also cite the pedagogical tools in each chapter, such as the learning objectives at the beginning, as well as the case studies, tables, glossary, summary, and references. We have kept these and have enhanced their use in the text.

NEW TO THIS EDITION

As might be expected, this edition updates the facts and discussions that were found in the third edition. We have, however, done more to the text than simply make it more contemporary. Highlights of the fourth edition include:

- **A new paperback format, accessible trim size, and reduced price:** Each of these charges has been made to increase the book's appeal to students, its ultimate consumer, while also enabling instructors to bring more diverse readings into the course if they wish.
- **Opening vignettes:** Each chapter begins with a story that introduces the main concerns of the chapter. The vignettes draw in and bring issues to the readers in a way that helps them identify personally with the subject matter.
- **Exploring the Web:** We identify and discuss websites in each chapter to help readers pursue subjects further. We not only provide addresses for these websites, but also comment on the source and types of information students will find.
- **Debating the Issues:** Another major addition is a discussion box for each chapter that presents a contentious issue and then offers opposing arguments for how to deal with the issue. Students and instructors can use this material to begin a lively and pedagogically useful debate about some of the most pressing issues currently facing state and community governments.
- **Results and highlights of the 2002 elections**, including the fate of direct initiatives on the ballot.

- **Developments in state, local, and tribal relations** with the adoption of devolution policies by the federal government.
- **The effects of September 11, 2001** and the need for more security on state and local governments.
- **Reforms in welfare, education, and environmental policies**, both in the federal government and in state governments.
- **Increased use of contracting** and other forms of privatization.

An *Instructor's Manual/Test Bank* is available for qualified adopters of *Politics and Policy in American States and Communities.* The test bank is designed to reinforce and test students' knowledge of the themes and concepts of the text. The test bank contains multiple choice, short answer, true/false, and essay questions. Integrated into the text itself are a number of instructional aids, including learning objectives, suggestions for discussion, and glossaries, as well as Internet and dialogue boxes described above.

A new supplement, *Careers in State and Local Government* is available to students using this edition of the textbook. It provides students with a concrete sense of the job opportunities available to them at or related to this level of government.

We are grateful for the comments and suggestions of readers commissioned by the staff at Longman Publishers, and our earlier imprints, for this edition and the previous ones: James Bromeland, Winona State University; Michael Coulter, Grove City College; Joseph Gaziano, Lewis University; Edward Miller, University of Wisconsin—Stevens Point; Donald Roy, Ferris State University; Zachary Smith, Northern Arizona University; Troy M. Stewart, Jr., Marshall University; Cecil Harvey Williams, Christopher Newport University. Our goal has been to make sure this text was accessible to those learning about state, local, and tribal governments for the first time. The suggestions of these reviewers have helped us do so.

DENNIS L. DRESANG

JAMES J. GOSLING

Contents

Chapter 1

Face-to-Face Governance

You just passed a car and are driving 75 mph in a 65 zone. You spot a squad car parked behind some bushes on the side of the road. Although you brake and slow down, you are sure the officer saw you speeding. The squad car pulls onto the road with its lights flashing. You have butterflies in your stomach and it seems like your heart is stuck in your throat. You pull over and stop. The officer says she clocked you 10 mph over the speed limit and asks for your driver's license. She goes back to her squad car and after what seems like an eternity hands you a warning ticket. You get a stern lecture about the importance of obeying traffic laws and are sent on your way.

The officer clearly could have given you a ticket, but luckily, decided to give you only a warning. Perhaps she was satisfied when you slowed down or maybe she was lenient because you were passing another car. It could be that you weren't going so far over the speed limit that you were creating a hazard. You were respectful and didn't get angry. She might have let you off because you seemed penitent and didn't come across arrogant and irresponsible. Whatever the reason, you are relieved the officer chose to excuse you.

Government, especially state and local government, is about face-to-face interactions. State and local governments are not impersonal institutions that hover over society. Instead, they consist of people who are in positions of authority, solving problems and providing services that involve and affect other people. Sometimes the interaction allows someone to do something (drive a vehicle), sometimes it regulates (stopping individuals from disturbing the peace), and sometimes it provides services (disposing of trash and maintaining safe, pleasant neighborhoods).

The face-to-face interactions between citizens and the governments in states and communities are the central focus of this book. It will examine what government officials do and how we experience government in our lives. For example, if police officers respond to a complaint about a noisy party, we need to understand what authorizes these government officials to enter private property and curtail the activities of citizens. We need to understand the discretion these officers have in law enforcement. Citizens can seek the services of the police to maintain order and to help with emergencies, but citizens can also be constrained by police or even subjected to their brutality.

This book explains the forces that determine the nature of the interactions between police, courts, legislative bodies, governors, mayors, interest groups, and individual citizens.

Understanding face-to-face interactions with government also requires a discussion of how the more than 87,000 different jurisdictions in the United States relate to one another. Take, for example, the law that limits drinking to people age 21 or older. State governments adopted this law because the federal government threatened to withhold millions of dollars in transportation funds to any state that did not have such a law. States rely on police departments that are part of local governments to enforce this law. Some local governments require their officers to check the age of anyone they see drinking or suspect has been drinking. Other police departments are given discretion to enforce this law within the context of other goals they are pursuing, like combating crimes of violence and fostering cooperation and peace within the community.

The focus on interaction includes attention to the processes in which individuals become government officials. As citizens, we determine who gets elected and, indirectly, appointed to public offices. How people get their jobs affects how they behave. Elected officials are influenced by their supporters. Appointed officials are concerned about the criteria on which the appointment is based and the judgments of whoever has authority to fire.

The bottom-up or face-to-face approach of this text is an examination of what various governments do, how and why they do it, how individuals and groups can influence the goals and behaviors of governments, and, importantly, how they affect us. The advantage of this perspective is that it is ever mindful of the purpose and relevance of government and politics.

The call for "reinventing government," popular in the 1990s, comes in reaction to cases where governments pass regulations and engage in activities that do not address the real needs and concerns of people.[1] The reinventing government movement argued that citizens should be viewed as customers of government. Governments should be serving their citizens the way one might expect a private business to meet customer demands and wishes.

We do not assume that all state and local governments are currently customer oriented. We certainly do not assume that all citizens are active in efforts to shape and influence their governments. We are quite aware of governmental agencies that seem to be enforcing rules and following procedures in an apparently mindless, purposeless manner. We know full well that less than one-fourth of those eligible to vote typically cast ballots in local elections. A good turnout in highly visible gubernatorial contests is 50 percent of the electorate. Although the meetings of school boards, city councils, and legislatures are open to the public, few people—even when they are affected by the decisions that will be made—make the effort to attend. The major pur-

pose of our focus on the face-to-face interaction is not to romanticize or to idealize it, but rather to recognize its importance in understanding the role of state and local governments in our lives and in knowing how our actions and inaction can affect them.

Learning Objectives for Chapter 1

- Appreciate the relevance of state and local governments to everyday life.
- Understand the nature and patterns of face-to-face interactions between individuals and state and local officials.
- Know how the capacities of government affect face-to-face interactions.
- Know how public participation and attitudes affect face-to-face interactions.

SCOPE

State and local governments touch virtually every aspect of our lives. Those who seek to become lawyers, doctors, architects, barbers, undertakers, and members of many other professions and crafts must secure licenses from the states in which they intend to work. If you wish to operate a restaurant or a bar, or if you want to build or remodel a home or a shop, you must get appropriate licenses and permits from local governments. If you have complaints as a client, a patient, or a customer, you can seek redress before boards, agencies, and, if necessary, the courts of state and local governments.

Local governments determine how land may be used. For urban areas, land-use regulation is critical to traffic flow, to business location, to the existence of parks and green spaces, and to the character of neighborhoods. For rural areas, the concerns are access to roads and to water. There are restrictions on whether an area may be used for agriculture, industrial development, or waste disposal. Everyone meets face-to-face with local government officials regarding issues of housing, employment, education, and recreation.

State governments and school districts have primary responsibility for education. States have established colleges and universities. Local school districts provide education from kindergarten through high school and sometimes through technical and vocational schools and two-year community colleges. Teachers must seek certification from officials in a state agency. Parents and students deal with school administrators, school board members, and sometimes state officials over issues of cost, curriculum, graduation requirements, and the like.

The federal government can pass laws and establish programs that supersede state and local laws. The U.S. Supreme Court voids some of these mandates on

the grounds that the Constitution limits the extent to which federal actions trump those at the state and local levels. Even when federal laws do prevail, as a practical matter the federal government lets state and local governments be the primary actors in most domestic policy areas. When the federal government gets involved, such as in welfare policies and transportation programs, it works jointly with states and localities to fund and set policy guidelines. Washington relies almost entirely on state and local officials to do the actual work and administration. In an area such as drug enforcement, where both the federal and state governments pass laws, the general pattern is that much of the actual work (other than interdicting drugs entering the United States) is done by local officials. Likewise, except for military and diplomatic action abroad, domestic security in the aftermath of the terrorist attack on September 11, 2001 relies heavily on local police officers, firefighters, and public health personnel. In short, even when a law or program is the result of federal legislation, the face-to-face interaction between government and citizen is likely to involve an official from a state or local government.

Governments are problem solvers. The scope of governments, especially state and local governments, varies with the problems of society. We are far from the mythical period in which individuals and families were largely self-sufficient and government was tiny in staff, budget, and scope of responsibilities. Individuals and groups increasingly have become interdependent, calling on government to enforce contractual relationships and to resolve unanticipated conflicts. They also petition government for financial assistance and tax breaks.

Technological advances have profound effects on the relationships between governments and the governed. At the turn of the century, state governments had to respond to potentials for abuse that accompanied the development of the railroad and the availability of electricity, gas, and telephones. States established regulatory commissions to make sure transportation, energy, and communication companies made these important resources available to everyone. Companies were forced to provide at least a minimum quality of safety and service without charging unreasonable prices. Now governments are wrestling with the implications of other technologies. Policy makers are concerned about protecting rights of privacy threatened by computer technology, coping with the social costs of workers laid off because a plant replaces them with robots, and protecting the copyrighted work of musicians, artists, and authors from unauthorized use. Medical personnel can use the Internet to receive data from a remote area in a neighboring state and send a diagnosis and prescription, but sometimes are prevented from doing so because of licensing requirements. Different suppliers of electricity can use the same wires, thus allowing for competition where before only monopolies were possible. The scandals involving major corporations that came to light in 2002 included charges that some companies manipulated

sources of power available to certain states as a way of artificially raising prices and profits.

Governments, in short, face a challenging and changing scope of issues. Unfortunately, capacity does not always match responsibility.

CAPACITY

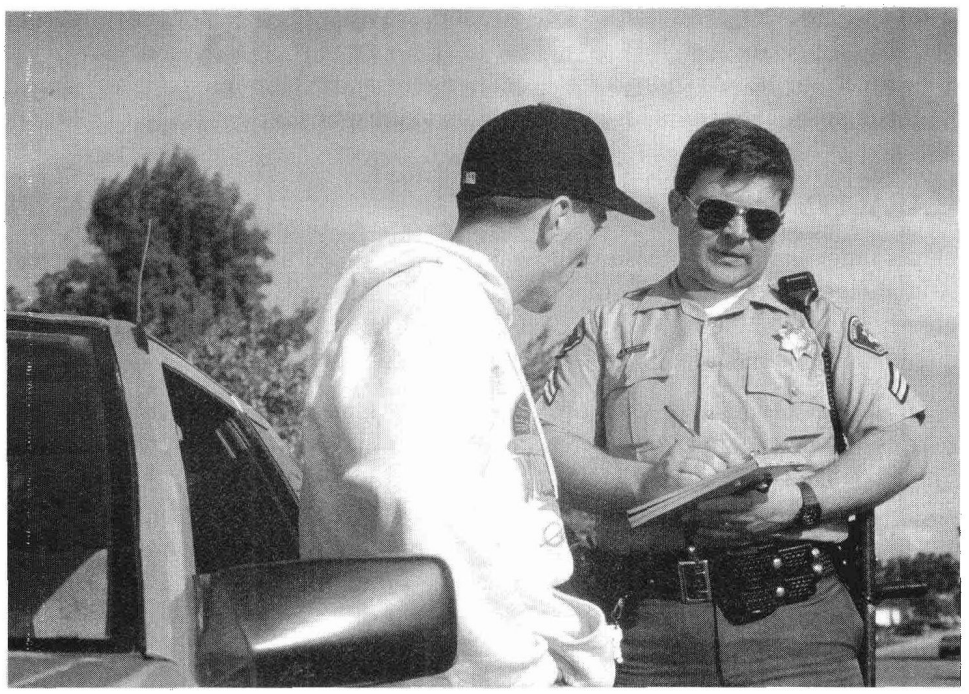
One cannot precisely measure the capacities of state and local governments. Nonetheless, it is safe to say that governments, especially since the 1960s, have greatly increased their ability to deal with problems and challenges. The fundamental components of capacity for governments are:

1. Legal Authority. A major difference between public and private organizations is that the former makes and enforces laws. Parking longer than you should on a city street or at a city meter automatically earns you a ticket. Parking on private property when you should not requires the land owner to inform city authorities that you are trespassing before any legal action can be taken. Laws empower government officials. At the same time, laws limit government officials. A police officer may not arrest you for drinking at age 20 unless a law prohibits drinking at that age.

2. Human Resources. Governments are labor-intensive. State and local government bodies consist primarily of professionals and paraprofessionals. Some government jobs are low-skilled, such as garbage collecting and park maintenance, but most government employees are teachers, social workers, police officers, analysts, attorneys, accountants, and the like. Able, competent personnel are essential to effective government.

3. Financial Resources. Like any organization, governments need money. State and local governments must pay salaries, maintain buildings, construct and repair roads, and make welfare payments. Fiscal capacity includes the stability of revenue sources. States that rely heavily on income or sales taxes, for example, are somewhat at the mercy of the health of the economy. As the economy goes down, and thus tax revenue based on income and sales goes down, expenses—especially those that are welfare- and crime-related—usually go up. State and local governments depend on federal money. Local governments also depend on money from the state. The generosity of governments toward one another has varied considerably over time.

Several events in the 1960s converged to prompt state and local governments to become more relevant to the concerns of the people and to enhance their capacity to provide services and solve problems. For the first half of the twentieth century, many state governments were dominated by rural interests and thus had a rural agenda despite the rapid emergence of urban areas after World War II. Governments that did not respond to emerging concerns did not attract the talent and attention of serious politicians and professionals. To put it in stark



A police officer in Mounds View, Minn., giving a teenager a ticket. What prompts public officials to exercise their authority? Police officers do not ticket every motorist who exceeds the speed limit or violates some other regulation.

terms, irrelevance led to incompetence. In 1962, the U.S. Supreme Court ruled that state legislatures had to be based on the principle of one-person-one-vote.[2] This effectively ended the pattern in which state legislative districts were based on geography, not population. States were inattentive to urban issues until their legislatures became more fairly representative. In part, this neglect of an increasingly important and complicated part of our society became dramatically evident in the urban riots that occurred throughout the country in the 1960s. Similarly, national commissions and task forces created in response to the Russian launching of *Sputnik* and the initial failures of the U.S. space efforts dramatized the failure of states and local school districts to provide quality education, especially in math and science.

In the 1970s and 1980s, every major institution of state government underwent change and development.[3] A flurry of state constitutional conventions and commissions emerged. Task forces drew legislative districts to conform to the Supreme Court mandate to have each district in a state consist of a similar number of people. Legislatures acquired staff members to help with policy analysis and oversight. Governors and state agencies were empowered to exercise more policy discretion and to manage government more efficiently. Likewise, states