

A · N · N · U · A · L E · D · I · T · I · O · N · S

STATE AND LOCAL GOVERNMENT

Eighth Edition



To the Reader

In publishing ANNUAL EDITIONS we recognize the enormous role played by the magazines, newspapers, and journals of the *public press* in providing current, first-rate educational information in a broad spectrum of interest areas. Many of these articles are appropriate for students, researchers, and professionals seeking accurate, current material to help bridge the gap between principles and theories and the real world. These articles, however, become more useful for study when those of lasting value are carefully *collected, organized, indexed, and reproduced* in a *low-cost format*, which provides easy and permanent access when the material is needed. That is the role played by ANNUAL EDITIONS. Under the direction of each volume's *academic editor*, who is an expert in the subject area, and with the guidance of an *Advisory Board*, each year we seek to provide in each ANNUAL EDITION a current, well-balanced, carefully selected collection of the best of the public press for your study and enjoyment. We think that you will find this volume useful, and we hope that you will take a moment to let us know what you think.

This book is the eighth edition of an anthology on state and local government. From the first edition published in 1984, the book has been designed for use in courses on state and local government and in state and local government segments of courses on American government. The educational goal is to provide a collection of up-to-date articles that are informative and interesting to students studying the area.

The 50 state governments and approximately 83,000 local governments in the United States have a great deal in common. They also exhibit remarkable diversity. The contents of the book as a whole inevitably reflect this theme of commonality *and* diversity. Some of the selections treat individual states or localities in considerable detail. Other articles focus on particular aspects of more than one state or local government. Still other articles explicitly compare and contrast regions, states, or localities. Taken together, the selections provide an overview of similarities and differences among state and local governments in the United States.

Keeping the idea of similarities and dissimilarities in mind can help students who are beginning their study of state and local governments. In many state and local government courses, a home state or region is given special attention. In such courses, the theme of commonality and diversity can serve to highlight what is and is not typical about the home state or region.

Since Republican Newt Gingrich became Speaker of the House in 1995, intergovernmental relations in the United States have received sustained attention. The 104th Congress, with Republican majorities in both houses, passed a variety of laws that have made the states more important and more autonomous actors in the American federal system. The unfunded mandates bill (H.R. 5), signed into law by President Clinton early in 1995, is one such measure. The welfare reform act of mid-1996, which ended some entitlements of welfare recipients that had been guaranteed since the 1930s, shifted much responsibility for deciding and implementing welfare policies from the national government to the states. As their part of this process of devolution, some state governments have in turn shifted increased responsibilities to their local governments.

The book is divided into seven units. Unit 1 is devoted to several eighteenth- and nineteenth-century commentaries on American federalism and state and

local governments. Unit 2 treats relations among national, state, and local governments. Unit 3 covers elections, political parties, interest groups, referenda, and related matters, and pays considerable attention to unusual features of state and local "linkages." Unit 4 turns to government institutions. Cities and suburbs provide the subject matter for unit 5, while unit 6 is devoted to finances and economic development. Unit 7 concludes the book with an examination of privatization and of selected policy issues facing state and local governments.

The book generally groups articles treating particular aspects of the governing process, be it state or local government, in the same units or sections. For example, unit 4 covers governmental institutions at both state and local levels, with subsections treating state and local legislatures, executives, courts, and corruption respectively. Unit 5, which mainly treats metropolitan areas, is an exception to this rule in that it focuses primarily on issues involving local governments.

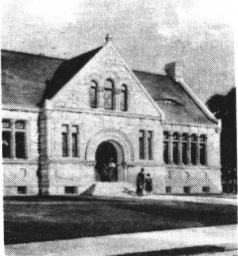
Deciding what articles to use in this revised edition was not an easy task. I tried to assess articles according to significance and relevance of subject matter, readability for students, and utility in stimulating students' interest in state and local government. Potential selections were evaluated not only as they stood alone, but also as complements to other likely selections. I want to thank the Advisory Board members who provided detailed critiques of the seventh edition of *Annual Editions: State and Local Government* as well as suggestions for improvements to the eighth edition.

The next edition of this book will bring another opportunity to make changes. State and local government is a particularly diverse field of study, and numerous newspapers and regional magazines across the country carry articles that might be suitable for use. I earnestly solicit reactions to this book as well as suggestions of articles for use in the next edition. In other words, readers are cordially invited to become advisors and collaborators in future editions by completing and mailing the postpaid article rating form at the end of this book.



Bruce Stinebrickner
Editor

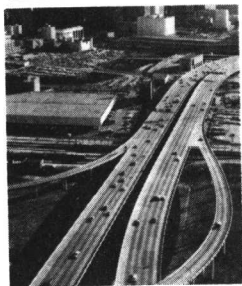
UNIT 1



Early Commentaries

Three selections provide historical perspectives on federalism and on state and local governments in the United States.

UNIT 2



Intergovernmental Relations

Six selections discuss relations among national, state, and local governments in the three-tier system of government in the United States.

To the Reader	iv
Topic Guide	2
World Wide Web Sites	3

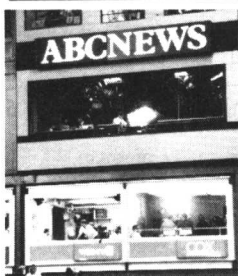
Overview

1. The Federalist, No. 17 , Alexander Hamilton, <i>The Federalist Papers</i> , 1787.	6
Alexander Hamilton identifies a number of factors—many of them rooted in human nature—that makes it most unlikely that the <i>national government</i> will become too powerful in the proposed new <i>federal system of government</i> .	
2. The Federalist, No. 45 , James Madison, <i>The Federalist Papers</i> , 1788.	8
James Madison writes that the authority of <i>state governments</i> will not be endangered by the central government in the new <i>federal system</i> . He argues that history, the nature and role of state governments, and the relatively few powers delegated to the national government in the new Constitution all support his conclusion.	
3. Nature of the American State , James Bryce, <i>The American Commonwealth</i> , 1888.	11
After noting that there is considerable <i>diversity</i> among the states, James Bryce focuses on factors that promote uniformity among them. He also discusses the constitutional and legal standing of the states within the context of American <i>federalism</i> .	

Overview

4. Who Should Do What? Divided Responsibility in the Federal System , Paul E. Peterson, <i>The Brookings Review</i> , Spring 1995.	16
The newly elected <i>Republican-controlled Congress</i> has promising plans to give states more responsibility for transportation, job training, education, crime control, and other policies that affect economic development. On the other hand, Republican proposals to increase the state role in development policy making and transference of redistributive policy would be a mistake.	
5. Unfunded Mandates: Balancing State and National Needs , James R. St. George, <i>The Brookings Review</i> , Spring 1995.	23
<i>Unfunded federal mandates</i> are a problem for state and local governments. These mandates have traditionally been supported by Washington, and doing away with controls will put undue pressure on state and local governmental agencies.	
6. State Authority: A Rising or Setting Sun? William T. Waren, <i>State Legislatures</i> , July/August 1996.	27
Recently the federal government has stressed the importance of federalism and of <i>moving real authority to the states</i> . William Waren looks at whether this rhetoric is being matched by action in Washington.	
7. The Gorilla That Swallows State Laws , Ellen Perlman, <i>Governing</i> , August 1994.	31
Ellen Perlman discusses the <i>preemption</i> of state laws by the U.S. Congress. She notes that nearly half of such preemptive lawmaking by Congress has occurred in the past 20 years and explains the reactions of business and consumer groups to various instances of preemption or attempted preemption by Congress.	
8. Devolution: Stage II , Steven D. Gold, <i>State Legislatures</i> , April 1996.	36
The federal government is currently planning to transfer power and <i>responsibility from Washington to the states</i> . As this power shift evolves, states will have to change the way they have traditionally treated local governments.	

UNIT 3



Linkages between Citizens and Governments

Thirteen articles explore various mechanisms that are supposed to help make state and local governments responsive to citizens: elections, political parties, lobbying, media, referenda, initiatives, and so forth.

9. **Devolution by the Numbers**, Eileen Shanahan, *Governing*, May 1996. 40
With the *devolution of federal power*, state and local governments are going to need the right statistical tools to make the new federalism work.

Overview 42

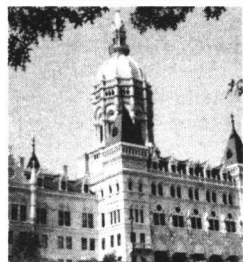
A. PARTIES AND ELECTIONS

10. **It Isn't the Gender**, *State Legislatures*, December 1994. 44
This brief article presents the results of a major study on the electoral fortunes of male and female candidates for elective office in all 50 states. One major finding is that *incumbency* is a far more important factor than *gender* in determining the outcome of elections.
11. **Early Voting: Convenient, But . . . ?** Andrew E. Busch, *State Legislatures*, September 1996. 45
The process of early voting can be convenient, and it may increase voter turnout, which in recent years has greatly diminished. The trade-off may well be a sacrifice of *citizens' being well-informed and judicious voters*.
12. **The Cost of Winning**, Thad L. Beyle, *State Government News*, April 1996. 48
Thad Beyle examines the dynamics of political spending for the last big cycle of *gubernatorial campaigns* in 1994. He analyzes how some races proved much more expensive than others.
13. **The Mirage of Campaign Reform**, Rob Gurwitt, *Governing*, August 1992. 53
Campaign finance reforms that have been passed in various states are reviewed by Rob Gurwitt. He concludes that the reforms have generally not been successful and explains why this has been the case.
14. **If Term Limits Are the Answer, What's the Question?** Alan Ehrenhalt, *Governing*, May 1994. 58
Alan Ehrenhalt argues that *term limits* are a bad idea, especially when applied to local government officeholders. He suggests that limiting elected officials' terms in office is an attempt to cope with a problem that is disappearing of its own accord.
15. **Should Judges Be Elected?** Richard Lee Price and Evan A. Davis, *State Government News*, August 1992. 60
Richard Price argues that *appointing judges* does not prevent them from being beholden to special interest groups or to those who selected them and that elections provide for more accountability. Evan Davis, by contrast, argues that appointing judges is preferable, since the appointment process could allow for accountability, diversity, judicial independence, and opportunity.
16. **My Life as a School Board Candidate: Lessons Learned in Local Politics**, Allen D. Hertzke, *Extensions*, Spring 1994. 62
Allen Hertzke reports five lessons that he learned from unsuccessfully running for election to his *local school board*. The lessons relate both to *local electoral politics* and to what an individual citizen can learn from entering into the electoral arena.

B. INTEREST GROUPS, NEW TECHNOLOGY, AND NEWS MEDIA

17. **Lobbyists as Outlaws**, Garry Boulard, *State Legislatures*, January 1996. 65
The *nature of lobbying* has changed dramatically in the last 2 decades, making it far less prone to corruption than it used to be and far more commercial than it ever was.
18. **On the Net: Unpredictable Opportunities**, Richard J. Varn and Rusty Martin, *State Legislatures*, March 1996. 70
This essay considers the potential of *ultimate access to information* that could give everyone the same information that lawmakers use to make their decisions. It will move us from a representative democracy toward a more direct democracy.

UNIT 4



Government Institutions and Office-holders

Fifteen selections treat the functioning of legislatures, executives, courts, and other institutions in state and local governments.

19. **Store Wars**, Jonathan Walters, *Governing*, January 1995. 73
Jonathan Walters explores the controversies that arise over the planned opening of a new Wal-Mart store. He discusses economic factors and other effects that such a development can have on a small community and the arguments for and against it.

20. **Swiss Cheese Journalism**, Doris A. Graber, *State Government News*, July 1993. 78
Doris Graber explains why the current *news media system* in the United States leads to inadequate coverage of state and local governments. She describes the existing patterns of news media coverage—and noncoverage—of public affairs.

C. REFERENDA, INITIATIVES, AND RECALLS

21. **Civic Strategies for Community Empowerment**, Joseph F. Zimmerman, *National Civic Review*, May/June 1988. 81
The author explores *referenda*, *initiatives*, and *recalls* as well as other structural mechanisms used in states and localities to improve democratic links between citizens and government.

22. **Sloppy Democracy**, Alan Rosenthal, *State Government News*, January 1995. 85
A number of states have *ballot initiatives* that allow voters to bypass the legislative process. How this process works, and how the process can take a heavy toll on representative democracy, is the subject of this article.

Overview 88

A. LEGISLATURES

23. **The Legislature 2010: Which Direction?** Rich Jones, *State Legislatures*, July 1990. 90

Rich Jones considers the future of *state legislatures*: Will they become increasingly professionalized, or will they retain a traditional, part-time flavor?

24. **Our Beleaguered Institution**, Karen Hansen, *State Legislatures*, January 1994. 93

Karen Hansen reports that *state legislatures* are probably more effective institutions than ever before even though the public continues to hold negative views about them. She also describes ways that state legislatures can improve their standing among the citizens they are supposed to represent.

25. **Growing Accustomed to Her Face**, Lesley Dahlkemper, *State Legislatures*, July/August 1996. 97

More and more women are being chosen for formal leadership positions in state legislatures across the country. This article considers the kind of *leadership style women bring to government*.

26. **Transcending Term Limits**, George Peery, *State Legislatures*, June 1996. 104

Citizens in nearly half of the states have approved *term limits for federal and state officials*. Although the Supreme Court struck down term limits for Congress in 1995, term limits are still a phenomenon that state politicians must confront.

27. **The Consensus Industry**, Ellen Perlman, *Governing*, January 1997. 109

Today, many governments cannot make decisions by themselves; they are including concerned citizens who want to be involved in *forming policy decisions* that affect them.

B. EXECUTIVES

28. **Executive Leadership as an Enduring Institutional Issue**, Frank J. Thompson, *State and Local Government Review*, Winter 1995. 111

State and local authority and responsibility presents a mismatch between chief executives, who shoulder more political responsibility than their authority justifies, and members of the legislative branch, who exert less responsibility than their formal powers of collective behavior warrant.

29. **The Lure of the Strong Mayor**, Rob Gurwitt, *Governing*, July 1993. 121
Rob Gurwitt reports that many cities with *council-manager government* are considering a change to *strong-mayor government*. He summarizes the factors that led to widespread adoption of council-manager government in this century and explains some of the changes that are now leading to serious reconsideration of this system.
 30. **Handing the Schools to City Hall**, Charles Mahtesian, *Governing*, October 1996. 125
When they try to instill some degree of *accountability for school systems*, cities are sometimes at a loss regarding the delegation of responsibility for educational reform and direction. Often, in recent years, the person delegated to run the schools is the mayor.
- C. COURTS**
31. **The States' Lead in Rights Protection**, John Kincaid and Robert F. Williams, *The Journal of State Government*, April-June 1992. 128
The authors note that *state courts* have been making decisions in favor of broader rights than those recognized by the U.S. Supreme Court. They explain that this phenomenon is consistent with traditional *principles of U.S. federalism*.
 32. **Supreme Chaos**, Charles Mahtesian, *Governing*, July 1996. 131
Charles Mahtesian explores the heavy workloads and critical responsibilities that the courts face today. He points out that the job is made harder because of the *eccentric behavior* of a disturbing number of *justices*.
 33. **View from the Bench: A Judge's Day**, Lois G. Forer, *The Washington Monthly*, February 1975. 134
Examining her day's work in a *city criminal court*, Judge Lois Forer describes her reactions to the defendants who have come before her and to the overall legal system of which her court is a part.
 34. **Justice by Numbers**, Lois G. Forer, *The Washington Monthly*, April 1992. 138
A former Philadelphia judge discusses *mandatory sentencing laws* and their negative effects on the criminal justice system and on her own career. She also gives her view of how criminal sentencing should work.
- D. CORRUPTION, CONTRACTS, AND EFFICIENCY**
35. **Have Ethics' Laws Gone Too Far?** Charlie Williams and Fred A. Risser, *State Government News*, April 1996. 143
In this debate on a timely topic, Charlie Williams claims that *ethics' laws* have gone too far, keeping the best and the brightest from public service, while Fred A. Risser feels that they are the only way to *ensure clean government*.
 36. **The Buddy System**, Patrick Rains, *American City and County*, February 1993. 145
Patrick Rains reports the modern-day local government equivalent of the *spoils system* that President Andrew Jackson practiced so extensively in the early nineteenth century. He criticizes a variety of practices that together constitute what he calls the *buddy system*.
 37. **Power Brokers**, Margaret Kriz, *National Journal*, November 30, 1996. 149
States across the country are encouraging the *breakup of utility monopolies* with the idea that electric customers will benefit with cheaper rates. But some experts say that the federal *government should set the ground rules*.

UNIT 5



Cities and Suburbs, Counties and Towns

Seven selections comment on issues, problems, and opportunities facing governments of metropolitan areas.

Overview	154
38. Business Flees to the Urban Fringe , Christopher B. Leinberger, <i>The Nation</i> , July 6, 1992. Christopher Leinberger explains how <i>economic forces</i> lead to different types of jobs' being located in different sections of <i>metropolitan areas</i> . In turn, our metropolitan areas are being transformed and decentralized.	156
39. The Reverse Commute , Rochelle L. Stanfield, <i>National Journal</i> , November 23, 1996. Rochelle L. Stanfield discusses <i>jobs in the suburbs</i> and the difficulty that inner-city residents have getting to them. She tells about several <i>experimental programs</i> that aim to solve this and other problems related to this reverse commute.	160
40. Home from Nowhere , James Howard Kunstler, <i>The Atlantic Monthly</i> , September 1996. According to James Howard Kunstler, society would benefit "if we could agree on a model of good development and simplify the means of going forward with . . . the intent of the <i>traditional town planning</i> that is the <i>foundation of the new urbanism</i> ."	164
41. Bend or Die , David Rusk, <i>State Government News</i> , February 1994. David Rusk identifies three criteria by which to judge whether a city has passed what he calls the statistical " <i>point of no return</i> ," thus dooming it to economic and social failure unless state government comes to the rescue. He argues that bad state laws that prevent geographical expansion of cities are responsible for many <i>urban problems</i> today.	176
42. A Tale of Two Suburbias , <i>U.S. News & World Report</i> , November 9, 1992. A growing gap between two kinds of suburbs in recent years is noted. <i>Working-class suburbs</i> have been in economic decline, while so-called " <i>edge-city</i> " suburbs have been prospering.	180
43. Good Government, Bad Government , Alan Ehrenhalt, <i>Governing</i> , April 1995. "Across the street from each other sit the offices of one of the country's <i>best-run cities</i> and <i>worst-run counties</i> ." Maricopa County is a <i>constitutionally powerless</i> creature of the state of Arizona; Phoenix is a <i>fine example of city manager government</i> .	183
44. Cry, the Beleaguered County , Jonathan Walters, <i>Governing</i> , August 1996. Jonathan Walters claims that in this <i>era of devolution</i> , responsibility for many of the fastest-growing and most costly government programs is landing in the laps of <i>counties</i> .	188
Overview	192
A. REVENUES	
45. Revenue-Raising Partners , James Edwin Kee and John Shannon, <i>State Legislatures</i> , December 1991. According to the authors, state and local governments have at least six advantages over the national government in <i>raising revenue</i> . They report that state and local governments today raise as much general revenue as the national government does.	194
46. Our Outmoded Tax Systems , Ronald K. Snell, <i>State Legislatures</i> , August 1994. Ronald Snell describes the evolutionary process that produced the tax systems used by state governments. He also explains why existing <i>state tax systems</i> are outmoded and lists criteria for a good tax system. Snell concludes by suggesting how states should go about reforming their tax systems.	196
47. It's Not a Mirage, It's a Mirage , Steven D. Gold, <i>State Legislatures</i> , February 1994. Steven Gold reviews <i>state government's</i> use of <i>legalized gambling</i> to raise <i>revenues</i> . He explains why typical expectations about the benefits of legalized gambling are unrealistic.	201

UNIT 6

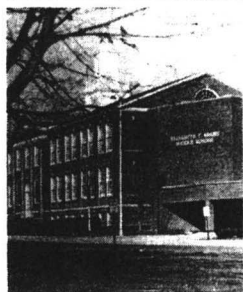


Finances and Economic Development

Fifteen articles examine revenue-raising methods that state and local governments use, as well as challenges and problems of development that state and local governments face.

48. **The Tax the Public Loves to Hate**, Ronald K. Snell, *State Legislatures*, December 1991. 205
Local property tax is very unpopular with the American public. Ronald Snell reviews its pros and cons and concludes that its advantages probably outweigh its disadvantages. He also discusses the consequences of two measures designed to limit property tax rates that were passed with considerable fanfare more than 12 years ago: *Proposition 13* in California and *Proposition 2 1/2* in Massachusetts.
 49. **The Quagmire of Education Finance**, Charles Mahtesian, *Governing*, September 1993. 208
Charles Mahtesian reviews the controversial and complicated concept of *equity in school finances*. He concludes that *adequacy*, a new notion that is gaining currency in legal and educational circles, may bring better results for schools and schoolchildren.
 50. **Balancing the Budget with Billboards & Souvenirs**, Penelope Lemov, *Governing*, October 1994. 212
Penelope Lemov describes various ways that local governments market products and advertising space to generate *revenues*. Lemov points out that these creative revenue sources are not without risks, although in general they have worked well.
 51. **A Guide to the Municipal Bond Market: The Post-Orange County Era**, John E. Petersen, *Governing*, November 1995. 216
According to John E. Petersen, in the past governments have always gone to great lengths to protect their *bond ratings*. Now traditional tax-supported bonds could sink to the junk bond category. A lot depends on how Orange County solves its *bankruptcy-default problems*.
 52. **Ways to Skin the Property Tax Cat**, Scott Mackey, *State Legislatures*, September 1996. 221
"Property tax relief is still good politics," says Scott Mackey, but it remains to be seen whether relief efforts can be sustained in an economic downturn, since *property taxes* have historically been a *stable tax for state and local governments*.
 53. **The Tastiest Tax Cut**, Penelope Lemov, *Governing*, November 1996. 223
Eliminating *sales taxes on food* helps the poor, but such moves could backfire if, as some think, they hurt the public treasury. Penelope Lemov notes that Hawaii gives residents tax relief without touching food taxes.
- B. ECONOMIC DEVELOPMENT**
54. **The Third Wave of Economic Development**, Dan Pilcher, *State Legislatures*, November 1991. 226
In this article, a shift in emphasis in *economic development* strategies is identified. The "third wave" focuses on investments in people through education and training programs.
 55. **Romancing the Smokestack**, Charles Mahtesian, *Governing*, November 1994. 230
The author describes the phenomenon known as "*smokestack chasing*," wherein state and local government officials compete in attempts to lure new businesses to their areas. He also notes some of the problems and risks that accompany such attempts.
 56. **The Strange Career of Enterprise Zones**, William Fulton and Morris Newman, *Governing*, March 1994. 234
The authors recount the complicated history of *enterprise zones*, which constitute attempts by governments—usually state and local governments—to spur *economic development* in particular areas. They also report on the recent initiatives of the Clinton administration in the field of enterprise zones.
 57. **Detroit Dresses for Business**, Rob Gurwitt, *Governing*, April 1996. 237
Mayor Dennis Archer in Detroit believes in the idea that the city's route to *economic salvation* lies in reaching out to the business establishment and to the suburbs. Black mayors in other cities are following his lead.

UNIT 7



Service Delivery and Policy Issues

Seven selections treat the means that state and local governments use in delivering services to the public and policy issues in such areas as education, criminal justice, health care, gambling and so forth.

58. **Wild about Convention Centers**, Lawrence Tabak, *The Atlantic Monthly*, April 1994. 241
Lawrence Tabak reports on the pressures and aspirations that lead cities to build grand convention centers in search of new sources of *revenue*. He argues, however, that most cities that build such centers will not reap the economic benefits that they had been expecting.
59. **Government at Bat**, Carla Nielsen, *State Government News*, June 1994. 245
Carla Nielsen describes the various ways that state governments have helped finance new professional *sports facilities* in major cities. She also notes the possible pitfalls in such arrangements.

Overview 250

A. SERVICE DELIVERY ISSUES

60. **The Tricky Path to Going Private**, Linda Wagar, *State Government News*, February 1994. 252
Linda Wagar surveys the variety of functions that state governments have been *privatizing* in recent years. She also presents some recommendations about how to privatize most effectively.
61. **End of a Monopoly?** Eric Sikkema, *State Legislatures*, February 1996. 254
Eric Sikkema advises that new technologies and low prices for natural gas are forcing *electric utilities to be more competitive*. In addition, there is pressure toward *deregulation*.
62. **Finding the Right Fit: America's Charter Schools Get Started**, Chester E. Finn Jr., Louann A. Bierlein, and Bruno V. Manno, *The Brookings Review*, Summer 1996. 256
This article is drawn from the preliminary report of the Hudson Institute's *Charter Schools in Action* project. Run by extremely dedicated folk, charter schools nevertheless need some *state policy action* if they are to solve their start-up problems.

B. POLICY ISSUES

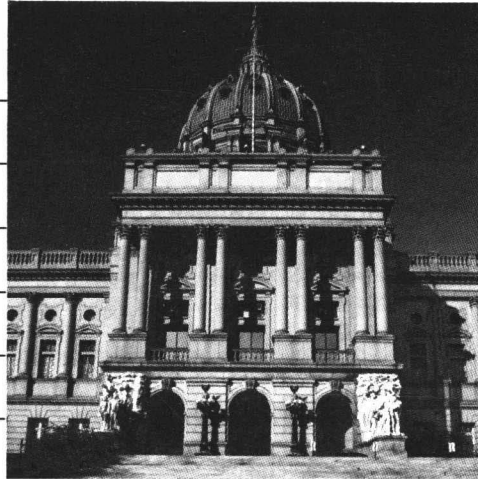
63. **Do We Need More Prisons?** Ann W. Richards and Anne M. Larrivee, *State Government News*, November 1992. 260
The authors argue the pros and cons of building more *prisons*. Ann Richards says that prisons play an important role in a *system of criminal justice* and that we need more of them. Anne Larrivee argues that prisons have not been an effective solution to the problem of crime.
64. **Reining in the HMOs**, Marilyn Werber Serafini, *National Journal*, October 26, 1996. 262
Marilyn Werber Serafini finds that as *managed health care* proliferates, states are enacting laws to ensure patients' access to specialists and treatment information, among other protections. Health care plans have gone along, but they fear overregulation.
65. **Gambling Away Our Moral Capital**, William A. Galston and David Wasserman, *The Public Interest*, Spring 1996. 266
At a time when so many forces are pushing in the direction of irresponsibility, the authors say, public institutions have "an affirmative obligation to defend the older, . . . virtues of industry, thrift, . . . and care for the future." They conclude that *government promotion of gambling* is inconsistent with that obligation.
66. **Reducing the Rubbish Heap**, Deb Starkey and Dianna Gordon, *State Legislatures*, May 1996. 271
A number of places are replacing the traditional tax-based or *flat-fee trash bill* with *unit pricing* in the hope that customers will have an economic incentive to reduce the amount of rubbish that they discard.

Index 273

D771.232/5854=

STATE AND LOCAL GOVERNMENT

Eighth Edition



(Cover: State Capitol Building, Harrisburg, PA.
Image © 1996 PhotoDisc, Inc.)

Editor

Bruce Stinebrickner
DePauw University

Professor Bruce Stinebrickner teaches American politics and chairs the Department of Political Science at DePauw University in Greencastle, Indiana. After receiving his Ph.D. from Yale University in 1974, and before going to Depauw in 1986, he taught American politics at Lehman College of the City University of New York and at the University of Queensland in Brisbane, Australia. He has a general interest in U.S. public policy and a special interest in public policies relating to children and to civil rights and civil liberties. He is currently doing research on several issues relating to child custody, including adoption, foster care, and child neglect and abuse.

Annual Editions

A Library of Information from the Public Press

Dushkin/McGraw-Hill

Sluice Dock, Guilford, Connecticut 06437

Visit us on the Internet—<http://www.dushkin.com/>

Topic Guide

This topic guide indicates how the selections in this book relate to topics of likely to be treated in state and local government textbooks. It is useful for locating articles that relate to each other for reading and research. The guide is arranged alphabetically according to topic. Articles may, of course, treat topics that do not appear in the topic guide. In turn, entries in the topic guide do not necessarily constitute a comprehensive listing of all the contents of each selection.

TOPIC AREA	TREATED IN	TOPIC AREA	TREATED IN
Cities	33. View from the Bench: A Judge's Day 38. Business Flees to the Urban Fringe 39. Reverse Commute 41. Bend or Die 42. Tale of Two Suburbias 43. Good Government, Bad Government 57. Detroit Dresses for Business 58. Wild about Convention Centers 59. Government at Bat	Ethics and Ethics Laws	35. Have Ethics' Laws Gone Too Far? 36. Buddy System
Courts	15. Should Judges Be Elected? 31. States' Lead in Rights Protection 32. Supreme Chaos 33. View from the Bench: A Judge's Day 34. Justice by Numbers	Federalism	1. <i>The Federalist</i> , No. 17 2. <i>The Federalist</i> , No. 45 3. Nature of the American State 4. Who Should Do What? Divided Responsibility in the Federal System 5. Unfunded Mandates: Balancing State and National Needs 6. State Authority: A Rising or Setting Sun? 7. Gorilla That Swallows State Laws 8. Devolution: Stage II 9. Devolution by the Numbers
Criminal Justice System	33. View from the Bench 63. Do We Need More Prisons?	Governors	28. Executive Leadership as an Enduring Institutional Issue
Devolution	8. Devolution: Stage II 9. Devolution by the Numbers 44. Cry, the Beleaguered County	Health Care	64. Reining in the HMOs
Economic Development	19. Store Wars 38. Business Flees to the Urban Fringe 54. Third Wave of Economic Development 55. Romancing the Smokestack 56. Strange Career of Enterprise Zones 59. Government at Bat	Interest Groups	13. Mirage of Campaign Reform 17. Lobbyists as Outlaws
Election and Electoral Systems	10. It Isn't the Gender 11. Early Voting: Convenient, But . . . ? 12. Cost of Winning 13. Mirage of Campaign Reform 14. If Term Limits Are the Answer, What's the Question? 15. Should Judges Be Elected? 16. My Life as a School Board Candidate: Lessons Learned in Local Politics	Land Use	40. Home from Nowhere
Electricity Providers	37. Power Brokers 61. End of a Monopoly?	Lotteries	47. It's Not a Miracle, It's a Mirage 65. Gambling Away our Moral Capital
		Mandates	5. Unfunded Mandates: Balancing State and National Needs
		Mayors	29. Lure of the Strong Mayor 30. Handing the Schools to City Hall 57. Detroit Dresses for Business
		News Media	20. Swiss Cheese Journalism
		Parties	13. Mirage of Campaign Reform
		Privatization	60. Tricky Path to Going Private

TOPIC AREA	TREATED IN	TOPIC AREA	TREATED IN
Referenda and Initiatives	21. Civic Strategies for Community Empowerment 22. Sloppy Democracy 51. Guide to the Municipal Bond Market: The Post-Orange County Era 52. Ways to Skin the Property Tax Cut 53. The Tastiest Tax Cut	Schooling/ School Boards/ School Districts	16. My Life as a School Board Candidate: Lessons Learned in Local Politics 30. Handing the Schools to City Hall 49. Quagmire of Education Finance 62. Finding the Right Fit: America's Charter Schools Get Started
Revenue Raising	45. Revenue-Raising Partners 46. Our Outmoded Tax Systems 47. It's Not a Miracle, It's a Mirage 48. Tax the Public Loves to Hate 49. Quagmire of Education Finance 50. Balancing the Budget with Billboards & Souvenirs 55. Romancing the Smokestack	State Legislatures/ State Legislators	13. Mirage of Campaign Reform 23. Legislature 2010: Which Direction? 24. Our Beleaguered Institution 25. Growing Accustomed to Her Face 28. Executive Leadership as an Enduring Institutional Issue 30. Handing the Schools to City Hall
		Technology	18. On the Net: Unpredictable Opportunities
		Term Limits	26. Transcending Term Limits

Selected World Wide Web Sites for State and Local Government

(Some Web sites are continually changing their structure and content, so the information listed here may not always be available.—Ed.)

Alliance for Redesigning Government

<http://192.156.133.18/Alliance/> This site allows the visitor to hypothetically reinvent federal, state, and local government by using basic concepts, actual cases, available resources, and contacts with practitioners.

Congress

<http://congress.org/> A user-friendly site that is a very effective starting point for Web users in search of Capitol Hill current political information. The site is hot-linked to a wide range of information about the 105th Congress, which began its session on January 7, 1997. The site allows users to access a complete and reliable directory of information about the members of the U.S. House of Representatives and Senate, and it includes a congressional directory, House and Senate committee assignments, and the ability to communicate with specific members.

Government on Line

<http://www.gol.org/> An information service that links state and local government to the information technology industry. Provides summary information about successful programs.

Local Government Network

<http://www.ig.org/> This site focuses on telecommunication, civic networking, civic dialogue, and allows for citizen participation and input.

PoliticsNow

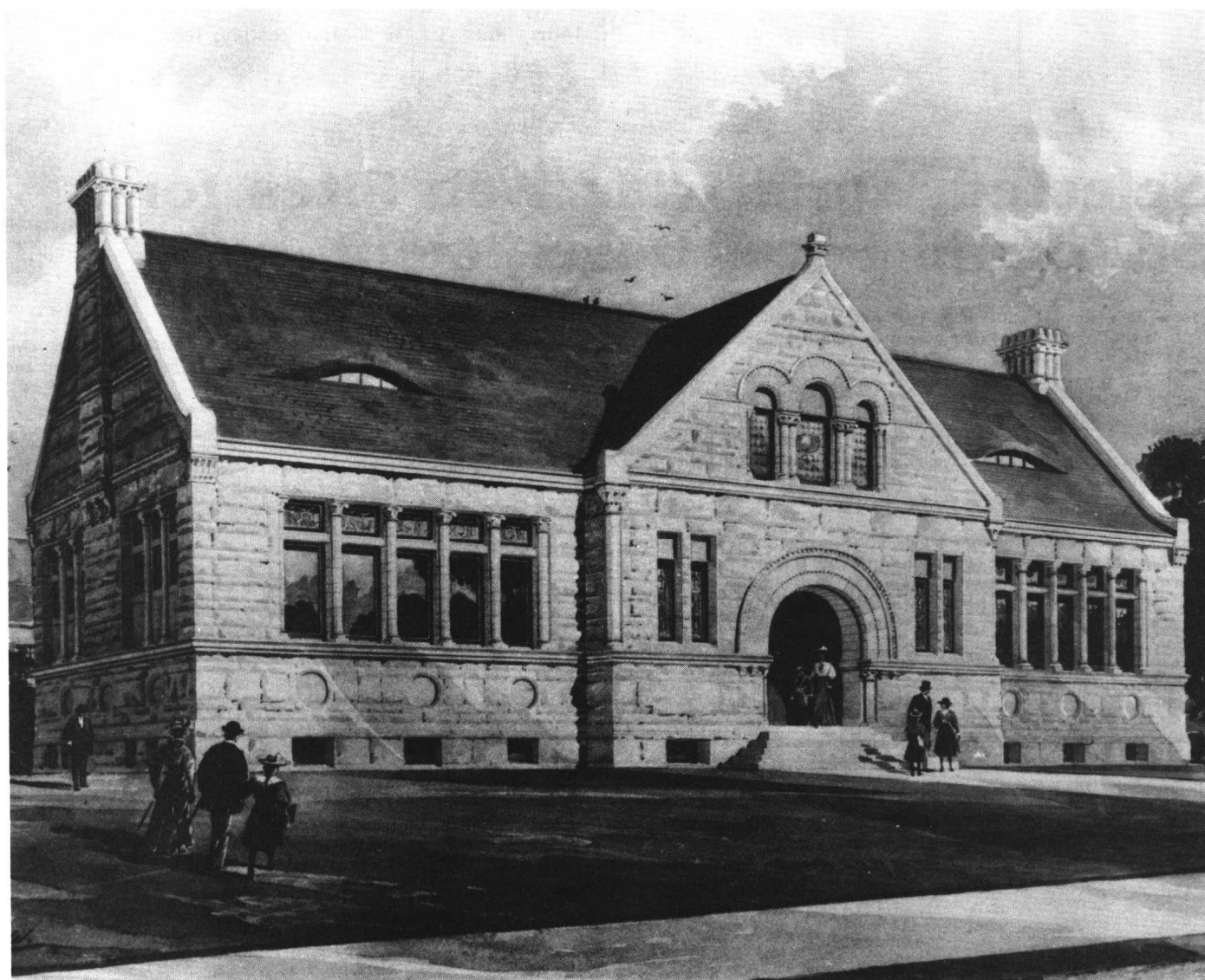
<http://www.politicsnow.com/> Major site for current U.S. political information, including News & Views, Briefing Books, Campaign Resources, Hottest Issues. See, especially, Bookshelf, for historical documents to 1996, Almanac of American Politics, and Congressional References. Site sponsored by ABC News, *National Journal*, *Washington Post*, *Los Angeles Times*, *Newsweek*.

State and Local Government on the Net

http://www.yahoo.com/Government/U_S_States/index.html This site allows one to search individual states for elected officials, state government jobs, and state organizations, and to search other links to local government sites.

We highly recommend that you check out our Web site for expanded information and our other product lines. We are continually updating and adding links to our Web site in order to offer you the most usable and useful information that will support and expand the value of your *Annual Edition*. You can reach us at <http://www.dushkin.com/>

Early Commentaries



The American political system includes three levels of government—national, state, and local. Although not unique among nations today, this arrangement was unusual in the late eighteenth century when the United States became independent. Early commentaries on the American political system paid considerable attention to each of the levels of government as well as to relations among the three levels. These writings suggest the important role that state and local governments have always played in the United States.

Debate about the desirability of the proposed new Constitution of 1787—the Constitution that remains in force to this day—often focused on the relationship between the national government and the states. Some people thought that the states were going to be too strong in the proposed new union, and others argued that the national government would be. Three prominent supporters of the new Constitution—Alexander Hamilton, James Madison, and John Jay—wrote a series of articles in 1787–1788 explaining and defending it. Many of these articles, which came to be known as *The Federalist Papers*, treated the federal relationship between the national government and the states. So did many of the writings of other early observers. This shows the importance that was attached to the new federal relationship right from the start.

Local government was also the subject of considerable attention in early commentaries on the American political system. Alexis de Tocqueville, a French nobleman visiting the United States early in the nineteenth century, recorded his observations in a book entitled *Democracy in America* (1835). Tocqueville remarked on the extraordinary vitality of American local government institutions, comparing what he saw in the United States with European institutions at the time. Today American local government still plays a prominent role in the overall governing process, probably more so than in any other nation in the world.

Later in the nineteenth century, a second foreign observer, James Bryce, published another historic commen-

tary on the United States, *The American Commonwealth* (1888). Bryce, an Englishman, discussed American federalism and American state and local governments. He described the similarities and differences among local government structures in different regions of the country, the nature of the states, and the lamentable performance of city governments. Like Tocqueville, Bryce was able to identify and analyze distinctive elements of the American system of government and make a lasting contribution to the study of the American political system.

Selections in this first section of the book come from *The Federalist Papers* and Bryce's *American Commonwealth*. These historic observations on American federalism and state and local governments provide a baseline against which to assess the picture of contemporary state and local government that emerges in the rest of the book.

Looking Ahead: Challenge Questions

How does the picture of local governments provided by Bryce compare with American local governments today?

Do you think that the observations of Hamilton, Madison, and Bryce are out of date by now? Why or why not?

Students of politics frequently refer to the “historic” writings of Plato, Aristotle, Machiavelli, Hobbes, Locke, Rousseau, and others. Selections in this section are examples of early or historic writings on American politics. Why do you think that those who study politics so often look to the classics, even centuries after they were first written?

Do you find the arguments and logic of *Federalist* No. 17 and No. 45 persuasive? Can you detect any flaws or mistakes?

Which author do you find most interesting and helpful—Alexander Hamilton, James Madison, or James Bryce? Why?

THE FEDERALIST

NO. 17

(HAMILTON)

To the People of the State of New York:

AN OBJECTION, of a nature different from that which has been stated and answered, in my last address, may perhaps be likewise urged against the principle of legislation for the individual citizens of America. It may be said that it would tend to render the government of the Union too powerful, and to enable it to absorb those residuary authorities, which it might be judged proper to leave with the States for local purposes. Allowing the utmost latitude to the love of power which any reasonable man can require, I confess I am at a loss to discover what temptation the persons intrusted with the administration of the general government could ever feel to divest the States of the authorities of that description. The regulation of the mere domestic police of a State appears to me to hold out slender allurements to ambition. Commerce, finance, negotiation, and war seem to comprehend all the objects which have charms for minds governed by that passion; and all the powers necessary to those objects ought, in the first instance, to be lodged in the national depository. The administration of private justice between the citizens of the same State, the supervision of agriculture and of other concerns of a similar nature, all those things, in short, which are proper to be provided for by local legislation, can never be desirable cares of a general jurisdiction. It is therefore improbable that there should exist a disposition in the federal councils to usurp the powers with which they are connected; because the attempt to exercise those powers would be as troublesome as it would be nugatory; and the possession of them, for that reason, would contribute nothing to the dignity, to the importance, or to the splendor of the national government.

But let it be admitted, for argument's sake, that mere wantonness and lust of domination would be sufficient to beget that disposition; still it may be safely affirmed, that the sense of the constituent body of the national representatives, or, in other words, the people of the several States, would control the indulgence of so extravagant

an appetite. It will always be far more easy for the State governments to encroach upon the national authorities, than for the national government to encroach upon the State authorities. The proof of this proposition turns upon the greater degree of influence which the State governments, if they administer their affairs with uprightness and prudence, will generally possess over the people; a circumstance which at the same time teaches us that there is an inherent and intrinsic weakness in all federal constitutions; and that too much pains cannot be taken in their organization, to give them all the force which is compatible with the principles of liberty.

The superiority of influence in favor of the particular governments would result partly from the diffusive construction of the national government, but chiefly from the nature of the objects to which the attention of the State administrations would be directed.

It is a known fact in human nature, that its affections are commonly weak in proportion to the distance or diffusiveness of the object. Upon the same principle that a man is more attached to his family than to his neighborhood, to his neighborhood than to the community at large, the people of each State would be apt to feel a stronger bias towards their local governments than towards the government of the Union; unless the force of that principle should be destroyed by a much better administration of the latter.

This strong propensity of the human heart would find powerful auxiliaries in the objects of State regulation.

The variety of more minute interests, which will necessarily fall under the superintendence of the local administrations, and which will form so many rivulets of influence, running through every part of the society, cannot be particularized, without involving a detail too tedious and uninteresting to compensate for the instruction it might afford.

There is one transcendent advantage belonging to the province of the State governments, which alone suffices to place the matter in a clear and satisfactory light,—I mean

the ordinary administration of criminal and civil justice. This, of all others, is the most powerful, most universal, and most attractive source of popular obedience and attachment. It is that which, being the immediate and visible guardian of life and property, having its benefits and its terrors in constant activity before the public eye, regulating all those personal interests and familiar concerns to which the sensibility of individuals is more immediately awake, contributes, more than any other circumstance, to impressing upon the minds of the people, affection, esteem, and reverence towards the government. This great cement of society, which will diffuse itself almost wholly through the channels of the particular governments, independent of all other causes of influence, would insure them so decided an empire over their respective citizens as to render them at all times a complete counterpoise, and, not unfrequently, dangerous rivals to the power of the Union.

The operations of the national government, on the other hand, falling less immediately under the observation of the mass of the citizens, the benefits derived from it will chiefly be perceived and attended to by speculative men. Relating to more general interests, they will be less apt to come home to the feelings of the people; and, in proportion, less likely to inspire an habitual sense of obligation, and an active sentiment of attachment.

The reasoning on this head has been abundantly exemplified by the experience of all federal constitutions with which we are acquainted, and of all others which have borne the least analogy to them.

Though the ancient feudal systems were not, strictly speaking, confederacies, yet they partook of the nature of that species of association. There was a common head, chieftain, or sovereign, whose authority extended over the whole nation; and a number of subordinate vassals, or feudatories, who had large portions of land allotted to them, and numerous trains of *inferior* vassals or retainers, who occupied and cultivated that land upon the tenure of fealty or obedience to the persons of whom they held it. Each principal vassal was a kind of sovereign within his particular demesnes. The consequences of this situation were a continual opposition to authority of the sovereign, and frequent wars between the great barons or chief feudatories themselves. The power of the head of the nation was commonly too weak, either to preserve the public peace, or to protect the people against the oppressions of their immediate lords. This period of European affairs is emphatically styled by historians, the times of feudal anarchy.

When the sovereign happened to be a man of vigorous and warlike temper and of superior abilities, he would acquire a personal weight and influence, which answered, for the time, the purposes of a more regular authority. But in general, the power of the barons triumphed over that of the prince; and in many instances his dominion was entirely thrown off, and the great fiefs were erected into independent principalities or States. In those instances in which the monarch finally prevailed over his vassals, his success was chiefly owing to the tyranny of those vassals over their dependents. The barons, or nobles, equally the enemies of the sovereign and the oppressors of the common people, were dreaded and detested by both; till mutual danger and mutual interest effected a union between them fatal to the power of the aristocracy. Had the nobles, by a conduct of clemency and justice, preserved the fidelity and devotion of their retainers and followers, the contests between them and the prince must almost always have ended in their favor, and in the abridgment or subversion of the royal authority.

This is not an assertion founded merely in speculation or conjecture. Among other illustrations of its truth which might be cited, Scotland will furnish a cogent example. The spirit of clanship which was, at an early day, introduced into that kingdom, uniting the nobles and their dependents by ties equivalent to those of kindred, rendered the aristocracy a constant overmatch for the power of the monarch, till the incorporation with England subdued its fierce and ungovernable spirit, and reduced it within those rules of subordination which a more rational and more energetic system of civil polity had previously established in the latter kingdom.

The separate governments in a confederacy may aptly be compared with the feudal baronies; with this advantage in their favor, that from the reasons already explained, they will generally possess the confidence and good-will of the people, and with so important a support, will be able effectually to oppose all encroachments of the national government. It will be well if they are not able to counteract its legitimate and necessary authority. The points of similitude consist in the rivalry of power, applicable to both, and in the CONCENTRATION of large portions of the strength of the community into particular DEPOSITS, in one case at the disposal of individuals, in the other case at the disposal of political bodies.

A concise review of the events that have attended confederate governments will further illustrate this important doctrine; an inattention to which has been the great source of our political mistakes, and has given our jealousy a direction to the wrong side. This review shall form the subject of some ensuing papers. PUBLIUS

THE FEDERALIST

NO. 45

(MADISON)

To the People of the State of New York:

HAVING shown that no one of the powers transferred to the federal government is unnecessary or improper, the next question to be considered is, whether the whole mass of them will be dangerous to the portion of authority left in the several States.

The adversaries to the plan of the convention, instead of considering in the first place what degree of power was absolutely necessary for the purposes of the federal government, have exhausted themselves in a secondary inquiry into the possible consequences of the proposed degree of power to the governments of the particular States. But if the Union, as has been shown, be essential to the security of the people of America against foreign danger; if it be essential to their security against contentions and wars among the different States; if it be essential to guard them against those violent and oppressive factions which embitter the blessings of liberty, and against those military establishments which must gradually poison its very fountain; if, in a word, the Union be essential to the happiness of the people of America, is it not preposterous, to urge as an objection to a government, without which the objects of the Union cannot be attained, that such a government may derogate from the importance of the governments of the individual States? Was, then, the American Revolution effected, was the American Confederacy formed, was the precious blood of thousands spilt, and the hard-earned substance of millions lavished, not that the people of America should enjoy peace, liberty, and safety, but that the government of the individual States, that particular municipal establishments, might enjoy a certain extent of power, and be arrayed with certain dignities and attributes of sovereignty? We have heard of the impious doctrine in the Old World, that the people were made for kings, not kings for the people. Is the same doctrine to be revived in the New, in another shape—that the solid happiness of the people is to be sacrificed to the views of political institutions of a different form? It is too early for politicians to presume on our forgetting

that the public good, the real welfare of the great body of the people, is the supreme object to be pursued; and that no form of government whatever has any other value than as it may be fitted for the attainment of this object. Were the plan of the convention adverse to the public happiness, my voice would be, Reject the plan. Were the Union itself inconsistent with the public happiness, it would be, Abolish the Union. In like manner, as far as the sovereignty of the States cannot be reconciled to the happiness of the people, the voice of every good citizen must be, Let the former be sacrificed to the latter. How far the sacrifice is necessary, has been shown. How far the unsacrificed residue will be endangered, is the question before us.

Several important considerations have been touched in the course of these papers, which discountenance the supposition that the operation of the federal government will by degrees prove fatal to the State governments. The more I revolve the subject, the more fully I am persuaded that the balance is much more likely to be disturbed by the preponderancy of the last than of the first scale.

We have seen, in all the examples of ancient and modern confederacies, the strongest tendency continually betraying itself in the members, to despoil the general government of its authorities, with a very ineffectual capacity in the latter to defend itself against the encroachments. Although, in most of these examples, the system has been so dissimilar from that under consideration as greatly to weaken any inference concerning the latter from the fate of the former, yet, as the States will retain, under the proposed Constitution, a very extensive portion of active sovereignty, the inference ought not to be wholly disregarded. In the Achæan league it is probable that the federal head had a degree and species of power, which gave it a considerable likeness to the government framed by the convention. The Lycian Confederacy, as far as its principles and form are transmitted, must have borne a still greater analogy to it. Yet history does not inform us