Governing States &

Localities

Kevin B. Smith Alan Greenblatt John Buntin

CQ Press and Governing Magazine Present a New Introduction to State and Local Government



Governing States and Localities

Kevin B. Smith, *University of Nebraska–Lincoln* Alan Greenblatt, Governing John Buntin, Governing

with Charles S. Clark





A Division of Congressional Quarterly Inc. Washington, D.C.

CQ Press 1255 22nd St., N.W., Suite 400 Washington, D.C. 20037

Phone, 202-729-1900 Toll-free, 1-866-4CQ-PRESS (1-866-427-7737)

www.cqpress.com

Copyright © 2005 by CQ Press, a division of Congressional Quarterly Inc.

All rights reserved. No part of this publication may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopy, recording, or any information storage and retrieval system, without permission in writing from the publisher.

⊚ The paper used in this publication exceeds the requirements of the American National Standard for Information Sciences—Permanence of Paper for Printed Library Materials, ANSI Z39.48-1992.

Cover design, interior design, and figures: Naylor Design Inc. Composition: BMWW

Editorial/political cartoons: Daryl Cagle at *Slate:* 57

Copyright © 1962 by Bill Mauldin. Reprinted courtesy of Mauldin Estate: 112

Historic Alabama voter registration materials: 112 Courtesy of Civil Rights Movement Veterans

Photo credits:

National Archives: 45

Massachusetts Turnpike Authority: 384

Mel Curtis/Getty Images, Inc.: xi, xx

Courtesy of the Paul P. Pressau family, photo by Stephen Aquilino: 422

Oregon Right to Life Yes on 51 Campaign: 88

Reuters: viii, x, xii, xiii, xviii, 25, 61, 64, 127, 136, 224, 250, 259, 365, 373

Courtesy of the Library of Congress: 99, 140, 195, 317, 441

AP/Wide World Photos: viii–xii, xiv–xix, 3, 12, 15, 21, 28, 34, 85, 93, 97, 105, 107, 131, 171, 176, 181, 192, 213, 220, 255, 270, 289, 295, 301, 305, 333, 336, 351, 358, 395,

409, 417, 431, 433, 453, 465, 468, 475, 492

Printed and bound in the United States of America

08 07 06 05 04 5 4 3 2 1

Library of Congress Cataloging-in-Publication Data

Smith, Kevin B.

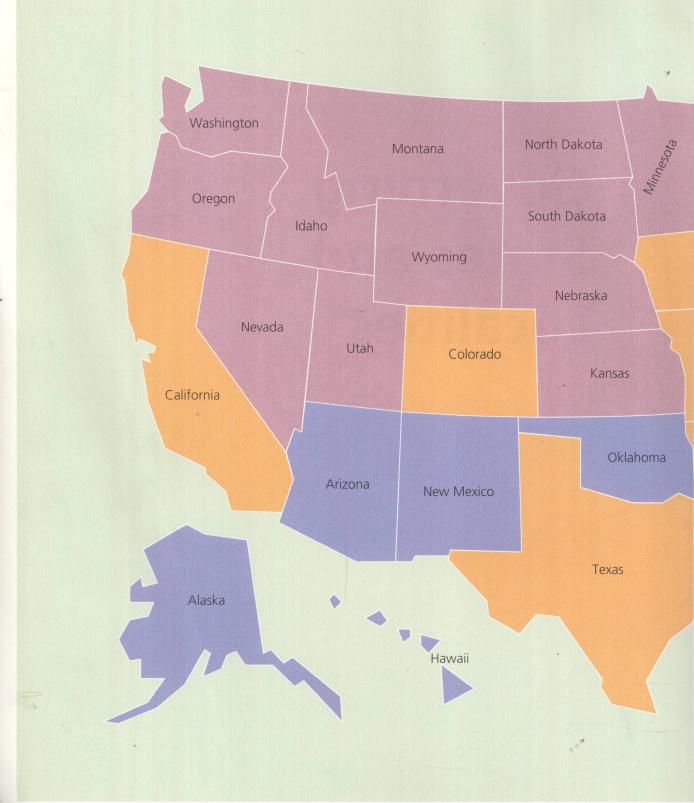
Governing states and localities / Kevin B. Smith, John Buntin, Alan Greenblatt.

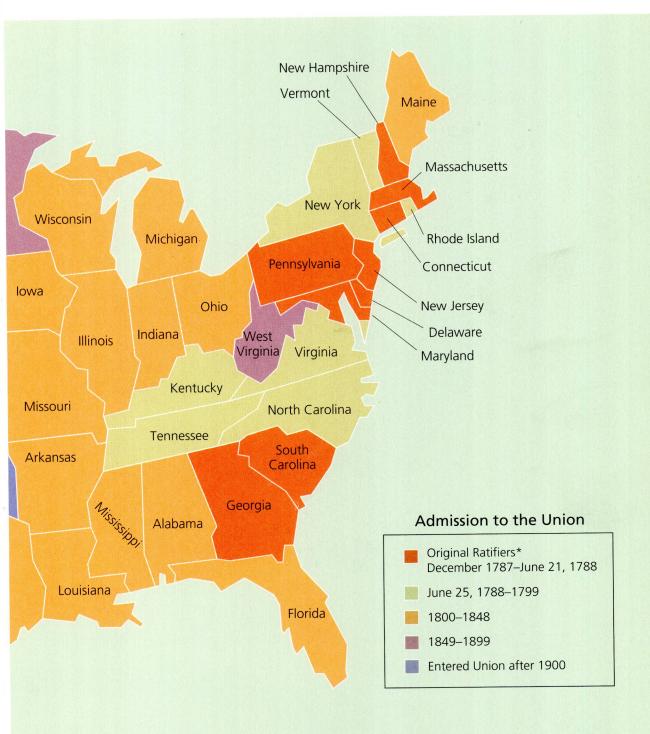
p. cm. Includes bibliographical references and index.

ISBN 1-56802-789-3 (alk. paper)

1. State governments—United States—Textbooks. 2. Local government—United States—Textbooks. 3. Comparative government—Textbooks. I. Buntin, John. II. Greenblatt, Alan. III. Title.

JK2408.S57 2005 320.473—dc22





Source: Bruce Wetterau, Desk Reference on the States (Washington, D.C.: CQ Press), 1999: 8–10.

^{*}Note: Until these first nine states ratified the Constitution, it technically was not in effect.

Governing States and Localities

To my wife, Kelly Kevin B. Smith

For Ron Elving, a great writer and student of politics, and in memory of Allan Abbott, one of my earliest teachers.

Alan Greenblatt

To Melinda John Buntin

Preface

overning States and Localities offers a concise and comprehensive introduction to state and local government, and does it with a difference. It is unique in that it is a collaboration between an academic and professional writers. Governing States and Localities rests squarely on a foundation of academic scholarship and a decade of experience teaching undergraduates about state and local government. Unlike other texts, however, this book also benefits from the input of writers and reporters from Governing magazine. As the preeminent publication covering state and local government, Governing offers unparalleled currency, data, inside knowledge, and know-how.

The involvement of *Governing* brings a fresh and contemporary perspective on state and local politics in terms of coverage and content as well as in the look and feel of the book. Taking full advantage of *Governing*'s award-winning reporting, *Governing States and Localities* deliberately follows the magazine's crisp newswriting style. The book's magazine-quality, four-color layout and design bring further life to this vital subject. The intent is to create a text that meets the highest academic and pedagogical standards while remaining engaging and easily accessible to undergraduates.

The pedagogical philosophy that provides the book's theme is the comparative method. This approach compares differences and similarities among similar units of analysis in order to explain *why* such differences exist. As scholars know well, state and local governments make excellent units of analysis for comparison because they operate within a single political system. The similarities and differences that mark their institutional structures, laws and regulations, political cultures, histories, demographics, economies, and geographies mean that they make exciting laboratories for asking and answering important questions about politics and government. Put simply, their differences make a difference.

The appeal of exploring state and local government through comparison is not just that it makes for good political science. It is also a great way to engage students, as it gives undergraduates an accessible, practical, and systematic way to understand politics and policy in the real world. Students

learn why even such seemingly personal concerns as why their tuition is so darned high are not just relevant to their particular situation and educational institution, but also to the interaction of that institution with its state's political culture, economy, history, tax structure, and even the school's geographical and demographical position within the state and region. Using the comparative method, this book gives students the resources they need to ask and answer such questions themselves.

In writing this book, we made an effort to integrate local government throughout. While we have a chapter devoted solely to local government, we have placed particular emphasis on making sure that each chapter deals with local, as well as state, politics and policy. For instance, in the chapter on finance, we identify the different institutional constraints that restrict how local governments generate revenue, as well as some of the ways localities get around these obstacles. In the political participation chapter, we discuss how the different histories and cultures of cities like Camden, New Jersey, and Providence, Rhode Island, influence the political behavior of their constituents today.

Key Features

This book includes a number of elements designed to showcase and promote the main themes of the text. A set of questions at the start of each chapter engages student interest in chapter content and prompts them to begin looking systematically for answers to these questions using the comparative method. The idea is not to simply spoon-feed the answers to students, but to demonstrate how the comparative method can be used to explore and explain questions about politics and policy.

Following the comparative questions, each chapter moves on to an opening vignette modeled after a lead in a news magazine article: a compelling story, crisply written, that segues naturally into the broader themes of the chapter. Many of these opening vignettes (as well as many of the feature boxes) represent original reporting by *Governing* writers.

The feature boxes in each chapter also emphasize and reinforce the comparative theme:

• "A Difference that Makes a Difference" boxes provide clear examples of how variation between states and localities can be used to explain a wide range of political and policy phenomena. These pieces detail the ways in which a particular state's institutions, regulations, political culture, demographics, and other factors shape its constitution, the way its political parties function, how its citizens tend to vote, how it allocates its financial resources, and why its courts are structured the way they are, to name a few.

- The "Local Focus" boxes spotlight the ways localities function independently of the states and show how they are both constrained and empowered by intergovernmental ties. From battles to wrest control of their budgets from the state to constitutional restrictions on how they can tax and spend to the way that a particular municipality's political culture influences the voting behavior of its citizens, these boxes showcase the rich variety that exists in these nearly eighty-seven thousand substate entities.
- "Policy in Practice" boxes demonstrate how different states and localities
 have interpreted and implemented legislation handed down from higher
 levels of government and the consequences of these decisions. Gubernatorial policy innovators in Wisconsin and Maryland, the surprising
 effects of new e-government tools, and the political and policy challenges
 involved in tuition hikes are just some of the issues addressed.

Box themes are clearly labeled, and each has its own distinctive logo to make it easier for instructors to refer to and test on boxed material.

Another key feature that serves the comparative theme is the design and use of graphics and tables. Twenty-six full-color fifty-state maps, including three unique cartograms, provide an intuitively easy way to grasp visual representation of the differences among states and localities, whether it is a measure of the size of state economies or the different party affiliation requirements for voting in direct primaries or methods of judicial selection or state incarceration rates. Similarly, more than sixty tables and figures emphasize how states and localities differ and what these differences mean to politics and policy. State rankings of voter turnout rates, state-by-state data on per-pupil educational spending, recent regional murder rates, and many other features support comparisons made in the text.

To aid student assimilation of content, each chapter includes a set of highlighted key concepts. These concepts are defined in the margins near the text where they are introduced and are compiled into a list at the end of each chapter. To further aid the understanding and exploration of key issues and concepts, relevant Web links and lists of suggested readings, both with brief annotations, also are found at the end of each chapter. A comprehensive glossary of key concept terms follows an appendix featuring state capitals and the dates of entry into the Union and precedes the book's index.

Organization of the Book

The book is organized so that each chapter logically builds upon previous chapters. The first chapter, subtitled, "They Tax Dogs in West Virginia, Don't They?," is essentially a persuasive essay that lays the conceptual groundwork for the book. Its aim is to convince students that state and local politics are important to their day-to-day lives and to their futures as profes-

sionals and as citizens. That is, it makes the case for why students should care about state and local politics. Along the way, it introduces the advantages of the comparative method as a systematic way to explore this subject. In introducing the book's approach, the chapter provides the basic context for studying state and local government, especially the differences in economics, culture, demographics, and geography that drive policy and politics at the regional level.

The next two chapters cover federalism and state constitutions. These chapters provide a basic understanding of what state and local governments are and what powers, responsibilities, and roles they have within the political system of the United States, as well as a sense of how they legally can make different political and policy choices. The next two chapters cover political culture, political attitudes, and participation and parties and interest groups. These chapters give students a coherent sense of the important mechanisms that link citizens to state and local governments.

Chapters six, seven, eight, and nine are separate treatments of the core institutions of government: legislatures, executives, courts, and bureaucracy. There is special emphasis in each chapter on how variation in structure, powers, and responsibilities among these institutions has real-life implications for citizens of states and localities. Chapter ten focuses on local government. The final four chapters are devoted to specific policy areas: finance, education, crime and punishment, and health and welfare. These represent a selection of the most critical policy functions of state and local governments.

Ancillaries

Written by Christopher Larimer of the University of Nebraska-Lincoln, we are pleased to offer a full range of high-quality, classroom-ready instructor and student ancillaries to accompany the book. Each is specifically tailored to Governing States and Localities.

A CD-ROM with instructor resources is available free to adopters, including a comprehensive test bank of more than 350 true/false, multiplechoice, and short-answer questions in COP Test Writer software. The test bank is easy to use as is, but instructors also may add, remove, or edit questions to their own specifications. CQP Test Writer software is capable of creating multiple versions of tests.

Also on the CD-ROM is a collection of more than two hundred Power-Point lecture slides tailored to the text. These slides carefully detail the core concepts of each chapter, underscoring the book's comparative principles. The slides include additional material from Governing magazine as well as other sources that will enhance lectures and discussion.

An Instructor's Manual with clear chapter summaries, lecture outlines, points for discussion, and sample syllabi for the course is included as well. The CD-ROM also contains .jpg and .ppt format files of all of the tables,

xxxi

figures, and maps in the book, as well as a handful of "bonus" visuals not found in the text. Instructors can use all of these to create additional Power-Point slides or transparency masters when covering comparative data in the classroom or in discussion groups. In addition, these visuals can be imported into exams.

A host of student resources can be found on the book's Web site at http://college.cqpress.com/govstateandlocal, including chapter summaries; self-grading quizzes for each chapter with multiple-choice, true/false, and matching questions; and a set of annotated links to important state and local Web sites.

Students and instructors alike will find *Governing* magazine's Web site especially useful for further research and in-class discussion. At www. governing.com, users of *Governing States and Localities* will find a menu of resources specially tailored to the book's content.

To help instructors bring the latest word from the states and localities to their classrooms, adopters will receive a free semester-long subscription to *Governing* magazine.

Acknowledgments

A lot of effort and dedication goes into the making of a textbook like this, only a fraction of which is contributed by those whose names end up on the cover. Appreciation must be given, first and foremost, to Peter Harkness and Alan Ehrenhalt, publisher and executive editor, respectively, of *Governing*. Getting from the glimmer of an idea to an actual game plan for the project never would have happened without their vision, enthusiasm, and generous outlay of resources—meaning, graciously letting their reporters spend company time on such an endeavor. Charles S. Clark, a former writer for the *CQ Researcher* and currently senior editor at the Association of Governing Boards of Universities and Colleges, generously agreed to share his expertise and talent by writing the chapters on local government and education. We want to express our gratitude to him for these top-rate contributions.

At the University of Nebraska–Lincoln, thanks are due to Christopher Larimer, who created the book's ancillaries, and to Daniel Braaten, who had the misfortune to be Kevin Smith's research assistant when much of this book was written. (He is recovering nicely, although any visit to a library still brings traumatic flashbacks.)

To Elise Frasier, Charisse Kiino, and Lorna Notsch, the editorial team at CQ Press responsible for much of what happened from game plan to actualization, a single word: Thanks! The word is miserly compensation for their work, effort, and dedication, and in no way makes up for all the trouble we caused. Nonetheless, the thanks are most sincerely meant. Thanks also to CQ Press's Steve Pazdan, Margot Ziperman, Paul Pressau, Joan Gossett, and Robin Surratt, who each in their various ways helped usher this

book through editing and production to bring it across the finish line. To our designer, Debra Naylor, and the composition staff at BMWW, Leroy Stirewalt and Jim Taylor, we know you went above and beyond the call of duty, and we appreciate it very much.

We heartily thank our many reviewers for their careful and detailed assistance with reading and commenting on early proposals and drafts of each chapter: Sharon Alter, William Rainey Harper Community College; Jeff Ashley, Eastern Illinois University; Neil Berch, West Virginia University; Shannon Bow, University of Florida; William Cassie, Appalachian State University; Douglas Clouatre, Mid Plains Community College; Gary Crawley, Ball State University; Warren Dixon, Texas A&M University; Madhavi McCall, San Diego State University; Zachary Smith, Northern Arizona University; Kendra Stewart, Eastern Kentucky University; Charles Turner, California State—Chico, and other anonymous reviewers. We hope and expect that each of them will be able to find traces of their numerous helpful suggestions throughout this final product.

In addition, we would like to express our appreciation to a group of political scientists who pay attention not only to Washington, D.C., but also to what is happening in the rest of the country: Alan Rosenthal, Rutgers University; Larry Sabato, University of Virginia; Burdett Loomis, University of Kansas; Bruce Cain, University of California–Berkeley; Christopher Mooney, University of Illinois at Springfield; and the dean of governor-watchers, Thad Beyle of the University of North Carolina. All generously contributed their expertise when contacted by Alan Greenblatt. A special thanks also goes to Melissa Feinberg, who provided invaluable legal expertise to the chapter on state courts. Thanks to those who supported the writing of the book, both professionally and personally: Melinda Beeuwkes Buntin and Howard Husock.

Also owed thanks are the research staff at Georgetown University's Lauinger Library. Not only does the library buck current security-conscious trends by keeping its doors open to the public, but also it provides a safe haven for actual print copies of periodicals and microforms. Kudos.

Preface xxxiii

Brief Contents









ii Map of the United States

xii Contents

xxi Tables, Figures, and Maps

xxv Boxed Features

xxviii Preface

2 Chapter One

Introduction to State and Local Government: They Tax Dogs in West Virginia, Don't They? 24 Chapter Two

Federalism: The Power Plan 60 Chapter Three

Constitutions: Operating Instructions









92 Chapter Four

Political Culture, Political Attitudes, and Participation: Venting and Voting

130 Chapter Five

Parties and Interest Groups: Elephants, Donkeys, and Cash Cows

170 Chapter Six

Legislatures: The Art of Herding Cats

212 Chapter Seven

Governors and Executives: There Is No Such Thing as Absolute Power

Brief Contents ix



254 Chapter Eight

Courts: Turning Law into Politics



300 Chapter Nine

Bureaucracy: What Nobody Wants but Everybody Needs



332 Chapter Ten

Local Government: Function Follows Form



364 Chapter Eleven

Finance: Filling the Till and Paying the Bills



394 Chapter Twelve

Education:
Reading,
Writing, and
Regulation



Thirteen

Crime and
Punishment

430 Chapter



Fourteen

Health and
Welfare: State,
Heal Thyself!

464 Chapter



496 Notes519 Appendix A520 Glossary532 Index