

CHAPTER ONE

State and Federal Power: Two Centuries of Tension

Before one explores the components and particulars of the Connecticut polity, it is important first to discuss the ongoing tension between federal and state authority within the context of American political history. This overview should further demonstrate the relevance of a fresh and focused work on state politics and government. Indeed, the significance of state government as we embark upon the twenty-first century will be revealed.

The separation of powers doctrine, which divides the powers of government into legislative, executive, and judicial spheres of authority, is one of most enduring and distinguishing features of the American constitutional system. The legislative power of the federal government is established in Article One of the United States Constitution, the executive power in Article Two, and the judicial power in Article Three. Power within this complex, tripartite governing framework is not only separated into three coequal branches of government, but several powers are also shared among the branches of government. As Richard E. Neustadt put it, "To share is to limit; that is the heart of the matter."¹

The Founding Fathers' deep belief in a system of divided and limited government is also reflected in the constitutional principle known as federalism. The United States Constitution, drafted during a swelteringly hot summer in Philadelphia more than two hundred years ago, established a governing system in which power would be shared and divided between two levels of elected

authority. Federalism is among the several central features of our constitutional system. A federal form of government not only preserves democracy, but also provides a bulwark against concentrated and centralized government. Theoretically, individual liberty is protected through the federal principle, as two levels of government, rather than one, divide, constrain, and ultimately limit the power of government.

The U.S. Constitution and Federalism

The United States Constitution, written in response to the failure of the Articles of Confederation (1781-88), established a national government with enumerated as well as implied powers. The enumerated powers of the national government are most evident in Article I, section 8 of the Constitution. Seventeen clauses outline the enumerated powers of the United States Congress. Examples include the power to coin money, regulate interstate commerce, and declare war. By enumerating the powers of the United States Congress, the Founding Fathers ensured a fairly defined yet limited set of federal responsibilities.

The implied powers of the national government, also a component of Article I, section 8, are found in the “necessary and proper” clause of the Constitution. This clause, sometimes referred to as the “elastic clause,” provides the Congress with the power to make all laws that are “necessary and proper” for executing the enumerated powers of Congress, and all other powers granted to the national government by the Constitution. Implied powers provide the Congress with law-making authority that may be employed in the interest of executing national powers and, more generally, advancing the national interest. Although the “necessary and proper” clause has allowed the national government to expand its authority over time, all laws and policies enacted by the Congress must still be rooted in the enumerated powers of Congress and the Constitution. Thus, limitations are still imposed on the scope of federal power despite this broad and implied grant of constitutional authority.

States are legally protected, preserved, and empowered under the federal constitution. Article IV, section 4 of the Constitution,

for example, guarantees a republican form of government to each and every state within the union and protects all states from foreign invasion. States are therefore guaranteed a representative form of government as well as federal protection.

The Tenth Amendment to the Constitution serves as the legal foundation for state power. For states' rights advocates, the Tenth Amendment is sacrosanct: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the States respectively, or to the people." The "reserved powers" of the states, established in the Tenth Amendment, have served as the constitutional basis of state authority throughout our nation's history.

Although the Constitution establishes a federal system of government, a careful reading of this document nevertheless raises questions regarding the scope of national and state power. Federalism is by no means a perfectly defined governing principle, and there is considerable uncertainty with respect to the division of authority between the two levels of government. Most observers of federalism will agree that gray areas exist concerning the distribution and reach of national and state power. Precisely where national power ends and state power begins is difficult to pinpoint.

The lack of precise guidelines regarding the constitutional scope of federal and state power has given rise to many controversial yet intriguing federal court cases. Frequently the United States Supreme Court serves as the arbitrator in complex conflicts between the two levels of government. Indeed, a sizable body of Supreme Court decisions have been issued over the course of two centuries regarding the scope of federal and state authority. Constitutional law courses invariably devote large blocks of class time to court rulings regarding court interpretations of the federal principle. Such cases are among the most fascinating in the field of constitutional law.² The tension between federal and state authority has very deep historical roots.

Federalists v. Antifederalists

Since the founding of the republic, clashes involving federal and state authority have been at the heart, and perhaps soul, of

American politics. A persistent and recurring source of political tension throughout our country's history has been the continual fluctuations in the locus of power within the federal framework. Repeatedly, disputes emerge regarding which level of governing authority has or should have control over domestic policies. The ambiguity of the Constitution and the "grayness" of the federal principle have contributed directly to this conflict.

The debate over the scope of federal and state power has historically divided Americans into two rather distinct political factions: those who favor centralized and national solutions to policy problems, and those who favor states' rights and a more decentralized approach to governing. The former faction favors what is known as "nation-centered federalism," while the latter supports "state-centered federalism."

The beginnings of the tension between national and state governments can be traced to the intense conflict between Federalists and Antifederalists that erupted in 1788 during the struggle to ratify the federal constitution. Those who supported the new Constitution and the federal governing arrangement were known as Federalists. Those who opposed the Constitution, and who supported a continuation of the Articles of Confederation, were known as Antifederalists. Patriotic Americans and men of distinction were associated with both political factions.

Federalists, although certainly respectful of states' rights, believed that the time had arrived to strengthen national power. According to the Federalist point of view, a more effective and empowered national government was needed to promote national economic development and to provide national security. The new Constitution based on the principle of federalism would, according to the Federalists, effectively resolve the pressing economic and national security issues which at the time were besieging the nation. Federalists viewed the Articles of Confederation, adopted in 1781, as a seriously flawed and deficient experiment in self-government. They argued that far too much power had been afforded to the states under the Articles of Confederation, ultimately resulting in economic stagnation, inflation, ineffective commerce among the states and with foreign nations, and more generally a fragmented nation.

The Antifederalists, however, were deeply suspicious of the newly drafted Constitution. They feared that political power would gradually become centralized under the Constitution and that self-government, which Antifederalists equated with states' rights, would eventually be destroyed. Antifederalists, although by no means blind to the problems inherent in the Articles of Confederation, still believed a confederation form of government with sovereignty among the individual states, rather than a federal structure, would be more effective for securing personal liberty and preventing tyranny. According to Antifederalists, eliminating the Articles of Confederation and adopting an entirely new Constitution based on the federal principle was not only a radical and unnecessary response to existing economic and security problems, but a threat to freedom. Antifederalists therefore strongly opposed ratification of the Constitution.

Between 1787-88, many essays critical of the proposed Constitution appeared in newspapers throughout the thirteen states. The writings of "Centinel," "The Federal Farmer," "Cato," "Agrrippa," and "Brutus" are among the leading Antifederalist essays written during this time period. At the heart of practically every Antifederalist essay was a concern that the Constitution, if ratified, would result in tyranny and the gradual erosion of limited government and human freedom. Antifederalists feared the ambiguity and flexibility of the proposed Constitution and argued that the new national government would most certainly destroy the sovereignty of states and communities. They were especially concerned with the scope of presidential power, suggesting that the presidency might evolve into a monarchy.

Federalists, in response to Antifederalist resistance, mounted their own intense public relations campaign to generate support for the new Constitution. The Federalist campaign to secure ratification of the proposed constitution was most evident in the state of New York. At the time, the New York political climate was characterized by strong Antifederalist sentiment, a good part of which was fueled by New York's governor George Clinton, an opponent of the Constitution and author of the Antifederalist "Cato" essays. The controversial governor emerged as one of the main opponents of the Federalist movement.

In the interest of generating support for the Constitution in New York, three distinguished and learned Federalists collaborated to write a series of essays in defense of the newly drafted document. This historic and scholarly effort resulted in eighty-five essays circulated by New York newspapers. Each essay was written under the pseudonym "Publius"—the Public. The essays appeared throughout a two year period, 1787-88, the same time period during which the Antifederalist writings were in circulation.

To this day, the eighty-five Federalist essays, collectively referred to as *The Federalist Papers*, serve as the leading reference with respect to the strengths of the United States Constitution and original intent of the Founding Fathers. It is not unusual for federal judges to rely on various *Federalist* essays to help guide their legal reasoning and interpretation of the Constitution. The authors of *The Federalist Papers* were Alexander Hamilton, James Madison, and John Jay, three of the nation's most prominent Founding Fathers and distinguished statesmen.

Although the authors of *The Federalist Papers* adamantly defended the powers of the proposed central government and the concept of a strong union, it is important to note that "Publius" also defended and recognized the importance of states' rights. Hamilton, Madison, and Jay certainly favored a stronger and more united national system to rectify the problems inherent in the Articles of Confederation, but by no means did Federalists advocate the elimination of states' rights. State power would be diminished under the Constitution, but state governments, in the view of Federalists, should remain vital units of the new federal system.

Although the Antifederalists failed in their effort to prevent ratification of the Constitution, the conflict between nationalists and states' rights advocates has in many ways continued unabated for well over two hundred years. Indeed, the Federalist versus Antifederalist debate over the proper distribution of power is one of the most recurrent political themes in the history of the United States.

The First Two-Party System

The first political party system in the United States (1796-1816) pitted Alexander Hamilton's Federalist Party against

Thomas Jefferson's Democratic-Republican Party.³ It emerged largely as a result of competing perspectives concerning the distribution of power between national and state authority. The Federalist Party, which included many strident economic nationalists, favored a more centralized form of federalism. The Jeffersonians favored a stronger system of states' rights and local government. At the heart of this division was the highly volatile and controversial issue regarding the formation of a national bank. Federalists viewed the formation of a national bank as a desirable mechanism conducive to economic development and national prosperity. The Jeffersonians opposed the creation of a national bank on the grounds that such an institution would destroy state banking interests and eventually states' rights. Party loyalties during the early days of the republic were heavily conditioned by perspectives regarding the desirability of a national bank.

Although the issue concerning the formation of a national bank eventually subsided, competing perspectives regarding the proper scope of federal and state authority persisted. Indeed, following the national banking dispute, a far more volatile issue emerged that would threaten the very existence of the Union. The issue in no uncertain terms was slavery, and the result was the most tragic and bloody war in American history.

States' Rights and the Civil War

Beginning in 1861, eleven southern states seceded from the United States and formed the Confederate States of America. Secession resulted in a civil war between northern and southern states and the subsequent loss of more than 630,000 lives, the most devastating war in American history. Although the issue of slavery was at the root of this horrific conflict, the war was also the result of conflicting interpretations regarding the proper scope of federal and state power. The issue of federalism once again divided the American people.

Legal justification for southern secession was rooted in the controversial writings and theories of states' rights advocates, most notably those of southern statesman John C. Calhoun (1782-1850). Calhoun, a senator from South Carolina and former vice-president

of the United States, articulated what became known as the “doctrine of nullification.” This controversial doctrine placed states’ rights above national authority with respect to legal supremacy, in direct contradiction of the supremacy clause located in Article VI of the federal Constitution. The supremacy clause in no uncertain terms identifies the United Constitution, national laws, and national treaties as the supreme law of the land. However, according to Calhoun, state law was superior to federal law by virtue of the fact that formation of the states had preceded the formation of the federal government. Thus, any federal law found objectionable by a state could potentially be nullified within its own borders by the state legislature. As Calhoun put it, “The sovereignty of the states, in the fullest sense of the term; is declared to be the essential principle of the Union; and it is not only asserted as an incontestable right, but also claimed as an absolute necessity in order to protect the minority against the majority.”⁴

It was also Calhoun’s contention that the formation of the federal government in 1788 was the direct result of a voluntary “compact” between individual states. Since states had voluntarily entered into a governing “compact” with one another to form the federal government, it therefore legally fell within the realm of state authority that a state, or group of states, could voluntarily withdraw from the Union as well. Such a doctrine was more than appealing in states throughout the south whose economies and wealth were built squarely upon the backs of slave labor. In the view of southern political leaders, state sovereignty and the compact theory inherently prohibited the federal government from interfering in the internal political and economic policies of the states. Thus, the policy of slavery, as well as the decision to withdraw from the Union was a prerogative of southern states. To understand the American Civil War, one must first understand the intense commitment among southerners to the concept of states’ rights, and, most certainly, to the controversial doctrines of John C. Calhoun.

Although the Union victory affirmed the supremacy of the federal constitution and federal law, the politics of the last half of the nineteenth century continued to reflect deep, and even bitter,

disagreement over matters related to federalism. Clearly, questions regarding the legal scope of federal and state power persisted despite the outcome of the Civil War. While Calhoun's doctrine of nullification and support for state secession died with the collapse of the Southern Confederacy, party loyalty and voting behavior continued to reflect the ongoing debate as to whether state or national authority should serve the needs of the American people. Political division over matters related to federalism characterized the politics of the twentieth century as well.

The Twentieth Century

For most of the twentieth century, the Democratic Party has been most closely identified with promoting national goals and national power. The New Deal policies of President Franklin D. Roosevelt initiated during the Great Depression of the nineteen-thirties shaped a nationalist image for the Democrats. Beginning in 1933, the year in which Roosevelt was inaugurated as president, big government and the Democratic Party have become more and more synonymous with one another. To this day, many Americans still equate the Democratic Party with expanded government and social welfare programs.

President Roosevelt's New Deal, launched in response to a collapsed economy, significantly expanded the economic and fiscal responsibilities of the national government. National rather than state and local remedies provided economic stimulation and relief for millions of Americans forced into poverty by the Depression. As a result of Roosevelt's leadership, a large number of domestic policy responsibilities were delegated to newly established federal administrative agencies. Several domestic responsibilities that prior to the 1930s had belonged to state and local governments were transferred to the national level. This was especially evident in the area of social welfare policy. With the passage of the Social Security Act in 1935, responsibility for funding and, to a large extent, the management of welfare policy, shifted dramatically from state and local governments to the federal government. According to Roosevelt, national solutions were required to resolve America's grave economic dilemma:

If I read the temper of our people correctly, we now realize as we have never realized before our interdependence on each other; that we cannot merely take but we must give as well; that if we are to go forward, we must move as a trained and loyal army willing to sacrifice for the good of a common discipline. . . . We are, I know, ready and willing to submit our lives and our property to such discipline, because it makes possible a leadership which aims at a larger good. . . . This I propose to offer.⁵

President Roosevelt initiated the establishment of new federal agencies empowered to administer and supervise a broad array of domestic programs. An expanded and more powerful national government, in Roosevelt's view, was required to meet the needs of the American people. As James MacGregor Burns notes, "Throughout Roosevelt's speeches of 1934 ran this theme of government as conciliator, harmonizer, unifier of all major interests."⁶

Support for an interventionist and powerful national government, initiated and institutionalized under Roosevelt, continued without interruption under subsequent Democratic Presidents. President Harry Truman's Fair Deal, John F. Kennedy's New Frontier, and Lyndon Baines Johnson's Great Society each promoted national, rather than state, solutions for resolving an array of pressing domestic dilemmas. In addition to instituting national economic programs, the agendas of Presidents Kennedy and Johnson included national legislation designed to promote civil rights. The issue of social equality henceforth became a primary concern of American presidents and the United States government, a development which served to further expand the scope of federal power. Consistent with the effort to create equality, President Johnson declared a "War on Poverty." With the exception of Roosevelt's New Deal, Johnson's Great Society was the most ambitious domestic agenda in American history. During the presidency of Johnson, states were relegated to a marginal role in the policy-making process. The American people looked to national government for active and creative leadership.

Declining Confidence in Federal Solutions

One of the great virtues of American government is that power never resides in one place for too long. This is true not only with respect to the distribution of power between branches of government, but also between levels of governing authority. After more than four decades of expanding national power, Americans began to reassess the policy-making role of the national government within the federal framework. By the end of the 1960s, the period of nation-centered federalism and big government appeared to have run its course. The cost and efficiency of federal programs funded by federal tax dollars began to come under close scrutiny. Many Americans began to question the costs and benefits of several federal domestic programs, such as social welfare, housing and urban renewal. As John L. Palmer and Isabell V. Sawhill put it, "The public seemed to feel that too much money was being spent on such programs, sometimes with too little effect, and that too large a proportion of the population had become dependent on federal assistance, weakening the incentives for them to make it on their own."⁷

Moreover, it was during the latter part of the 1960s that many Americans began to express serious doubts regarding the logic and morality of the Vietnam War. In the minds of a growing number of Americans, military intervention in a remote country in Southeast Asia was a misguided foreign policy. The war began to be regarded as unwinnable and an enormous waste of American resources. The decline in public confidence was particularly acute among the nation's college population. In the spring of 1967, a Gallup Poll revealed that 49 percent of college students perceived themselves as "hawks" with respect to the Vietnam War. By the winter of 1969, this figure had dramatically declined to 20 percent.⁸

To further complicate matters, misinformation disseminated by the federal government regarding the war's progress and a so-called "light at the end of the tunnel" mentality created a serious credibility gap between the American people and those in positions of federal authority. Negative perceptions toward the war, the judgment of national leaders, and growing concerns over

wasteful federal spending resulted in a dramatic erosion of trust and confidence in the federal government.

Unfortunately, the presidencies of Richard Nixon (1969-74), Gerald Ford (1974-77) and Jimmy Carter (1977-81) did little to ameliorate negative attitudes toward federal authority. During the first term of the Nixon presidency, the war in Vietnam continued to escalate in spite of the President's campaign promise to seek peace. More than 500,000 American troops were stationed in Vietnam during the first years of the Nixon administration, more troops than at any other time in the war's history. President Nixon's abbreviated second term was consumed by the Watergate scandal, which resulted in his resignation from the Oval Office in August of 1974, the first presidential resignation in American history. Although President Nixon had attempted to improve the efficiency of government, most notably in his domestic reform proposal known as "New Federalism," and despite his masterful success in establishing diplomatic ties with Red China, trust and confidence in the federal government continued to plummet.

Trust continued to decline during the Ford and Carter administrations as well. President Ford's highly controversial pardon of President Nixon cast a cloud of suspicion over the Ford presidency. Many accused Ford of cutting a private deal with Nixon, thereby allowing the former president to escape federal prosecution. Although it was never proven that a pardon had been prearranged prior to Nixon's resignation, trust in the federal government continued to decline.

President Carter, elected in the aftermath of the Watergate scandal, pledged to restore trust and confidence in the presidency and the national government. However, despite high hopes on the part of the American electorate, Carter's ineffectiveness as a domestic and foreign policy leader did little to reverse the public's negative perception toward the federal government. Carter's failed attempt to reform energy policy, an economy racked by inflation, and American embassy personnel held hostage in Tehran for more than a year only served to reinforce the public's antipathy toward the federal government. By 1980, trust and confidence in the federal government had declined to alarmingly low levels. The following table documents this trend.

Table 1
Trust in the National Government

	1964	1968	1972	1976	1980
Percent Saying:					
Always/Most of time	76	61	53	36	33
Some of the time	22	36	45	61	63

Source: Steffen W. Schmidt, Mack C. Shelley, II, and Barbara Bardes, *American Government and Politics Today* (Belmont, CA: Wadsworth, 1997), Table 7-2, p. 233. Question: How much of the time do you think you can trust the government in Washington to do what is right: just about always, most of the time, or only some of the time? Data based on *New York Times*/CBS News Surveys, the University of Michigan Survey Research Center, National Election Studies, and the Washington Post/Kaiser Family Foundation. Reprinted with permission.

As the data reveal, trust in the national government from 1964 to 1980 plummeted precipitously. In 1964, three-quarters of the American adult population expressed trust and confidence in the nation's central government. By 1980, this figure had declined to a mere one-third of the adult population. It is evident that perceptions of wasteful federal spending, the war in Vietnam, and Watergate had seriously altered perceptions of Americans toward their national governing institutions. Indeed, there can be no denying that attitudes shifted in dramatic fashion during this time period. In light of such a trend, it should come as no surprise that by 1980 millions of Americans found the conservative political rhetoric of Ronald Reagan, the Republican nominee for president, quite appealing. Reagan's strong support for states' rights, combined with relentless criticism of federal power, effectively connected with the American electorate.

The Reagan Revolution

Long before his bid for the presidency in 1980, Ronald Reagan had established himself as a leading spokesperson for conservative

values and states' rights. Indeed, throughout the 1960s and 1970s, Reagan was one of the most persistent and visible conservative figures in American politics. In 1964, Reagan campaigned diligently for the Republican Party's arch-conservative and pro-states' rights presidential nominee, Arizona Senator Barry Goldwater. As a two-term governor of California (1966-74), Reagan continued to espouse the doctrine of states' rights and routinely criticized big government, federal taxation, and the liberal social policies of the Democratic Party. As a presidential candidate, first in 1968 and again in 1976, Reagan castigated the growth and power of the federal government and urged, in no uncertain terms, a restoration of state power in domestic affairs. Even during the 1950s, well before his entry into state and national politics, Reagan had established himself as an engaging and dynamic spokesperson for states' rights and limited government. This was especially evident during his days as a public relations spokesperson for General Electric, a position that evolved from his job as host of *General Electric Theater* on television.

Although political support for Ronald Reagan was routinely firm among Republican conservatives, it was not until the latter part of the 1970s that the ideals expressed by Reagan began to appeal to a broader cross-section of the American electorate. By election year 1980, the American people, who had lost much faith in the national government, seemed willing to experiment with a more decentralized form of self-government. While economic inflation, economic recession, as well as the humiliating Iranian hostage situation during the Carter administration certainly contributed to Reagan's presidential victory in 1980, millions of voters were also attracted to the theme of limited government so eloquently and charismatically articulated by the former California governor. Many Americans seemed willing to experiment with Ronald Reagan's "New Federalism," as noted by George E. Peterson: "One of the president's most consistently articulated criticisms has been that the national government has usurped responsibilities and authority that belong to the states. He entered office promising to redress this imbalance by setting the states free to pursue their own policy goals under their own management and by bringing government 'closer to the people.'"⁹

“Devolution” was the term that became synonymous with the Reagan presidency, meaning, quite simply, the transfer or return of federal domestic responsibilities to state and local levels of government.¹⁰ To “devolve” governing power is to reverse the direction in which power has “evolved.” With his inauguration in 1981, devolution clearly became one of the main priorities of President Reagan’s domestic agenda. Reagan’s commitment to devolution was more than evident in his inaugural address of January 20, 1981:

Our government has no power except that granted it by the people. It is time to check and reverse the growth of government which shows sign of having grown beyond the consent of the governed. It is my intention to curb the size and influence of the federal establishment and to demand recognition of the distinction between the powers granted to the federal government and those reserved to the States or to the people. All of us need to be reminded that the Federal Government did not create the States; the States created the Federal Government.

The Reagan administration’s attempt to devolve power could be observed in a number of policy areas, including but not limited to social services, business regulation, judicial power, and the manner in which federal grant money would be managed. For example, in fiscal year 1982, the Reagan administration consolidated seventy-six federal categorical grant programs into nine large block grants. By consolidating categorical grants into large block grants, Reagan intended to provide individual state governments with more discretion and flexibility over the control and expenditure of federal money.¹¹ Although federal guidelines still accompany block grants, such guidelines are broad and general, unlike the stringent, tightly defined guidelines associated with categorical grants.

While it is beyond the scope of this work to empirically evaluate the success of President Reagan’s attempt to establish a new model of federalism, most observers are willing to agree that a new trend in federal and state relations did commence with the

election of this president. State governments were substantially revitalized, and states, as units of the American federal system, seemed to acquire new life and energy. David Osborne, a domestic policy advisor to President Clinton and author of *Laboratories of Democracy*, offered this perspective on the Reagan era: "The 1980s have been a decade of enormous innovation at the state level. For those unfamiliar with state politics—and given the media's relentless focus on Washington, that includes most Americans—the specifics are often startling."¹² According to Osborne, the creation of public investment funds for the purpose of providing business loans, technological innovation, reforms in public education, the emergence of collaborative tripartite arrangements between management, labor, and government, as well as the revitalization of regional industries are policy areas where states have demonstrated exceptional innovation and creativity in recent years.¹³

In *Goodbye to Goodtime Charlie*, a penetrating work concerning innovative trends in state leadership, Larry Sabato summarized the Reagan era in these terms: "The most significant of the patterns is that the states, responsible in good part for their own earlier federal ostracization, have begun to fulfill their proper role in the federal scheme of government." According to Sabato, states in recent years have acquired "the will to act, to cooperate, and at the same time to compete with the national government for power and responsibility."¹⁴ In addition to the emergence of professional and efficient state governors, other trends identified by Sabato include the development of efficient and modern state legislatures, revitalized two-party competition at the state level, and the transformation of the National Governor's Conference from a largely symbolic organization into a powerful voice on behalf of state governments.

The trend toward states' rights continued under President George Bush (1989-93), yet another Republican president supportive of state-centered federalism, and under President Bill Clinton (1993-2001), the first Democratic president in many decades who looked favorably on the governing authority and potential of states' rights. Clinton's commitment to states' rights clearly marked a rather dramatic departure from the agenda of

previous Democratic presidents and further revealed serious effort on the part of President Clinton to redefine the goals and priorities of the Democratic Party. To argue that the Democratic Party has become a states' right party similar to that of today's Republican Party would be misleading, although it is clear that under Clinton's leadership, the Democrats have exhibited an uncharacteristic appreciation for the place of states within the federal framework. Clinton's approval of a sweeping welfare reform bill in 1996 returning a vast amount of welfare control to state governments was indicative of a fresh perspective toward states' rights on the part of the Democratic Party. The bill has been described as the most comprehensive reform effort with respect to the delivery of social services since the passage of the Social Security Act in 1935. Although the welfare reform bill reflected the efforts of congressional Republicans, it was nevertheless a Democratic President who eventually supported this legislation and who signed it into law. The pro-states' rights perspective of Republican President George W. Bush, inaugurated on January 20, 2001, suggests a continuation of presidential support for state power and state experimentation.

Thus, as we commence the twenty-first century, a substantial amount of policy experimentation is taking place at the state level of the governing process. Indeed, it appears that most of the interesting and creative policy-making activity within the federal framework is now taking place among the states. The trend toward states' rights began in earnest with the presidency of Ronald Reagan and has continued to the present, regardless of which party controls the presidency. American federalism is thus once again state-centered.

Thus, it should come as no surprise that within this era of devolution, the American people have developed high expectations for state policy-makers. An expanded role for state government has resulted in public demands for greater efficiency and higher levels of productivity among those who occupy the legislative, executive and judicial departments of government. With respect to the state legislature, the one post in particular that currently requires exceptional political talent is that of the Speaker of the House. It is the Speaker who leads and manages the business of

the lower house of the General Assembly. Therefore, it seems fitting to begin our exploration of Connecticut government by presenting the views, observations and reflections of Connecticut's Speaker of the House, Moira K. Lyons. Ms. Lyons is the first woman ever elected to the post of Speaker in the state of Connecticut.

Profile and Perspective

Moira K. Lyons, Speaker of the House
Connecticut General Assembly
Phone interview, July 6, 2000

Madam Speaker, how did you become involved in politics and what is your political background?

My political activity began through grassroots involvement. Prior to this I was not at all involved in politics. We were having an environmental problem in our community concerning a sewage treatment plant that was polluting the air and had become offensive to the neighbors. I organized a group of neighbors and we marched on city hall, talked to the mayor about our problem, and picketed the plant. NBC decided to follow the story because what we were doing was somewhat unusual. As a result of my involvement in this issue, I was asked to run for a state representative seat.

Was that the first time you were ever elected to public office?

No, my very first elective office was to the city board of representatives. I served in this position for only about a year and a half, and then was elected to the state legislature.

You are the first woman to ever serve as Speaker of the House in the state of Connecticut. What are the unique challenges that you face as a woman Speaker? Are the challenges different compared to those faced by male Speakers?

I haven't been involved in what many consider to be "women's issues." I have been more involved in general issues, such as transportation and finance. Economic competition and jobs for Connecticut have also been important to me. I often tell women's groups that economic independence is the most important thing for women. Once women achieve economic independence, then the other issues become of minor concern. I should note that the electorate is very positive toward women running for public

office, and many feel that it is time for women to serve in high positions within the legislature. I was the House majority leader and many believed that I had done a good job as the majority leader and had confidence that I could handle the job of Speaker.

How long have you been in the General Assembly?

Eighteen years.

Drawing from your experience in the General Assembly, what major changes have you observed regarding the way in which the legislature operates? How is the legislature of today different from, say, the legislature of ten to fifteen years ago?

It is totally different. The issues today are much more complex. So much technology and information is involved, and the people coming into the legislature are much more knowledgeable and prepared to deal with complex issues compared to legislators of the past. When I arrived in the state legislature eighteen years ago, I had only been involved in local issues. I had no knowledge of state politics and had never been to Hartford. The people now coming into the state legislature are very sophisticated with regard to issues, they seem to know a number of people in Hartford, and already know a lot about the policy process and procedure. People who were here twenty years ago would be blown away if they knew what issues the state legislature currently deals with.

How much change have you observed over the years concerning the role of political parties within the General Assembly? What has been happening to party teamwork in the legislative process?

As you know, we currently have a Republican governor and a Democratic legislature. Out of necessity, there has to be an element of bipartisanship to get measures passed. You will find partisanship on issues involving the budget, taxes, and issues like that, but generally most issues are not partisan. There are probably more differences within the party caucuses than there are "across the aisle," meaning between Democrats and Republicans.

Not long ago, a faction of Democrats joined forces with Republicans to elect a moderate Democrat Richard Balducci as Speaker of the

House. At one time, a faction of Democrats working with Republicans to elect a Speaker would have been unheard of in the Connecticut General Assembly. Is this somewhat telling regarding the state of partisanship in the legislature?

Yes it is. I don't think this is all bad. We are not supposed to be clones marching in step. I don't believe that you can represent your district very well if you can't voice your concerns.

This is a very diverse state that we live in, and there are many special interests in Connecticut politics. What is your view on the role of lobbyists in the shaping of legislation? Has there been a discernible increase in lobbying over the last ten years?

There are many more lobbyists now compared to years past, especially on high profile issues. Many lobbyists representing different entities are hired to work on issues. "Adriaen's Landing" [a development project on the Connecticut River in Hartford including a convention center and football stadium] would be an example of this. There are many more lobbyists operating at the Capitol, but this does not always mean lobbyists influence the outcome of the legislative process. Lobbyists can have a great deal of influence, but one way to check this is to mobilize grassroots support on behalf of your issue. The public's voice can curtail the influence of lobbyists in shaping legislation. I was able to do that in conjunction with my managed care legislation. Regardless of what the insurance industry and their lobbyists wanted, I was still able to get my bill passed because I had the public on my side. Just recently, I was in Washington, D.C. and Senator Chris Dodd noted that the Congress cannot pass managed care legislation, "yet Moira Lyons, in the insurance capital of the world, can." The Senator wondered how I can do it in Connecticut, but yet the Congress can't pass a national bill. The answer is that you have to have the public on your side.

Do you think that lobbyists subvert the democratic process?

The legislature is not swayed unduly by lobbyists. They are present and they do have a point of view, but in the end you have to answer to the public, not lobbyists. In some instances, lobbyists can provide very useful information relevant to bills. Lobbyists

know that if the information they present to me is not accurate, then I won't deal with them again.

You have witnessed a substantial amount of power transferred from the national government to the states over the course of the last ten to fifteen years. Is the state legislature in Connecticut prepared to handle this new responsibility?

Having gone to national conferences, I would say that Connecticut is much more ahead of the curve, compared to most states. In such areas as health care, education, and a number of other areas, I often find policy-makers from other states wanting to know how we do things here. I am often asked to send reports and information to policy-makers in other states who are interested in learning how Connecticut is handling some of these new policy responsibilities. We are extremely prepared for new responsibilities because we understand the issues.

Do you foresee the day when Connecticut might have a full time state legislature?

No, I don't. But if you have one of the top six leadership posts in the General Assembly, then it is a full-time job. This is especially true if you are not from Hartford. My commute to and from Hartford is around three hours each day. I'm an anomaly, not only because I'm a woman Speaker, but also because I'm from Fairfield County. The leadership has traditionally been from the Hartford area, where it is easy to just pop over to the legislature to handle business. Living some distance away, however, makes that very difficult to do. So eventually that is something that has to be accommodated. It is also a good idea to have legislative leaders from outside the Hartford area, which is another reason to deal with this issue.

How would you describe your job as Speaker of the House? What are your major responsibilities?

First is negotiation. Usually when there are bills that can't be passed or are very difficult to pass, they come to me. I'm asked to negotiate the bill and to help get the bill passed. The "pill bill" [a bill requiring health insurers to cover the cost of birth control

prescriptions] would be an example of this. This bill could not be passed because the pro-life folks always attached the partial birth abortion amendment to this bill. So it was left to me to figure out how to get the bill passed. I was able to negotiate with the folks on both sides and in the end the pill bill was passed without amendment, and a vote in both the House and Senate did allow the pro-life voice to be heard. Second, no bill can be called for a vote in the House of Representatives unless I decide to call it. Along with the majority leader, I set the legislative agenda. If I don't feel that a bill is well written, or is inappropriate, or can't get passed, or whatever, then it won't be brought forward. I determine which bills can be called.

How do you want to be remembered as Speaker of the House? What will be your legacy?

I want to be remembered as being very fair, as listening to the concerns of individuals, and as engaging the caucus and explaining the issues that had to be voted on. I also would like to be remembered as being a very direct Speaker of the House.

As we look into the new century, what in your view will be the major and most immediate challenges facing the state of Connecticut—say five to ten years from now?

The issues of mental health and quality education are major issues. Also the ways in which Connecticut can successfully adapt from being a manufacturing entity to a more total economic base, including e-commerce, will be important issues in the years ahead. Educating our residents so that they can function within this new economy is critical, because that is where the jobs are going to be.

Is there anything else that you would like to add or elaborate on?

Just a final comment on a point I raised earlier. It is important to be bipartisan in the interest of passing legislation. This is beneficial to the people of the state of Connecticut. But on some issues, such as taxes and the budget, although I am willing to work with many lawmakers, I still don't compromise on what it means to be a Democrat.