

cials' peccadilloes secret came to seem vitally important. In recent decades, with Vietnam and Watergate, that changed, of course. And with

the impeachment of President Bill Clinton in 1998, says Summers, the era of reticence definitely came to an end.

Federalism's Phony Rebirth

"Does Federalism Have a Future?" by Pietro S. Nivola, in *The Public Interest* (Winter 2001), 1112 16th St., N.W., Ste. 530, Washington, D.C. 20036.

"WE WIN," exulted the conservative *Weekly Standard* after President Bill Clinton declared in 1996 that the era of big government was over.

Soon thereafter came welfare reform, and talk of further devolution of power to the states grew louder. On education reform and other major issues, states seemed to be taking the lead. And the U.S. Supreme Court, in several decisions, seemed to be trying to shore up state prerogatives.

But the supposed shift of power to the states is largely an illusion, contends Nivola, a Senior Fellow at the Brookings Institution.

Though devolution appeared to prevail in welfare and other areas, Nivola points out, Congress and federal regulators frequently have preempted state authority with new prescriptions and prohibitions. Congress intervened, for example, in enforcement of child support laws, eligibility of legal aliens for public assistance, and state taxation of Internet commerce. Federal grants-in-aid to the states often acquire new strings after the states undertake the programs, Nivola observes. "And typically, federal rules remain firmly in place even if congressional appropriations fall far short of authorizations. The local provision of special education for students with disabilities, for instance, is essentially governed by federal law, even though Congress has never appropriated

anything near its authorized share of this \$43 billion-a-year mandate."

Legislation proposed in 1999 to require Washington to assess the impact of new statutes or regulations on state and local laws came to naught, Nivola notes. The reason, he says, is that corporations "fear aggressive regulators and tax collectors in the state legislatures and bureaucracies even more" than they fear Washington. They *want* Congress "not just to set baselines (floors) below which state policies must not fall but to secure compulsory *ceilings* on the possible excesses of zealous states." Though congressional Republicans "have . . . paid lip service to decentralization," Nivola says, a study of roll calls from 1983 to 1990 found the GOP lawmakers "more prone than the Democrats to overrule state and local regulations."

As for the Supreme Court, its decisions on federal-state cases have been "a mixed bag," Nivola says. Along with some rulings in favor of the states, there have come plenty that went the other way (e.g., decisions overturning state policies on child visitation rights and oil-tanker safety training).

In short, concludes Nivola, the era of big government is definitely not over. "A bigger, or at least more invasive, central government has been the dominant trend for decades. And signs today . . . augur anything but a radical reversal."

FOREIGN POLICY & DEFENSE

Trimming the Force

"Come Partly Home, America" by Michael O'Hanlon, in *Foreign Affairs* (Mar.-Apr. 2001), 58 E. 68th St., New York, N.Y. 10021.

George W. Bush charged during last year's campaign that the Clinton administration had deployed troops on too many peacekeeping

missions around the globe. The charge was "greatly exaggerated," says O'Hanlon, a Senior Fellow at the Brookings Institution. But, he