



Reviving Our “Laboratories of Democracy”

By Robert F. Sanchez

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Let’s face it: There was a time in our nation’s history – and it wasn’t so long ago – when the phrase “states’ rights” was unfortunately synonymous with resistance to ending historic patterns of racial *apartheid* in the South.

Moreover, even before the civil rights movement gained traction, there was a long period in which many state governments were increasingly dysfunctional, with their legislatures dominated by blocs of rural lawmakers who clung to power and blocked fair redistricting.

So today’s advocates of returning power to its rightful place in the nation’s state capitals owe a debt of gratitude to an obscure Tennessean named Charles Baker. His persistence led to a landmark court decision that relatively few Americans know about.

It’s certainly not among those U.S. Supreme Court rulings so famous that no introduction is needed. Mention *Roe v. Wade* or *Brown v. Board of Education*, for instance, and most people immediately know the issues that were involved.

Mention *Baker v. Carr*, however, and you’re apt to get a blank stare until you add that “it’s the one-man, one-vote decision” -- a term that in these more politically correct times has morphed into the politically correct “one-person, one-vote.”

What this 1962 ruling initiated was a decade-long battle in which federal judges gradually pried political power from the clenched fists of stubborn rural lawmakers who represented “rotten boroughs” that generally had more cows and trees than voters.

Florida was among the worst offenders. Tiny Jefferson County, where the 1960 population was 9,543 and shrinking, had one of the state Senate’s

38 members all to itself. Meanwhile, fast growing Dade County (Miami), where the population then was rapidly approaching one million, also had only one state senator.

Many other states faced the same kind of rural reign. Given that New York City, Chicago, and Atlanta arguably have more in common with each other than any of them has with its own state’s rural areas, the harmful effects were inevitable.

Indeed, many state governments had legislative branches that were totally dysfunctional in addressing the problems facing their states’ major cities and, especially, their rapidly growing suburbs.

Because of the chronic redistricting failure and several other factors -- including the national media’s fixation on Washington -- political power had been flowing to the federal government since the onset of the New Deal.

Worse, despite *Baker v. Carr* and the improvements it fostered in state governance, that flow of power actually sped up during the 1960s and beyond as President Lyndon Johnson’s costly Great Society programs further enlarged the feds’ meddlesome role in the national economy and in local and state politics.

This power flow was also hastened by a series of U.S. Supreme Court rulings. Some of them – *Brown v. Board of Education*, for instance – corrected wrongs perpetrated (and perpetuated) by rural-dominated legislatures, especially in the South.

What often got trampled or ignored in the process, however, was the U.S. Constitution’s Tenth Amendment, which reserves to the states and

to the people all of those powers not explicitly granted to the feds.

Of course, in a Supreme Court era when even a child's neighborhood lemonade stand or a street corner crack dealer could be regarded as interstate commerce, the inconvenient Tenth Amendment seemed in as much judicial disfavor as the Second Amendment.

Fortunately, the doctrine of states' rights – once sadly synonymous with racists' resistance to desegregation -- now seems to be staging a minor comeback in a more benign guise. Indeed, the recently rediscovered Tenth Amendment has been courageously championed by Supreme Court justices such as Antonin Scalia and Clarence Thomas.

Moreover, the important role that state governments can play in our federal system has been validated by respected thinkers such as David Osborne. His seminal 1988 book *Laboratories of Democracy* – which included a foreword by a young Arkansas governor named Bill Clinton -- argued that state governments are often better positioned than the cumbersome feds to experiment with new approaches to nagging problems.

Of course, this metamorphosis couldn't have happened were it not for *Baker v. Carr*, which led to an unprecedented round of shakeups and revitalization in state capitals, where redistricting was often followed by the modernization of anachronistic governmental structures.

Word of this reformation seems to have reached all corners of the land except for that parochial enclave inside the Washington Beltway. There, Congress and the White House have persisted in acting as though the states are helpless wards needing federal guidance ranging from No Child Left Behind to earmarks for public works.

On the contrary, what the states most need now is to kick off the traces of federal interference so that they can truly become "laboratories." After all, in the federal-state division of labor, much of the heavy lifting – in education and transportation, for instance -- has been primarily left to the states.

Hence the importance of an organization such as the State Policy Network. Nurtured by the Heritage Foundation and other national groups that support free-market policies, SPN now lists member organizations in all 50 states and the

District of Columbia -- and some states have several SPN affiliates.

Along with ALEC – the American Legislative Exchange Council – these state-based groups have been the prime movers in promoting free-market principles such as limited government, individual liberty, and personal responsibility in our nation's state capitals.

Naturally this has earned them the enmity of those groups – public employee unions, environmental extremists, professional bureaucrats, and others – whose world view holds that the highest goal of government is to enlarge the role and scope of government.

Nonetheless, SPN affiliates have been able to chalk up some notable victories. The steady advance of school vouchers wouldn't have occurred without them. In many states they were instrumental in persuading legislators to curb eminent domain abuse, essentially nullifying the impact of the U.S. Supreme Court's misguided decision in *Kelo v. the City of New London*.

Earlier this year, Washington State's Evergreen Freedom Foundation won an especially significant victory for the First Amendment when the U.S. Supreme Court ruled against that state's practice of compelling teachers -- through their compulsory union dues – to provide financial support to political candidates and causes with which they disagreed.

Some SPN affiliates – Arizona's Goldwater Institute, Michigan's Mackinac Center for Public Policy, Ohio's Buckeye Institute for Public Policy Solutions – are not widely known nationwide but are influential players in the public policy debates around their state capitals. Yet most are quite content with their role because they know something that the D.C. establishment and the mainstream media have been slow to grasp: that the states are now where much of the real action is – and ought to be.

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