

CREATURES OF THE STATE

State Politics and Local Government, 1871-1921

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Local politics is not self-contained. The authors break with existing scholarship to argue that the study of local politics requires the systematic study of state legislative politics. The state-local relationship cannot be easily characterized in terms of either interference or deference. Rather, U.S. local government and state politics appear to have been thoroughly intertwined in the period they examine. For evidence, they present a new and systematic data set consisting of all bills affecting local places—6,415 bills—considered by the legislatures of Alabama, Massachusetts, and Michigan for certain years in the period 1871 to 1921.

Local politics is not self-contained. Dillon's Rule codified the principle that local governments are creatures of state governments (Frug 1980, 1109; Williams 1986, 88-89; Banfield and Wilson 1963, 64-65; Schultz 1989, 66-75). According to various accounts, this state-level interference has rarely been benign. During the Progressive Era, activists regularly criticized the ways in which rural-dominated state legislatures imposed hostile charters and statutes on big cities, and accounts of rural and partisan legislative hostility to cities permeate twentieth-century state and local politics.

Yet most scholarship on urban politics ignores the role of state governments, and scholarship on state government generally neglects the role of local affairs. Historians like Monkkonen (1984, 1988) and Teaford (1984) have called attention to the linkages between local and state governments. But no scholars have begun collecting systematic data to analyze this rela-

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tionship, and political scientists have tended not to study these linkages in a comprehensive way.

Instead, urban scholars have emphasized the internal dynamics of local politics. As Peterson (1981, 3) suggested, many scholars have treated cities "as if they were nation-states"—as if they were tightly bounded, autonomous political units. Thus Dahl (1961) studied New Haven without devoting any part of his book to the Connecticut legislature, and Hunter (1953) and Stone (1989) wrote their influential studies of Atlanta politics with scant reference to Georgia state politics. Although scholars have studied external influences, they usually have not examined state governments. In research on development initiatives (Peterson 1981; Logan and Molotch 1987; Kantor 1995; Sbragia 1996) and on coalition building and regime formation (Stone 1989; Dahl 1961), for example, the economic context in which urban politics takes place is emphasized.

In some studies, scholars call attention to important issues in the local-state relationship but do not analyze the full set of ways in which state legislatures and local governments have interacted and how this relationship has evolved over the last century. Bridges (1984) and Erie (1988) demonstrated the role of partisan coalitions at the state level in machine politics, and Mollenkopf (1983) assessed the impact of national party politics on cities. Stein (1990, 42, 102, 110) and Burns (1994) examined the impact of a number of state laws on local outcomes. Norton (1979, 82, 86) and Danielson (1976) analyzed the extent to which urban-suburban conflict led to restrictive annexation laws in manufacturing-belt states. Liebert (1976, 51) and Callahan and Bosek (1976, 85) discussed the tendency for states to assume control over services that previously were provided locally.

In their seminal book on urban politics, Banfield and Wilson (1963) offered evidence of the general neglect of state governments in studies of cities. Stating that "the American city can do only what the legislature expressly permits it to do" (p. 67) and observing that "the state has financial as well as constitutional supremacy" (p. 68), they proceeded to devote just 11 of the book's 346 pages to the relationship of the city to the state. Similarly, Peterson (1981, 66-92), in constructing "a new theory of federalism" (p. 66), reduced federalism to local and national government.

In studies of state legislatures, like in studies of city government, scholars have paid little attention to the role of states in local politics. Key (1949, 1956), Jewell (1962), Jewell and Patterson (1966), Jewell and Miller (1988), and Van Horn (1989) did not indicate the extent to which local affairs dominate state legislatures.¹ Campbell (1980), who carefully analyzed state legislatures in the Midwest in the late-nineteenth century, tested hypotheses that legislators voted according to urban-rural differences but otherwise did

not assess the prominence of local issues in state legislative affairs. In their extensive, recent review of the literature on state legislative politics, Moncrief, Thompson, and Cassie (1996) did not mention local government or politics.

With this article, we begin a systematic examination of the legislative link between state politics and local government. We break with existing scholarship to argue that the study of local politics requires the study of state legislative politics. Policy outcomes in local places, we contend, cannot be understood only as a function of locational advantages (Peterson 1981) or local governing regimes (Stone 1989); rather, we contend that local policy outcomes often occur in the state legislature. Consequently, understanding local politics requires a shift in focus to the two-level nature of local and state political arenas. Because the state can define the institutions of local politics (Burns 1994) and can make extensive policy decisions about local places, scholars miss much of the fight—and possibly most of the fight about the parameters of local politics—when they arbitrarily limit their understanding of the causes of outcomes in local politics to forces inside the city or to the economic context in which the city operates.

We depart from existing scholarship in two major ways. First, we offer a more complete view of the political nature of the connections between state and local politics. We explicitly ask how and when local governments get what they want from the state legislature, and we analyze the extent to which local matters dominate the process and structure of state legislative politics. This approach differs from the existing scholarly assumption that the state operates as a unitary partisan (and often rural) actor, interfering in local politics to enforce rural norms and to garner the spoils of municipal government, and that linkages between the two levels of government are strictly partisan (Bridges 1984; Gelfand 1975; Kantor 1995; Erie 1988; Wiebe 1967; see also the earlier work of Riordon 1994; Goodnow 1904; Bryce 1891; Parsons 1900; Beard 1912; McBain 1916; McMillan 1955).

Second, our use of systematic sampling to garner a data set to study these relationships is completely new. In much of the existing literature, scholars relied upon generalizations from potentially extraordinary events to construct a basic description of state-local interactions. Lists of pernicious state actions dominate the common wisdom about these relationships (Griffith 1974a, 1974b; Gelfand 1975; Keller 1977). Political scientists are only starting to incorporate the more recent historical scholarship of Monkkonen (1984, 1988) and Teaford (1984), in which questions were raised about the representativeness of these notorious interferences in this common wisdom.²

For this article, we identified 6,415 bills introduced into the state legislatures of Alabama, Massachusetts, and Michigan between 1871 and 1921. We

collected data from the late-nineteenth and early-twentieth centuries because the modern state-local relationship emerged during that era. Our conclusion is stark: We contend that in these three states from 1871 through 1921, local affairs are so thoroughly intertwined with state affairs that each of the two spheres of government cannot and should not be studied without sustained reference to the other. In our cases, local government and state politics appear to be coterminous.

METHOD

The basic data for this study are drawn directly from the journals of the Alabama, Massachusetts, and Michigan lower houses (see appendix A). We examined legislative sessions at 10-year intervals beginning in 1871; if the legislature did not begin a regular session in one of the years selected, we examined the legislative session closest to that year. Our analysis includes the following sessions: in Alabama, 1871, 1880, 1891, 1901, 1911; in Massachusetts, 1871, 1881, 1891, 1901; and in Michigan, 1871, 1881, 1891, 1901, 1911, 1921.

We restricted our analysis to three states because of the sheer mass of bills and the practical difficulty of drawing random samples directly from legislative journals. We chose the states of Alabama, Massachusetts, and Michigan to maximize diversity. Given the vast differences among these states in wealth, industrialization, urbanization, regional position, legislative professionalization, constitutional provisions regarding local government, party competition and strength, the types of issues that local governments were addressing, and existing scholarship regarding the extent of legislative intrusion in local affairs, we believe that it is reasonable to draw general inferences when data from these three states converge. Moreover, each state contained, at least in the later part of the period we studied, a dominant city (Birmingham, Boston, and Detroit), which allows us to compare a state's relationship with a major city to state relationships with other localities.

For each legislative session, we identified every local government bill introduced into the lower house, as reported in the relevant legislative journal. To identify these bills, we drew upon the descriptions contained in the indexes and the more detailed accounts of bill content in the main body of the journals. We regarded bills as local bills if they met any of the following criteria:

1. Reference to substate political units in general (counties, cities, municipalities, school districts, special districts)
2. Explicit reference to a local place (particular county or city)

3. Reference to issues that were of primary concern to local or substate government (incorporation, bonds, property taxes, local taxation, boundaries, regional or local courts, school policy, local government employees, utilities or local infrastructure, and governmental services provided at the local level)

The full data set—which contains every local bill introduced into these legislative sessions—includes 2,991 local government bills from Alabama, 1,308 bills from Massachusetts, and 2,116 bills from Michigan, for a total of 6,415 bills. The resulting data set represents the largest and most systematic body of local legislation ever assembled.

For each local bill in the data set, we gathered all available information relating to the introduction of that bill and the bill's content: the nature of the legislation, whether the bill was special legislation (dealing with a particular local government) or general legislation (dealing with a broad class of local governments), who introduced the bill, the district or locality represented by the introducer, the local governments affected by the bill, the committee of initial referral, and that committee's composition. We noted whether the bills specifically affected one of the state's three largest cities (by name or by a restrictive classification). In cases in which one city in the state obviously dominated the other large cities in size, we assigned a special code to the dominant city. Boston and Detroit were always dominant cities in this era, but Birmingham did not become a dominant city until the last year in our Alabama sample.

Coding most of this information, such as the home district of the person introducing the bill or the initial committee to which the bill was referred, was a relatively straightforward task, but creating a set of categories for coding the substantive content of each bill was more difficult, given a universe of bills that relate to everything from industrial development in big cities to fishing in small rural lakes. Eventually, we developed 36 possible categories for coding bill content, which we then used to code each bill. Many bills received multiple content codes. We list those categories in appendix B.³

We have complete samples for each year and state in our study. In the analysis below, we treat these samples as 15 separate samples; that is, we never pool the data from these three states. As a consequence, the information we report is not unduly influenced by Michigan (because we have data from more decades) or by Alabama (because Alabama considered much more local government legislation than did the other two states) or by Massachusetts (because Massachusetts had many more large cities than did the other two states). Although our data set is larger and more complete than any other that has been used to examine the relationship between local and state government, it is a data set with limits: We can be certain about only these three very diverse states and their respective cities in specific years.

THE STATES AND TURN-OF-THE-CENTURY LOCAL POLITICS

Across the nation at the turn of the century, state governments responded to calls for municipal reform. Various states adopted home-rule amendments to their constitutions, granting municipalities certain rights of self-government. Some states established commissions to oversee the financial and political affairs of local governments, and many states amended their constitutions to abolish special legislation, forbidding legislatures to pass bills that applied only to specific cities or towns or counties.

This movement for reform established modern patterns of state-local relations. Many of these reforms succeeded; many others were ignored. Thus state legislatures often responded to prohibitions on special legislation by passing bills that applied to cities in various "classes." Sometimes classifications were used only to separate a state's largest cities from its smaller cities, but at other times, classifications became thinly disguised devices to legislate for a single local place. House Bill 333, for example, introduced in the Alabama state legislature during the 1919 session, created the position of treasurer for counties with populations between 21,425 and 21,450.

The three states that we examine differed dramatically in their responses to the municipal reform movement. All three states experienced industrialization and urbanization, but the pace, timing, and extent of those changes differed from state to state. These differences—in urbanization and industrialization, in responses to municipal reform, and in the degree of legislative professionalization—strengthen our ability to identify common trends in the relationship between state and local governments at a time when that relationship assumed modern form.

Probably the most important of those trends was the sharp increase in the number of local bills introduced into the legislatures of each of the three states during the last decades of the nineteenth century. As Figure 1 shows, many more local bills were introduced in 1901 than in previous legislative sessions. After 1901, as Figures 1 and 2 show, the number of local bills fell dramatically in absolute and relative numbers. Constitutional reforms and other municipal-governance reforms adopted in the first years of the twentieth century represented a direct response to the late-nineteenth-century expansion of local bills and created an institutional framework that could keep the number of local bills in check. Although these reforms appear to have succeeded in limiting the absolute number of local bills, the state legislature remained an important arena for local business even in this modern era of state-local relations.

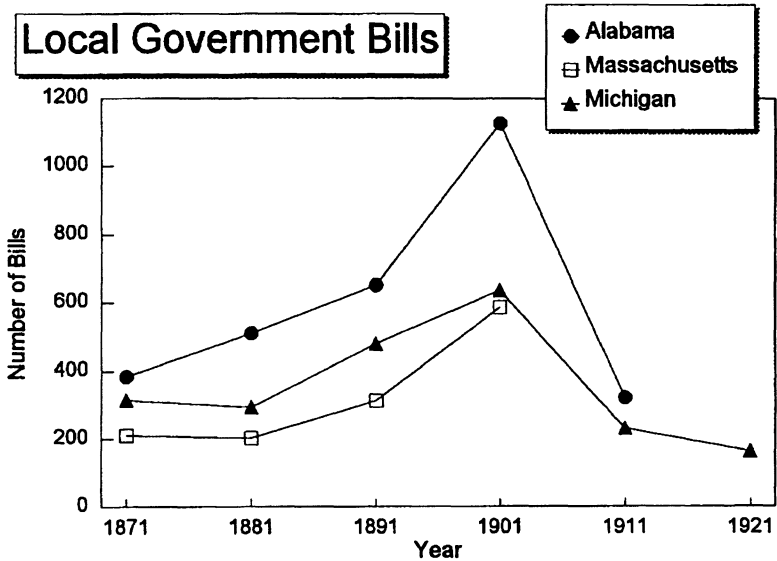


Figure 1: Local Government Bills

ALABAMA

Alabama was the most rural of the three states. In 1870, its largest city was Mobile, with a population of 32,000, followed by Montgomery and Huntsville, with populations of 11,000 and 5,000, respectively. The population of Birmingham, which was founded in 1871, grew to 38,000 by the turn of the century to 133,000 by 1910 to 179,000 by 1920. By 1910, it was firmly established as the dominant city in the state; Mobile, the next-largest city, was less than half the size of Birmingham that year. Only three cities in the state had populations of more than 30,000 in 1910, and only five others had populations of 10,000. Alabama's generally rural character and isolated urbanization was typical of most of the South during this period (Woodward 1951, 139).

State government in Alabama existed throughout this period in an unstable, turbulent constitutional framework (McMillan 1955). New constitutions were adopted in 1868, 1875, and 1901. The three constitutions reflected not only efforts to shape a workable framework for the state's government—efforts which have not yet succeeded, given that the 1901 constitution has

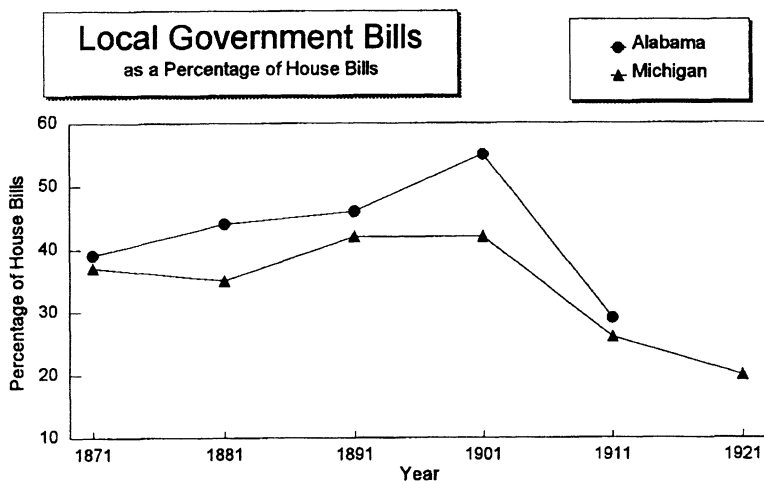


Figure 2: Local Government Bills, as a Percentage of All House Bills

now been amended several hundred times—but also responses to distinct phases in the state’s post-Civil War history. Thus the 1868 constitution was a product of Reconstruction, and the 1875 and 1901 constitutions were products of the state’s “Redemption” by conservative white Democrats, who successfully purged the state government of Republicans and of African-Americans in the 1870s, then proceeded to purge the electorate in 1901.

In each successive constitution, new restrictions were placed on the ability of Alabama’s state legislature to pass special legislation that applied to one or a small number of specified local places; unlike general legislation, special laws did not apply to all localities of a certain type in the state. Throughout this era, vast numbers of local bills, especially special bills, filled the legislative calendar.

The constitution of 1868 authorized the state legislature to alter county boundaries (Thorpe 1909, art. 4, sec. 36) and restricted the legislature’s ability to empower municipalities to exempt themselves from state laws or to levy taxes (art. 4, sec. 36). Although Alabama’s “Redemption” by white Democrats was the primary issue in the movement for the 1875 constitution, many proponents of constitutional change cited the proliferation of special legislation as the outstanding curse of Alabama state government. The new constitution retained the provision in the 1868 constitution that regulated county

boundaries (art. 2, sec. 2) and continued to restrict the taxing power of local governments (art. 10, secs. 5-7). The 1875 constitution included new provisions that simultaneously restricted the powers of local governments and the powers of state government to enact special legislation (art. 2, secs. 23-25, sec. 55).

Ominously (for a constitution that was written, in part, to end the need for special legislation), the same section that limited the taxing authority of local governments exempted the city of Mobile from that provision (Thorpe 1909, art. 10, sec. 7). As that exemption suggested, the 1875 constitution failed to end the demand for special laws. The constitution was extremely difficult to amend. It was amended only once, in 1898, and the amendment authorized the city of Birmingham to levy taxes in order to issue and redeem bonds (Act No. 534, Acts of Alabama 1896-1897). Thus, the legislature, with the sanction of the Alabama Supreme Court, ignored the provisions of the constitution that restricted the passage of special legislation (McMillan 1955, 240). Addressing the legislature in 1886, Alabama's governor (quoted in McMillan 1955, 242) condemned the extraordinary number of special acts, declaring that "for more than half a century this legislation has been accumulating on our statute books until it is probable the people of no two precincts in the state are living under the same laws."

The continued burden of special legislation contributed to the movement for the 1901 constitution (McMillan 1955, 331), yet even the constitution of 1901 failed to solve the basic problem. Like the earlier constitutions, the constitution of 1901 made no provisions for home rule, although it restricted the ability of the state legislature to enact special laws. By so thoroughly centralizing authority at the state level, each of the Alabama constitutions made special legislation at the state level irresistible. As a result, although the number of special bills was quickly reduced with the adoption of the 1901 constitution, the demands that produced those bills did not disappear. With each passing year, the constitution became the state's principal forum for special legislation. In amendments to the 1900 and 1910 sets of schedule of specific salaries for the officers of Montgomery County, the state legislature was authorized to set salaries for the officers of Jefferson County, and the tax code for the city of Selma was revised.

MICHIGAN

Michigan, unlike Alabama, had a dominant city in 1870: Detroit's population of 80,000 dwarfed the next-largest city of Grand Rapids, which had a population of 17,000. By 1900, the population of Detroit had grown to

286,000, it increased dramatically during the next two decades—to 466,000 in 1910 to 994,000 in 1920. By 1920, Detroit had become one of the leading cities in the country; Grand Rapids remained a distant second in the state, with a population of 138,000; Flint, with a population of 92,000, ranked third; and seven other cities had populations between 45,000 and 65,000. The impact of industrialization and suburbanization was clear.

In 1908, Michigan voters adopted a new constitution, replacing the constitution of 1850. Contributing to the movement for the new constitution was a concern with limiting the amount of special legislation enacted by the state government. The 1908 constitution restricted the legislature's authority to pass special legislation and provided for local home rule. By the terms of the 1908 constitution, no special law by the legislature could "take effect until approved by a majority of the electors voting thereon in the district to be affected" (Michigan 1913, art. 5, sec. 30; Michigan 1923, art. 5, sec. 30, as amended in 1916).

Unlike the Alabama constitutions, the Michigan constitution of 1908 provided explicitly for local home rule. It instructed the legislature to pass a general law for the incorporation of cities and villages (Michigan 1913, art. 8, sec. 20). "Under such general laws," as stated in a 1912 amendment, "the electors of each city and village shall have power and authority to frame, adopt and amend its charter, . . . and, through its regularly constituted authority, to pass all laws and ordinances relating to its municipal concerns" (Michigan 1913, art. 8, sec. 21). The constitution authorized municipalities to establish and maintain parks, hospitals, almshouses, cemeteries, and boulevards; to own and operate water, electric, and streetcar franchises; and to borrow money and issue bonds (Michigan 1913, art. 8, secs. 22-24). Similar provisions for home rule had not existed in the 1850 constitution, and the earlier constitution had not successfully restricted the state legislature's tendency to enact special law. On the matter of local law, the 1850 constitution had been vague (Michigan 1907, art. 4, sec. 38; see also art. 15, sec. 13). By replacing a broad discretionary grant to the legislature with specific provisions, the new constitution sharply limited special laws.

The 1908 constitution of Michigan successfully curbed the number of special bills introduced into the state legislature. Figure 1 documents the decline in the number of local bills—which included general, as well as special, bills—that followed the adoption of the 1908 constitution. Unlike the Alabama constitution of 1901 (which, because of its failure to provide for local home rule, succeeded only in transferring local lawmaking from the legislature to the constitution itself), the Michigan constitution of 1908 ended the need for state-based local government.

MASSACHUSETTS

Massachusetts was the most urbanized of the three states. Boston, with a population of 251,000 in 1870, was the dominant city in a state with many large cities. Three other cities that year—Cambridge, Lowell, and Worcester—had populations of about 40,000. By 1900, Boston's population had grown to 561,000; Cambridge, Fall River, Lowell, and Worcester were each home to about 100,000 people; five other cities had populations of more than 50,000; and nine cities had populations between 30,000 and 50,000. By the turn of the century, industrialization and immigration had transformed Massachusetts into one of the most densely urban places in the world.

Although the size and number of its cities distinguished Massachusetts from Michigan and Alabama, it was also distinguished by the relative insignificance of its county governments. Massachusetts towns and cities generally traced their histories back to the seventeenth and eighteenth centuries. Compared to counties in Alabama and Michigan, which played important roles in local affairs and in the creation of new municipalities, counties in Massachusetts were little more than holding companies of stubbornly independent cities and towns. Cities and towns, not counties, supported school systems, created police and fire departments, and secured water supplies. In Alabama and Michigan, representatives in the state legislature were always identified by their county; even representatives from Birmingham and Detroit were listed in each session as hailing from Jefferson and Wayne Counties. Representatives to the Massachusetts General Court, in contrast, were identified by their city or town.

The Massachusetts constitution of 1780 guaranteed to each of the state's towns at least one representative in the Massachusetts house (Thorpe 1909, part 2, chap. 1, art. 2, sec. 3). This original provision probably reflected the strength of local government at the time the constitution was framed, and local governments continued to preserve a measure of autonomy through the nineteenth century, even as the state began to intervene actively in local affairs. Attempts to guarantee local home rule may have seemed superfluous, given the long history of town government in Massachusetts. Moreover, as Figure 1 shows, a smaller number of local bills were passed in Massachusetts than in Alabama or Michigan. Whatever the cause, the Massachusetts constitution made few explicit provisions for home rule or for limitations on special legislation: The constitution was amended in 1821 to authorize the state legislature to charter cities and in 1855 to order the legislature to pass a general law to regulate the election of county officers. Unlike Alabama and Michigan, Massachusetts, at least until the early-twentieth century, did not use its constitution to lay out the terms of local government (Teaford 1979, 38).

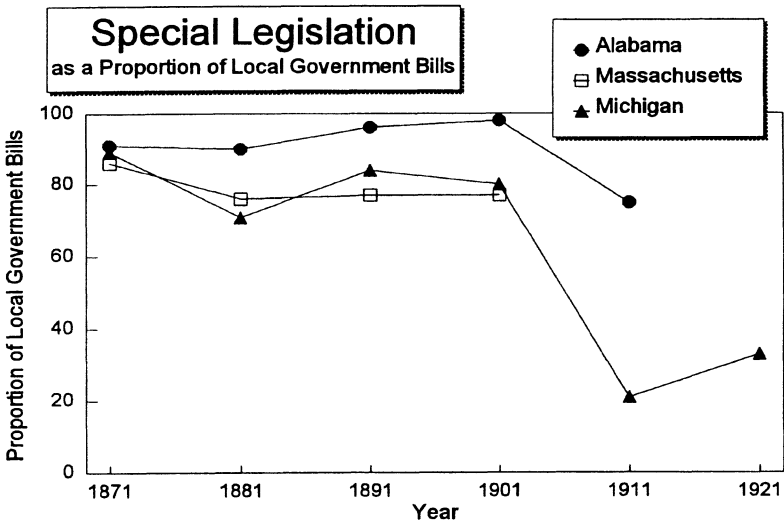


Figure 3: Special Legislation, as a Proportion of Local Government Bills

THE SCOPE OF LOCAL GOVERNMENT LEGISLATION

Throughout the period 1871 to 1921, local government bills constituted a huge proportion of state legislative business. In Alabama and Michigan, as Figure 2 shows, bills concerning local government constituted between 35% and 55% of the legislation originating in the house in every session examined through 1901.⁴ The percentage in both states decreased to 30% in 1911, then decreased further in 1921 in Michigan as states assumed their modern relationships with local governments. At the highest point, then, fully half of the legislative business in these states related to local government; at the lowest point, local government legislation composed a (still-substantial) quarter of the agenda of the state legislature.

Most of this legislation was explicitly directed toward specific localities. Figure 3, which separates general from special local legislation, underscores that point. In all three states, special local legislation far outnumbered general local government legislation through 1901. Furthermore, this special legislation generally was not directed toward big cities—in Alabama, 15% of the special legislation pertained to big cities; in Massachusetts, 31%; and in Michigan, 23%. State governments routinely considered bills that applied to specific small towns, counties, villages, special districts, and smaller cities.

Alabama offers the most extreme case of the dominance of special legislation. Almost every piece of local government legislation—between 90% and 99% before the adoption of the 1901 constitution and continuing at more than 75% in 1911—had to do with one or a few localities. Laws that would be considered general elsewhere were enacted through special legislation in Alabama. Thus Alabama legislators determined the treatment of misdemeanors and felonies in local courts through special legislation: In 1901, for example, House Bill 693 proposed “to make poisoning of horses, mules, and cows a felony in Wilcox County.” The 1871 legislative session considered a number of laws aimed at the “redemption” of particular counties, repealing acts “for the suppression of secret organizations of men disguising themselves for the purpose of committing crimes and outrages” (appendix A, Alabama 1901, 451), so far as they applied to specific counties, and repealing acts to suppress lynching, again in particular counties.

The Alabama legislature’s business was so intertwined with local affairs that it held elections for local offices among the legislators. In 1901, for example, the Alabama state legislature held elections for the city court solicitors of Anniston and Gadsden, the city court judge of Bessemer, the associate judge of the criminal court of Jefferson County, the solicitor of Tuscaloosa County, and the judges and solicitors of Walker and Cleburne Counties. In many respects, the state legislature acted like another branch of the local government.

After the adoption of the new constitution at the conclusion of the 1901 session, the Alabama state legislature cut back somewhat on the volume of special legislation. In 1911, the state legislature had a new practice. As mandated by the 1901 constitution (Thorpe 1909, art. 4, secs. 104-11), the legislature required publication and notification of potential local laws in a particular place to be affected by the laws. This requirement helped to reduce the amount of local legislation considered by the Alabama house, but this and other provisions of the 1901 constitution also contributed to the extraordinary proliferation of amendments to the constitution. In raising hurdles to the passage of local bills in the legislature, the framers of the 1901 Alabama constitution pushed those seeking special legislation to turn instead to the amendment process.

However, even as the constitution emerged as a forum for special legislating, members of the Alabama legislature continued to introduce large numbers of local bills. By classifying cities and counties into various categories according to size, legislators were able to circumvent the constitutional barriers against special legislation. The bills introduced, whether notice was given or not, remained defiantly local: House Bill 55, a typical bill introduced in the 1910-1911 session, prescribed the rights of a person

charged with a misdemeanor in the Tallapoosa County Court (appendix A, Alabama 1911, 163).

In Massachusetts and Michigan, the pattern was somewhat less extreme. The majority of local bills—between 70% and 90%—considered by the lower houses of these states through 1901 were special bills. In Massachusetts, those special bills ranged widely: They authorized debt, allowed cities to construct gas works and sewerage systems, and legalized the actions of town meetings. By contrast, in late-nineteenth-century Michigan, much of the special legislation was straightforward local government incorporation.

As in Alabama, the 1901 sessions in Michigan and Massachusetts were extraordinary. State legislatures that year considered not only more local legislation but more special legislation than before or (at least in the two cases for which we have the data) after. Michigan's adoption of home rule in 1908 brought a swift change in the relationship between localities and the state. The state legislature moved away from special legislation and accomplished its local government legislation through general law.

There was little distinction between local government and state government over this half-century. Much of the legislature's activities centered on local government and local politics. Often, state legislatures did mundane things such as authorizing a particular county to set up a dog pound. The legislation was, by and large, not extraordinary, nothing on the order of "making legal the stealings of the Philadelphia collector of delinquent taxes," as Griffith (1974a, 212) commented. Rather, the extensive local legislation was part and parcel of the process of local government-defining local institutional powers and carrying out the work of local government through legislative action. The range of these relationships in our cases runs from Alabama, where state government was essentially a standing committee of local government, to Massachusetts and pre-1908 Michigan, where state government determined the nature of local institutions and sometimes acted as a branch of local government, to Michigan in 1911 and 1921, where state government was mostly involved in the general activities of local government rather than in the details.

THE RANGE OF LEGISLATION

Legislators were involved in all aspects of the government of their state's local creatures. They considered laws enacting charter reform for cities, laws governing prohibition around a particular church in a particular county, and laws governing the issuance of street franchises. These laws provide an

important sketch of the creatures of the state. In so doing, they tear at the distinctions that scholars have built between local and state politics.

In Alabama, as Figure 4 shows, much local legislation throughout this era dealt with the institutions of local government. Bills defining the powers and structure of local governments, departments, and courts predominated in every session (except in the 1880 session, which was dominated by temperance legislation). Bills relating to taxation were also regularly introduced. Bills incorporating and dissolving local governments and revising local charters were introduced in significant numbers in 1871 and 1891. Temperance bills, which constituted a large proportion of local bills in 1871, 1880, and 1891, were remarkable in their specificity; almost all of these bills proposed prohibition laws for a particular area around a particular church or place of employment in a particular county.

Several issues were obvious for their relative scarcity in the Alabama legislature. In particular, there were few bills concerning the development of the service infrastructure (streetcar franchises, public works, hospitals, parks, and so forth). That scarcity is easily explained: Alabama was very poor and did not contain a major city until after the turn of the century, with the growth of Birmingham. Nevertheless, the small number of infrastructure bills in Alabama is striking in the context of the existing literature on state and local government. It is a reminder that generalizations developed to explain patterns in the industrialized Northeast and Midwest are less successful when applied to other parts of the country.

Massachusetts, in contrast to Alabama, devoted much of its legislative energies to building local infrastructures. Although the Massachusetts legislature considered many bills affecting local offices, departments, and election rules, as Figure 5 illustrates, there were few bills incorporating or rechartering local governments. Bills about public works, courts, and bonds were important throughout these years. Streetcar and railway bills, which were introduced in each session, appeared in very large numbers in 1901. Boston bills did not differ in substance from bills affecting other local places. Among the bills affecting the three largest cities, the large majority of which were bills concerning Boston, the principal subjects included city departments, public works, courts, bonds, and railways. In Massachusetts, unlike the other two states, the state legislature worked with a system of special districts that the state set up to govern metropolitan Boston.

In Michigan, as Figure 6 shows, incorporation dominated the local agenda in 1871 and 1881 and remained prominent through 1901; these bills incorporated and revised charters for towns, villages, and cities. Over time, as local incorporations declined, bills affecting existing departments and govern-

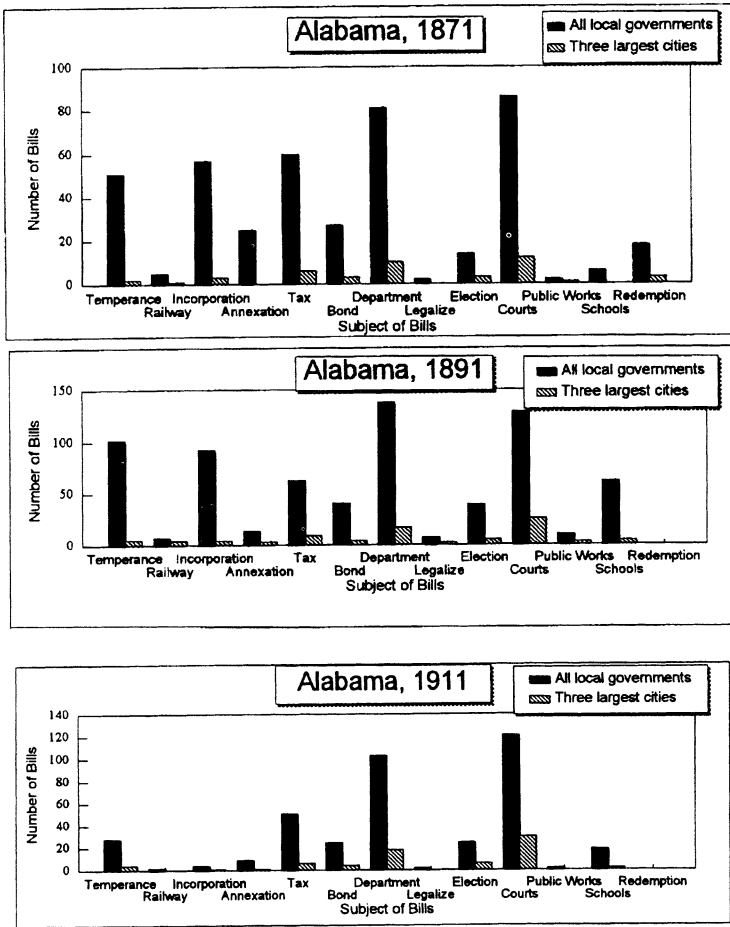


Figure 4: Subject of Local Bills—Alabama

ments came to dominate the legislative agenda. Other important issues in Michigan included bonds and local spending, taxes, courts, public works, and schools. Similar issues dominated legislation affecting Michigan's largest cities—with the exception of bills affecting local charters, which appeared relatively rarely among big-city bills. Statewide, few charter and incorporation bills were offered in the 1911 and 1921 sessions, in the wake of constitutional reform. Although the number of all local bills declined sharply in those years, the subject matter of other bills did not change significantly.

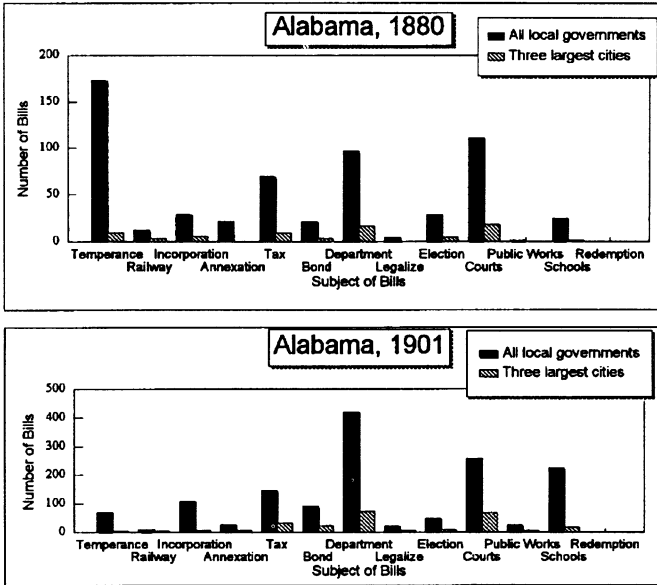


Figure 4: Subject of Local Bills—Alabama (cont'd)

The pattern of local legislation offers surprises. Links between the states and the local governments ranged widely. Legislators spent a lot of time defining and redefining local courts, local law enforcement, and local schools. They worked on local agricultural and wildlife issues—in Alabama, deciding whether districts with stock could use fences and how cotton would be graded in particular counties; in Michigan, deciding whether those fishing in certain counties could use spears; and, in Massachusetts, deciding how shellfish beds in some towns could be protected. In Alabama, they established prohibition in local places and otherwise regulated the sale of alcohol. In Massachusetts and Michigan, legislators actively helped develop local service infrastructures. Above all, state legislatures created and continually redefined the structures of local governments. They authorized school districts, counties, and cities to issue bonds; they shaped the departments and offices of local governments; and they frequently granted and defined powers of those government offices.

As was predicted in the literature, state intervention in local affairs increased in the last decades of the nineteenth century, then decreased somewhat after

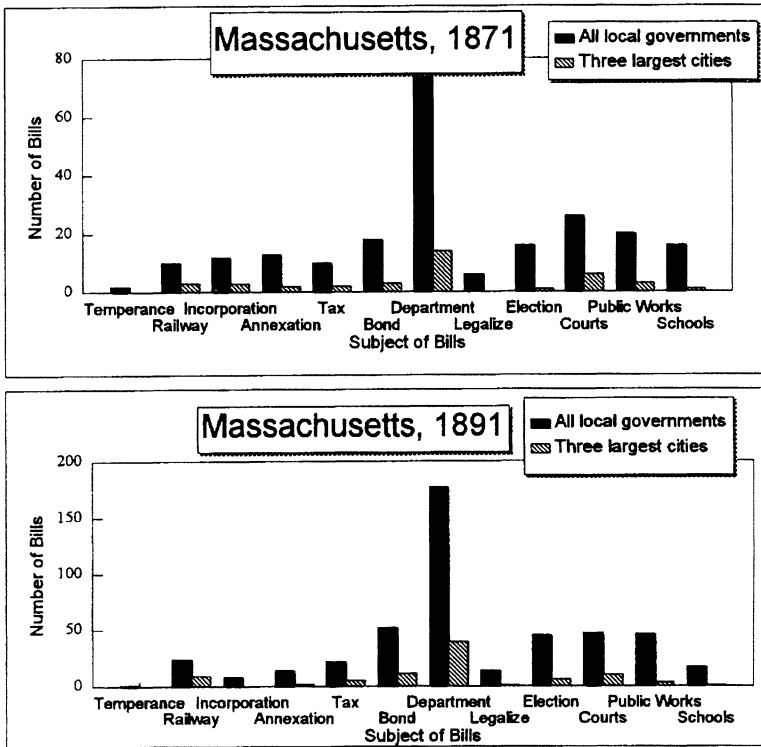


Figure 5: Subject of Local Bills—Massachusetts

the turn of the century. The state had significantly more to do with the details of local affairs in 1891 and 1901 than earlier. However, that increased activity was not unique to issues of local government: It happened across the board as the volume of all types of legislation increased dramatically. All three states were becoming much more concerned with all manner of regulations, and technological change was increasing the possible scope of that regulation.

Significantly, two things were missing from the range of legislation in all three states: explicitly partisan laws that resembled Griffith's (1974a, 1974b) list of evils perpetrated by the state on the local governments and laws that looked like rural, suburban, or partisan interference in urban government. There is no evidence of an antiurban or partisan bias in any of the sessions that we examined. If these laws existed, the legislators took special care to make sure that future scholars would not be able to discern them by reading

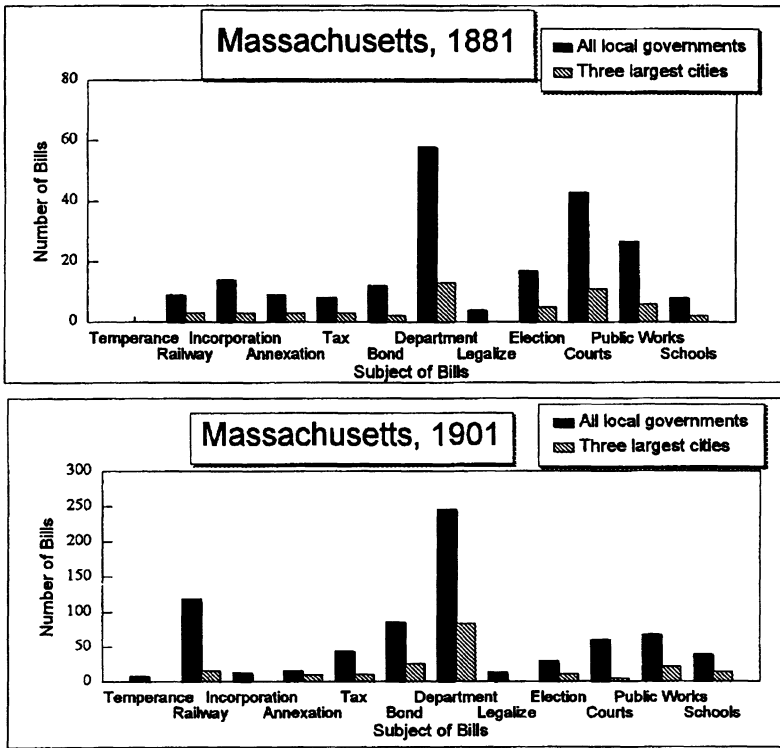


Figure 5: Subject of Local Bills—Massachusetts (cont'd)

the state's legislative journals—care that the legislators did not take on racial and ethnic issues.

COMMITTEE REFERRAL

The business of state legislatures was, in large part, the business of local government. Various standing committees existed in each legislature to deal with local issues at various times: The Alabama house had standing committees on local legislation, on counties and county boundaries, and on municipal organization; the Michigan house had committees on towns and counties, local taxation, drainage, village corporations, and city corporations; and the

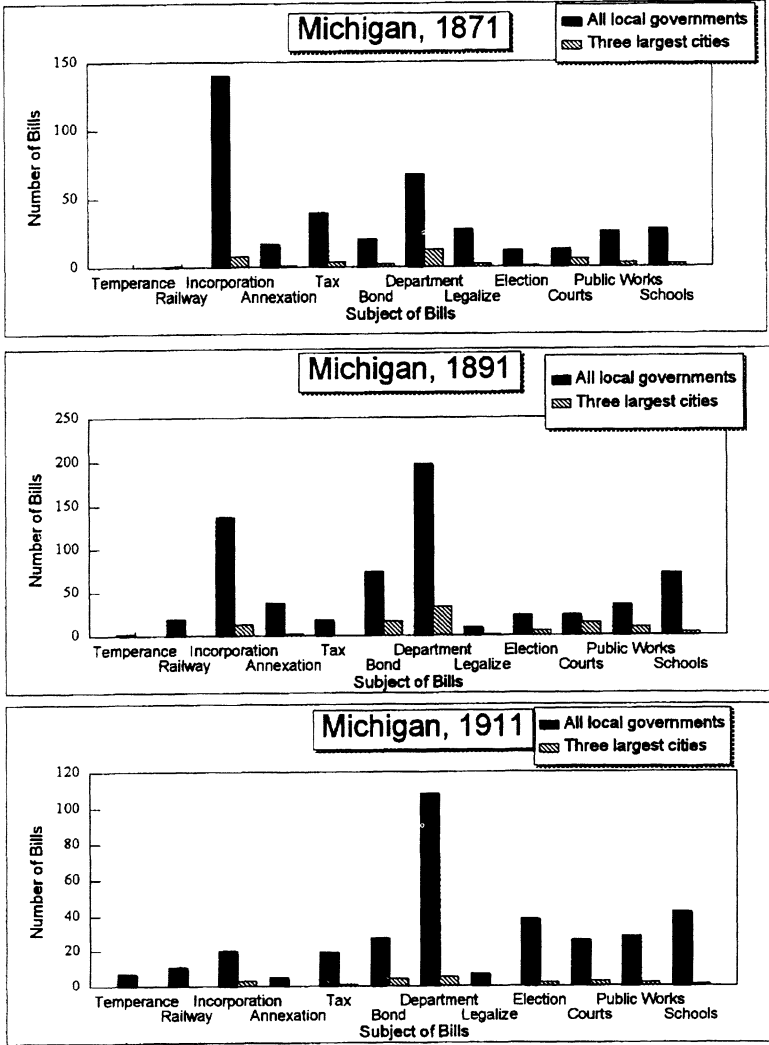


Figure 6: Subject of Local Bills—Michigan

Massachusetts house had committees on counties, cities, towns, probate and chancery, street railways, drainage, water supply, and metropolitan affairs. The sheer number of standing committees devoted entirely to local business suggests the extent of legislative time devoted to this business in each of the states.

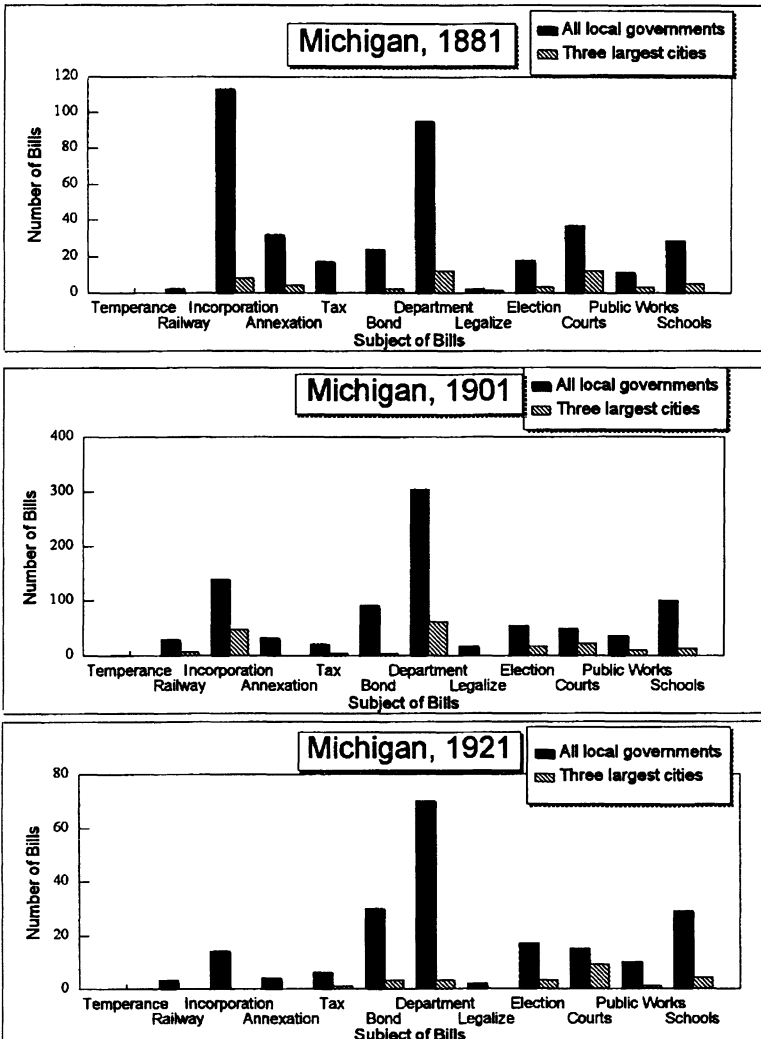


Figure 6: Subject of Local Bills—Michigan (cont'd)

Yet the list understates the extent of local business. None of these legislatures segregated its local business from its nonlocal business. None confined its references of local business to a certain set of locally oriented committees.

In addition to sending local bills to committees on cities and committees on counties, state legislatures routinely sent local bills to committees that had no special claim to local affairs. Judiciary committees, temperance committees, and education committees were among the most important committees of reference for local bills, and many other committees routinely considered and reported local bills. State legislatures, in short, made little attempt to distinguish and separate out their local business from the general business of the state. Rather, patterns of committee reference demonstrate that the two forms of business were nearly indistinguishable and that local affairs and city government was a defining feature of state politics.

As Figure 7 illustrates, the Alabama house referred local bills to a variety of committees in 1871-1911. The committee on local legislation received more local bills than any other committee. Of the 2,839 bills referred to committee in the five legislative sessions we studied, 621 (22%) were referred to the committee on local legislation. Another 406 bills (14%) were referred either to the committee on corporations or to the committee on municipal organization. The other principal committees of reference were the committees on temperance (358 bills, or 13%), judiciary (345 bills, or 12%), education (287 bills, or 10%), and revision of the laws (178 bills, or 6%). The committee on counties and county boundaries, although apparently dedicated to local legislation, received just 83 bills over the five legislative sessions, far fewer than many committees with more general responsibilities. The relative importance of the five principal committees shifted from session to session, but some subset of these five committees dominated business in each session.

Patterns of committee referral in Michigan, illustrated in Figure 8, conformed most closely to a model whereby local bills were sent to specifically local-affairs committees. Thus committees on cities and corporations (at various times, the committees on banks and incorporations, on city corporations, on municipal corporations, and on private corporations) handled one-third of all local bills introduced into the Michigan house in 1871-1921. This type of committee received the largest number of local bills in each of the first five legislative sessions. The next most important committees in Michigan were the committees on towns and counties and on village corporations (266 of 1,781 bills, or 15%), the education committee (209 bills, or 12%), and the judiciary committee (178 bills, or 10%). Smaller numbers of bills were referred to the committee on drainage, the committee on local taxation, and the committees on fisheries and game.

Massachusetts, unlike Michigan, sent much of its local legislation to nonlocal committees. Patterns of bill referrals in Massachusetts are illustrated in Figure 9. The judiciary committee received 188 of 1,242 bills (15%) intro-

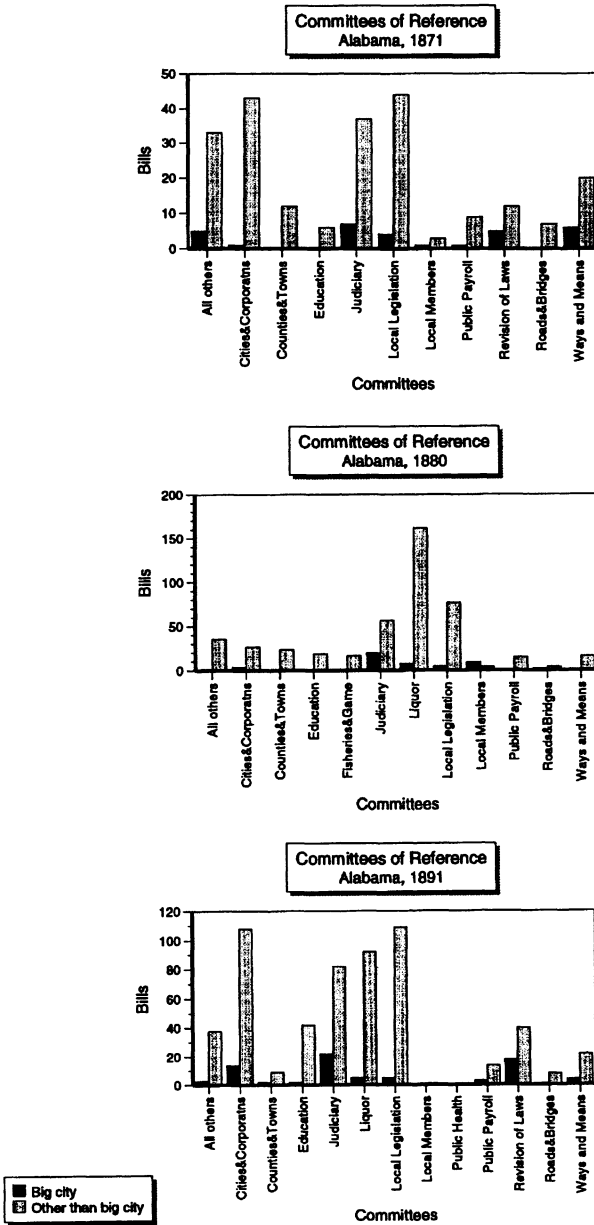


Figure 7: Committees of Reference—Alabama

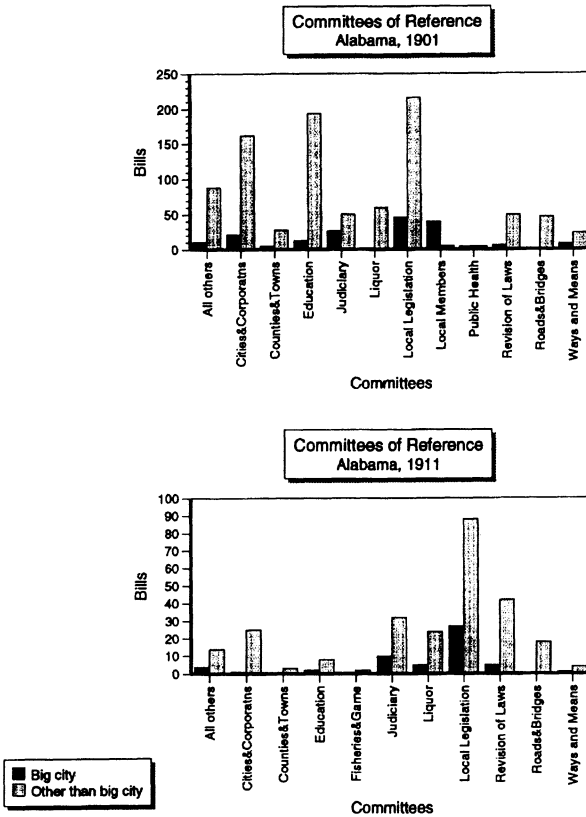


Figure 7: Committees of Reference—Alabama (cont'd)

duced in 1871-1901, more local bills than any other Massachusetts committee. The next most important committees were the committees on cities (138 bills, or 11%), on street railways (121 bills, or 10%), and on counties or towns (113 bills, or 9%). Of the four most important committees, then, two were not specifically related to local government. The prominence of the committees on street railways—as well as the committees on drainage and on the water supply, which ranked fifth in receipt of local bills—reflects the large number of bills in Massachusetts related to creating and expanding the infrastructure of local services.

In Massachusetts, the relative importance of committees shifted decisively over time, reflecting the growth of the service infrastructure. In 1871 and

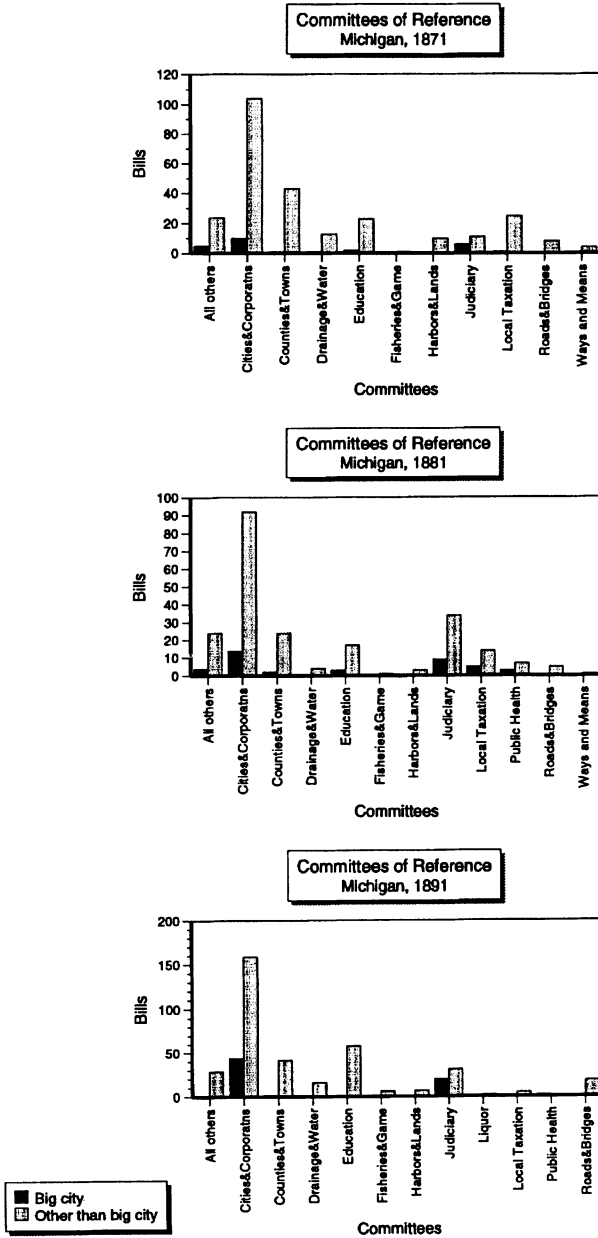


Figure 8: Committees of Reference—Michigan

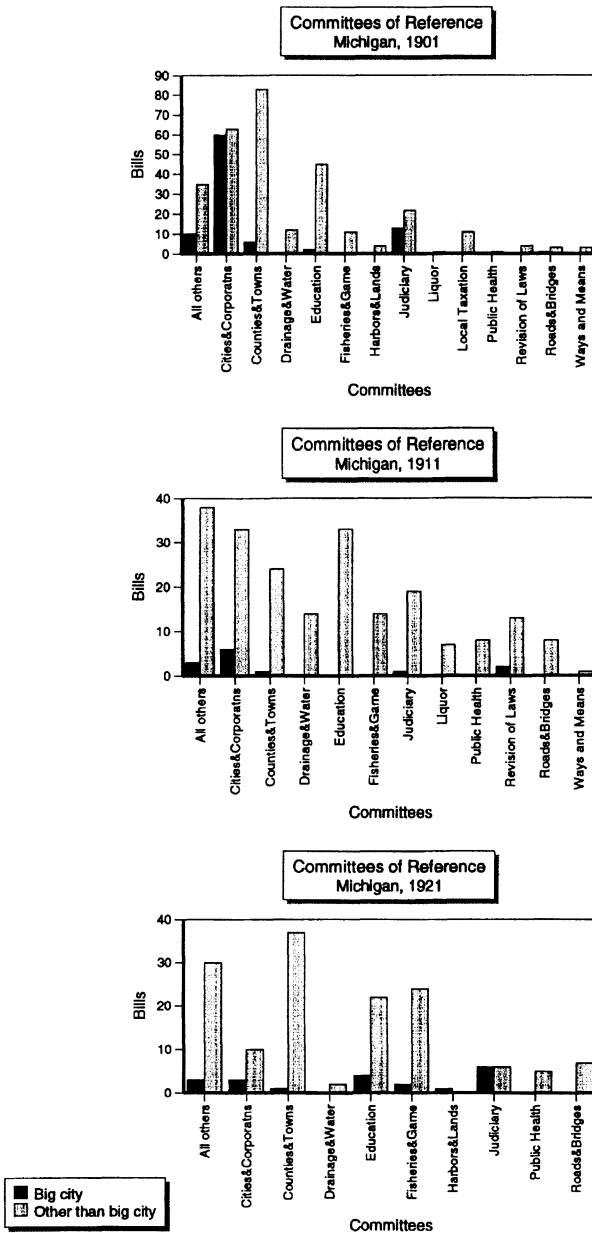


Figure 8: Committees of Reference—Michigan (cont'd)

1881, the judiciary committee received far more local bills than any other committee; in 1891, the committee on cities and judiciary committee together received the largest numbers of local bills. By 1901, however, the judiciary committee had receded in importance in local matters. Committees on cities, counties, and towns received many local bills that year, but the committee receiving the largest number of local bills was the committee on street railways. Nearly as important that year was the recently created committee on metropolitan affairs that considered bills that affected the Boston metropolitan area, many of which were service-related bills.

Although Teaford (1984, 85-89), Reinsch (1907, 167), and McMillan (1955, 243) have argued that legislatures regularly deferred to local representatives, patterns of committee referral suggest that many nonlocal legislators participated in each of these decisions. Teaford argued that state legislatures routinely referred bills to local delegations and to ad hoc committees made up of local representatives, yet this occurred only rarely in Alabama—for only 63 of 2,991 bills (or 2%)—and not at all in either Massachusetts or Michigan. Although it played an especially important role in 1901 for bills affecting Boston and surrounding cities and towns, the metropolitan affairs committee in Massachusetts was not dominated by Boston representatives. Of 15 legislators who sat on the committee, only 5 were from Boston, and this committee came closer than any other to representing the interests of a state's city or town or county.

No city or county or town ever dominated any committee in any state in the years that we have studied. If committees and their leaders played important roles in drafting and amending bills, then the local delegation ceded much of its ability to shape decisions once it had introduced a bill into the legislature. Only if committees did not change bills without first receiving the permission of local legislators could a norm of deference have been maintained.

BILL INTRODUCTION

Although bills were routinely sent to committees that were not dominated by local legislators and to committees with general jurisdictions, the vast majority of local bills were introduced by representatives from the locality. Figure 10 documents the status of legislators who introduced bills applying specifically to one of the state's three largest cities. Because most of the literature on local and state politics emphasizes hostility to big cities, we examined these bills to determine if legislative initiative came from the cities'

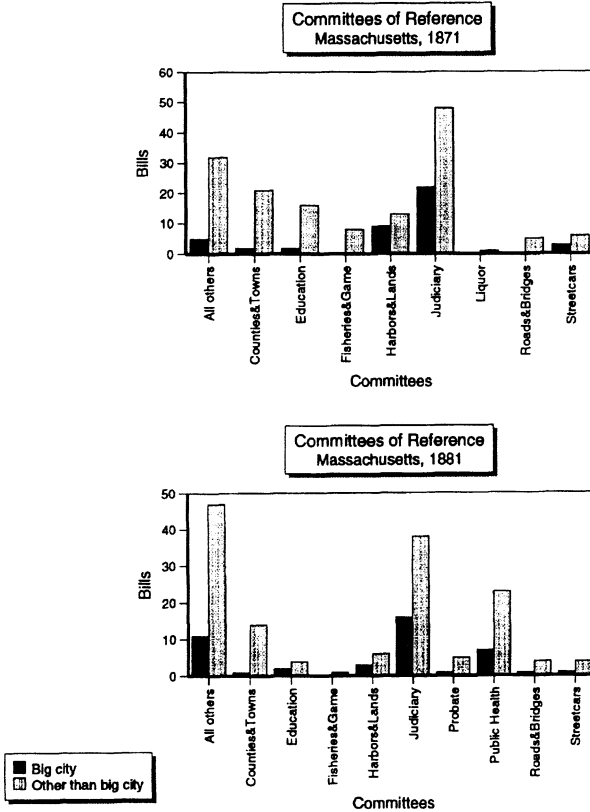


Figure 9: Committees of Reference—Massachusetts

representatives or from other representatives. Malapportionment is irrelevant in this regard. Even when rural places were better represented than were urban places in legislatures, urban representatives generally controlled the introduction of bills affecting their constituency.

The evidence is clear: Virtually all bills affecting big cities were introduced by representatives from those cities. Of the 1,067 bills in our sample that affected specific big cities in the state, only 35 were introduced by nonlocal representatives. Over the entire period of study, there are no exceptions to this general pattern of local introduction in either Alabama or

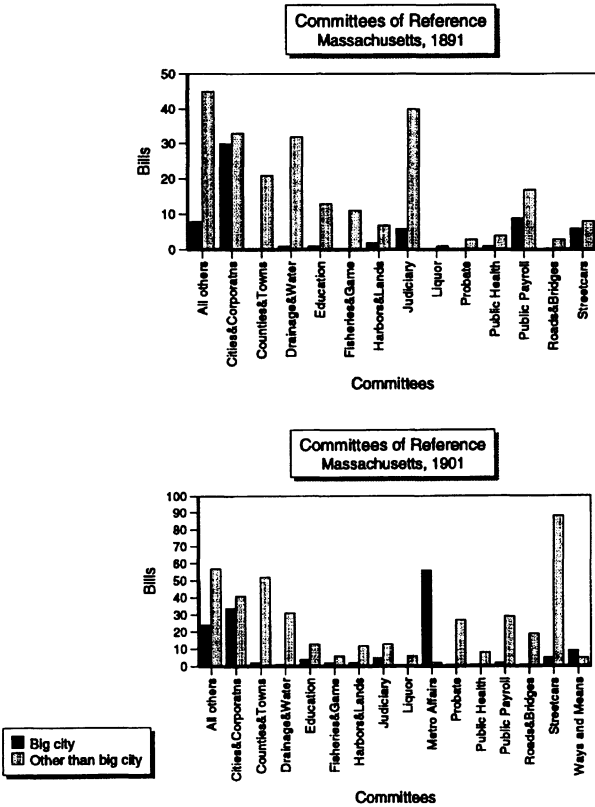


Figure 9: Committees of Reference—Massachusetts (cont'd)

Michigan. There are exceptions in Massachusetts, especially in 1901, when several bills that affected a big city as well as another city or town were introduced by a representative of the smaller city or town and 12 bills were introduced by a representative of a locality that was not affected by the bill.

This relatively large number of bills not introduced by a representative of the city to which the bill applied were almost all bills affecting Boston. It is interesting that the one instance in our sample of a standing legislative committee on a local place (metropolitan affairs in 1901) coincides with the one instance we have of nonlocal representatives engaging in occasional bill

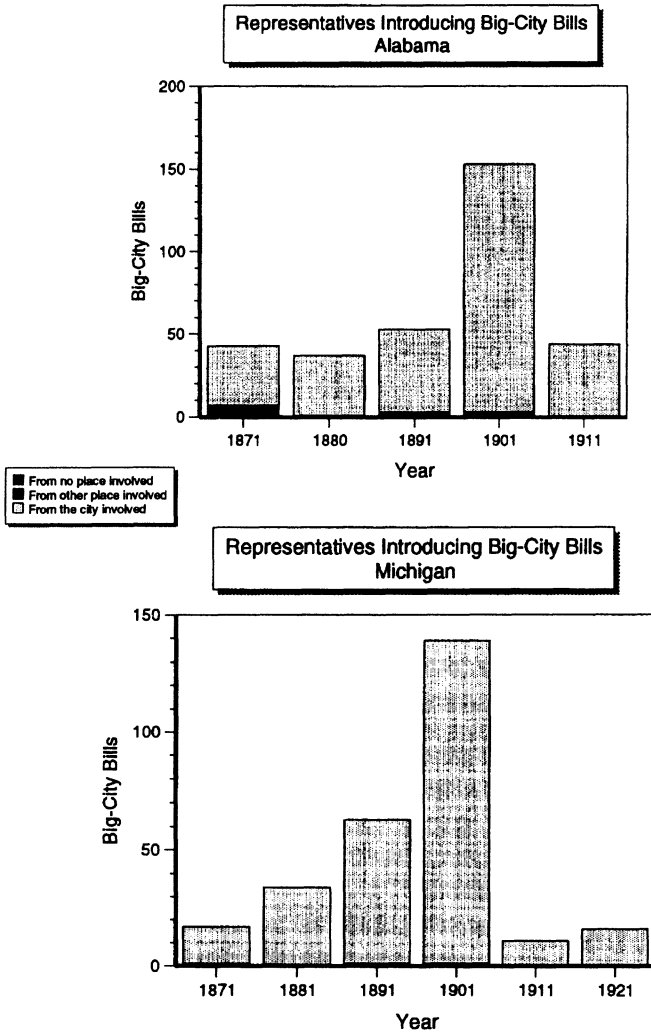


Figure 10: Representatives Introducing Big-City Bills

introduction. This may suggest that there were sharp limits to deference paid to local representatives: They could dominate the process of bill introduction or they could play a significant role on a locally oriented committee, but they

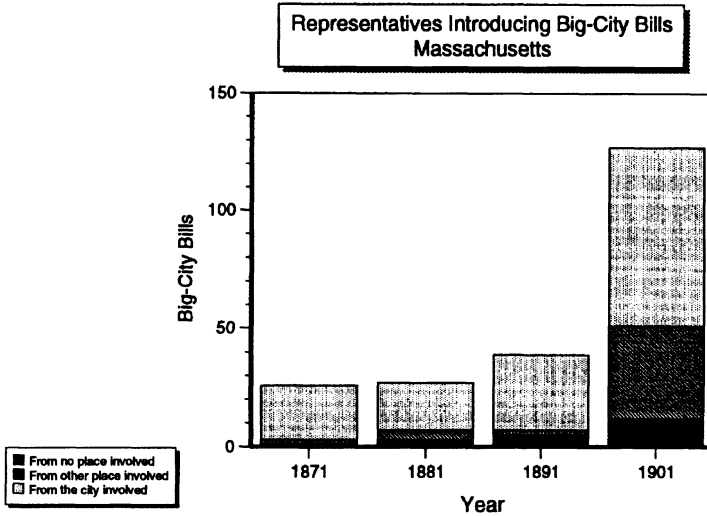


Figure 10: Representatives Introducing Big-City Bills (cont'd)

could not do both. Of course, we cannot make such a strong claim until we examine the success and failure of bills in our future work.

AN INTIMATE AND UTTERLY ROUTINE RELATIONSHIP

This picture of the local creatures of the state challenges traditional distinctions between state and local politics. In the three states we studied, these institutional arenas appeared to be completely intertwined throughout 1871-1921. Traditionally, social scientists have focused upon the evils of state interference in local politics or upon the partisan nature of state interference in local politics. More recently, historians have argued that special legislation resulted from cooperation between state and local governments. Although they are contradictory in many ways, both areas of scholarship suggest that the business of state and local governments were easily distinguished and that representatives from one layer of government served as emissaries or intruders in another layer.

However, this is not the governmental structure that we have uncovered. First, instances of notorious, pernicious interference on the part of states were

rare in the states we examined—even when the spoils to be had from a large city like Boston or Birmingham or Detroit were substantial. Most of the work of the legislatures was relatively mundane. Second, patterns of committee referral (as well as complaints recorded in the literature produced at the turn of the century by reformers) suggest that cities and towns often could not control the fate of legislation that they desired from the state legislature. Assuming state legislative committees played vigorous roles in determining the fate of bills assigned to them, states neither interfered in local affairs nor mechanically processed the requests of mayors, city councils, and boards of selectmen.

Rather, the relationship between states and their creatures was intimate and utterly routine: The ordinary work of state politics was local affairs, and an ordinary branch of local government was the state legislature. Of course, interference occurred, but such occasions were rare. It would be misleading if we were to characterize the relationship between cities and states—at least in these three states and in these decades—by the 12 or so extraordinary bills that might have been perceived as interference. Given that the Boston-Massachusetts relationship has been frequently cited by other social scientists as a leading example of a state interfering in a city's affairs, we expect that our findings here are generalizable. We know that other scholars can cite numerous examples of notorious instances of interference in other states during this period, but it appears that such instances were exceptional and infrequent. The oft-cited notorious examples of state interference may be misleading precisely because they blind one to the possibility that state-local interactions were continuous and ordinary throughout the period that we studied here.

Because of the pervasiveness of this relationship, urban (and local) scholars may need to reconceptualize both local politics and state politics. The distinction between the two kinds of politics over the period and the states that we examined here appears relatively arbitrary. There were important institutional distinctions between the two arenas, but their work was tightly linked. The legislators' jobs were defined, in large part, by their adjunct status with respect to local government. Much of the agenda of these legislatures was local affairs, and that agenda was reflected both in legislative business and committee organization. Similarly, it appears that much of the work of local government took place not in Pushmataha or Birmingham, Ida or Detroit, Amherst or Boston City Hall, but in Montgomery, Lansing, and the Massachusetts State House.

APPENDIX A

Legislative Journals

The data presented in this article are drawn from the following journals, located in the Special Collections Room of the Massachusetts State Library, at the State House in Boston. Additional copies of the Massachusetts journals are located in the Government Documents Room of the Boston Public Library; additional copies of the Massachusetts journals and many of the Alabama and Michigan journals are located in Littauer Library at Harvard University. We are grateful to the staffs at all three libraries for their assistance but especially to the staffs of the Special Collections Room of the Massachusetts State Library and of the Government Documents Room of the Boston Public Library.

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APPENDIX B Bill Content Codes

Annex. Relates to consolidation, annexation, attachment, or separation of boundaries, corporate limits, borders, or lines; does not include courts or private corporations.

Bond. Affects bond issuance; related to bonds, borrowing, loans, or debt; any dedicated use of funds.

Building. Involves building inspection and codes.

Canal. Relates to canals, wharves, ferries, ports, docks, rivers (for travel), harbors, piers, and dams.

Construct. Refers to construction of public building or monument.

Court. Relates to local/regional court activities; includes powers, duties, jurisdiction, and regulation of courts and employees of the court; includes references to crimes, convictions, jails, prisons, criminals, sheriffs, justices of the peace, solicitors, juries, witnesses, trials, writs, probate judges, police courts; does not include Alabama commissioners courts.

Deeds. Relates to local property law or to public records; references to deeds, registers, titles, records, abstracts, chancery, probate, tracts, notaries, easements.

Department. Refers to specific local governmental entity (board or individual) or/and grants, defines, or limits the right/power of a local government to do something; does not include courts.

Economic Development. Relates to local economic development, local business climate, economic growth, employment, and the "best interests of the city."

Elections. Involves local elections, appointments, town meetings, ballots, or election districts; includes bills requiring that legislation go into effect after local election ratifies.

Farm. Relates to agricultural products, farming, and farmers.

Fire. Relates to fire protection, services, and personnel.

Gas. Involves utilities that provide power or heat (gas, water, electric); includes local provision of lighting and telephone service.

Hospital. Relates to local hospitals and local health issues.

Housing. Involves housing programs or regulations that are not related to codes or inspections.

Incorporation. Relates to incorporations and dissolutions of local governments (cities, towns, counties, special districts); includes references to charters and charter amendments.

Law. Relates to the categorization of offenses as misdemeanors or felonies; includes "redemption" legislation in post-Civil War South.

Legalize. Legalizes, ratifies, validates, or confirms local action that has taken place.

Library. Relates to local nonschool libraries.

Mandate. Relates to unfunded mandates by state government.

- Military.* Refers to military, militia, military pensions, bounties, armories, war memorials.
- Park.* Affects local recreational facilities, parks, playgrounds, and campsites.
- Police.* Refers to police services, duties, functions, personnel; related to police enforcement of law.
- Poor.* Relates to poor laws or laws regulating paupers or inebriates.
- Railway.* Relates to railroads, street railways, subways, streetcars, and fares; includes bills regulating automobile operation and driving.
- Redemption.* Refers to lynching or violence; restricted to "Redemption" bills of post-Civil War South.
- Regulate.* Involves regulation of private sector; related to local business, entertainment, temperance, streetcar regulations, or morality.
- Road.* Refers to roads, bridges, and sidewalks; includes bills regulating automobile ownership.
- Salary.* Affects salaries, pensions, compensation, per diems, bounties, and fringe benefits of all local governmental employees; also includes payments to individuals for services rendered and as pensions.
- School.* Relates to public education, school districts, and school facilities.
- Tax.* Refers to local property tax, nonproperty taxes, assessments, revenues, tolls, fees, dues, fines and forfeitures, and liens; does not include Alabama boards of revenue.
- Temperance.* Relates to banning or regulating alcohol or saloons.
- Welfare.* Relates to the provision of public assistance to the poor, elderly, young, or indigent.
- Wildlife.* Relates to fish, game, livestock, and domesticated animals.
- Works.* Relates to water and sewage services; includes references to drains, pipes, and water districts.
- Zoning.* Relates to the zoning of local public or private sector activities and construction.

NOTES

1. Beamer's (1995) recent work on the linkages that federalism enables across levels of government is an important exception. Although Jewell and Miller (1988, 93, 114) mentioned legislators' reasons for serving on committees on cities and counties and mention meetings between local officials and state representatives, they offered no sustained analysis of state-local relationships. In work that is directly relevant to this project, Zimmerman (1983, 86) mentioned problems with apportionment; otherwise, he treated the state as essentially a unitary actor offering a range of policy solutions to local governments (1983, 87-126). The Advisory Commission on Intergovernmental Relations (1993a, 1993b) also studied relevant issues. In the first study (1993a), however, the scope was limited to the question of judicial autonomy of local governments. In the second study (1993b), the commission provided an important catalog of the

current state laws with respect to local government and charts describing the general local legislation in the state between 1978 and 1990.

2. There are two important exceptions to this claim. In his essay on the representation of urban interests in American federal politics, Judd (1995, 215-16) recounted Teaford's argument. Stein (1990, 22) mentioned Teaford's argument about the extent to which "the political machine may itself have been a beneficiary of . . . structural reforms" put in place at the state level.

3. Scott Allard worked closely with us in refining these categories.

4. Massachusetts did not number its bills, so we cannot compute a comparable statistic for the state.

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