
Sovereigns and subjects: a geopolitical history of metropolitan reform in the USA

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Received 5 August 2004; in revised form 11 December 2004

Abstract. Why does metropolitan reform have such a poor track record in the United States as compared with other industrialized countries? The most common answer is the exceptional localism of US culture, which has embedded itself over the years in institutions that foster political fragmentation and sprawl. This paper, inspired by recent developments in Europe, offers an alternative explanation in the divided sovereignty of the US federal system. Sovereignty, a highly debated concept at the global level, remains a very real political hurdle at the local level because it constitutes the primary field of struggle for any claims for local self-government. The significance of divided sovereignty is the potential recourse that a second sovereign can offer to metropolitan reformers. A reframing of the issue from a constitutional perspective reveals a sharp contrast in the political conditions for metropolitan reform between Europe and the USA today: as sovereignty has moved up in Europe, secured by treaties that have shifted whole realms of authority and right to the European Union, it has been moving down in the USA, pushed by a generation of Republican presidents and an activist Supreme Court. It also highlights a political fault line that has been largely missing from theoretical and policy debates over metropolitan reform in the USA: the conflict between the big cities and their direct sovereign, the subnational states. In this paper I reconsider the troubled history of metropolitan reform in the United States from this constitutional perspective, situating efforts to achieve metropolitan self-governance in the context of the shifting division of sovereignty in the US federal system over the past seventy years.

The 1990s saw a new wave of activism surrounding the reform of metropolitan government in the United States. As with the earlier wave of metropolitan reform in the late 1960s and early 1970s, the primary concern of the new movement was the capacity of governing institutions to deal with the social and environmental costs of urban growth (Cisneros, 1996; Downs, 1994; Orfield, 1997; Peirce et al, 1993; Rusk, 1995). The major contrast was a new focus on economic growth, as opposed to equity or efficiency in service provision, and a less hierarchical approach to institution building, captured by the term ‘governance’ (Wallis, 1994; 1996). In both respects, reform advocates drew heavily on the ‘new regionalism’, which situated the movement in the larger unraveling of the postwar economic order (Scott, 1998; Storper, 1997). The new regionalist theory embraced by metropolitan reformers includes such arguments as: metropolitan regions are no longer simply residential or industrial hinterlands but the site of reterritorialized, flexible production complexes (Piore and Sabel, 1984; Saxenian, 1994); center cities are no longer relics of the industrial age and top-down government but rather the information nodes of a globalizing economy (Castells, 1989; Sassen, 1991); and, the complex, emerging metropolitan whole requires a conforming flexibility and responsiveness of governing institutions able to harness and shape the new reterritorialized economic growth (Amin, 1999; Cooke and Morgan, 1998; Scott, 2001).

In retrospect, over the past ten years the actual achievements of this reform movement have been weak. Only one metropolitan region created a wholly new governing framework: the recent merger of the City of Louisville and Jefferson County in Kentucky in 2001 (Savitch and Vogel, 2004). Experiments with less comprehensive reform appear limited to the federally designated transportation organizations in

metropolitan areas (Edner and McDowell, 2002). In the academy the new regionalism has been challenged by a steady stream of studies that attempt to refute the claim of metropolitan interdependence (Gordon and Richardson, 2001; Hawkins and Ihrke, 1999; Morgan and Mareschal, 1999; Post and Stein, 2000). The new regionalism has also come under heavy criticism from the academic left as a kind of optimistic functionalism (Harlow, 2001; Lovering, 1999; MacLeod, 2001). Indeed, the reform cause literally lost ground through the 1990s as metropolitan regions continued to shrink at the core and sprawl outward, often at several times the rate of population growth (Fulton et al, 2001; Lopez and Hynes, 2003). As one regional business group, active for twenty years in stakeholder conferences, public private partnerships, and visioning efforts, observed: “[our] region has neither a regional plan nor even a systematic regional knowledge base for purposes of planning and policy analysis” (GPF, 2002, page 23).

The most common explanation for the failure of metropolitan reform in the 1990s is the entrenched localism of US culture. In this view a pervasive dislike of cities combined with a preference for small government has embedded itself deep in the body politic, producing institutions and ideologies over the years that disproportionately favor those who profit from political fragmentation and urban sprawl (Friskin and Norris, 2001; Mitchell-Weaver et al, 2000; Swannstrom, 2001). As John Friedmann and Robin Bloch put it simply: “Americans like their local governments to be small, even intimate in scale” (1990, page 596). The strength of this argument is its historical reach. Scholars can trace the problem right back to the founding: “at least since Thomas Jefferson, a central theoretical view of American government has been that of the sovereignty and autonomy of the individual in his or her local community” (Norris, 2001, page 562). It also neatly captures the contrast with Europe, where similar waves of metropolitan reform, framed and assessed in similar theoretical language, have produced consistently more reform (Barlow, 1991; Lefevre, 1998). As a theoretical argument, however, cultural localism falls considerably short. In many cases it is invoked as a kind of disembodied causal force, reducing explanation to commonly held ideas and beliefs (Sayer, 1987). Attempts to contextualize it often invoke material conditions that no longer fully apply, such as urban crises and racial tensions more common in the 1960s. Actual case studies, by contrast, reveal a complex encrustation of institutions and practices—annexation laws; civil-rights protections; tax and building codes, federal, state, and local—that defies easy classification (Savitch and Vogel, 1996; Wiewel and Persky, 2002).

The troubles of metropolitan reform in the USA are approached in this paper from a different angle, with the cue taken from recent developments in Europe, where regional advocacy and initiatives have become so common that scholars complain of a new ‘regional orthodoxy’ (Jones, 2001). Coinciding with the economic processes emphasized by the new regionalists has been the political expansion and deepening of the European Union. Though the European Union has funded regional initiatives for many years, what was new in the 1990s was the local response: cities and regions across Europe began setting up offices in Brussels and participating in the newly created Committee of the Regions to advance common concerns. Indeed, the literature on economic restructuring as a source of reform is broadly complemented in Europe by studies of political repositioning vis-à-vis the expanding powers of the European Union (Eser and Konstadakopulos, 2000; Getimis, 2003; John, 2000; Tömmel, 1997). The significance of this wave of regional experimentation in Europe is that the political system within which these new political relations are being forged is broadly similar to the one that has defined the USA for more than two-hundred years: it is a *federal* system. Though propelled by its own historical antecedents and internal dynamics,

the European Union shares with the United States the political condition of 'divided sovereignty', or the division of ultimate authority and right between two distinct levels of government (Forsyth, 1981).

Federal systems exist in great variety and complexity around the world (Watts, 1999). They also provoke a great deal of debate over the meaning and merits of this internal divide. For most political theorists the term sovereignty has a precise meaning derived from the *external* relations of a state, or the right to war that establishes the nominal equality of states in the modern states system, a definition that automatically excludes subnational or supranational entities (Hinsley, 1986). Other scholars see in the rise of federations such as the European Union the demise of the notion of sovereignty itself (Agnew and Corbridge, 1995; Held, 1995). It is not my intention to engage this debate here except to observe that, from the perspective of metropolitan reformers, these divisions of sovereignty can be very real. This is because the common political condition of most cities and metropolitan regions in the world is that they are *not* sovereign; their powers are enumerated and ultimately revokable by their political higher-ups (Frug, 1980). This means that any proposal for metropolitan reform faces a primary political hurdle in the sovereign's realm: it must, in short, be *authorized* by the sovereign. The significance of *divided* sovereignty, it follows, is the opportunity for a second try, another appeal. The second sovereign, in short, can provide recourse, specifically from the legislators, bureaucrats, and judges of sovereign number one. As Peter John explains: "The creation and development of the European Union (EU), which has legal powers over nation-states, has profound implications for the sub-national politics of the 15 member-states and the new entrants...[because] it creates a different basis for the exercise of political power and authority" (2000, page 878).

Reconsideration of the issue of metropolitan reform from the perspective of divided sovereignty reveals a sharp contrast in the political conditions for regional governance across the Atlantic. As sovereignty has moved up in Europe, secured by a series of landmark treaties that have shifted significant realms of authority and right to the European Union—from Maastricht, to monetary union, to the drafting of a new constitution—it has been moving down in the USA to the subnational states, pushed by a generation of Republican presidents and a growing conservative activism in the Supreme Court. Indeed, several observers have characterized this shift as a wholesale 'devolution revolution' (Donahue, 1996; Hedge, 1998; Walker, 1995). In the language of scholars who approach the question of regional governance from a structural perspective, this represents a remarkably different 'politics of scale' within which the respective reform movements have played out (Brenner, 2004; Swyngedouw, 2000).⁽¹⁾ It also highlights a political fault line that has been largely missing from theoretical and policy debates in the USA: the conflict between cities and their direct sovereign, the subnational states.

In the following pages I revisit the troubled history of metropolitan reform in the United States from this constitutional perspective, situating efforts to achieve metropolitan self-governance in the context of the shifting division of sovereignty in the US federal system. The narrative unfolds in four parts. I start with the New Deal, a period when, in response to a prior crisis of capitalism, the federal government gained sovereignty relative to the subnational states and the big cities established a direct pipeline to the federal purse. I follow with the period directly after the Second World War, when urban growth spilled rapidly across city lines, creating a political vacuum in metropolitan regions

⁽¹⁾ Scholars who approach the question of regional governance from this perspective have not, to my knowledge, addressed the specific question posed in this paper: why has metropolitan reform fared so poorly in the United States? Nor have they engaged in sustained analysis of the multiscale structure of the US federal system, the focus of this paper.

into which the big cities, advancing a city-centered agenda, initially moved. In the third section I consider the sharp expansion of federal urban aid in the early 1960s, a period that saw the subnational states move into the burgeoning metropolitan regions and attempt to reassert control. In the fourth section I bring this reframed history to bear on the recent wave of metropolitan reform to which urban scholars refer. In the conclusions I reflect briefly on the implications of this constitutional perspective on metropolitan reform for further research.

Cooperative federalism

The implosion of capitalism in the Great Depression ushered in a period of intense political restructuring across the industrialized world that produced the Keynesian consensus, or the combination of theory, policy, and ideology that assigned a central, counterbalancing role to the state in economic processes (Brinkley, 1995). In the United States this period was marked by decisive shifts in the federal system similar to those occurring in Europe today: the federal government gained sovereignty relative to the subnational states, which, until the early 20th century, had exercised the preponderance of sovereign authority in the US federal system, and the cities achieved a direct pipeline to the federal purse along with new political stature in the Union. The dominant theory of the American political system in the postwar era saw the rise of the federal government as an inexorable process. Federalism, in this view, was a premodern political form—a “Tudor Republic” in Samuel Huntington’s famous phrase—that would inexorably give way to the centralizing, rationalizing power of the modern state (Huntington, 1968; Skowronek, 1982). The breakthrough of the cities, by contrast, was explained as a long overdue realignment of the party system facilitated by a historic reconciliation between urban and rural factions of the Democratic Party. The cities were not so much cities in this view as unusually powerful party machines which had finally secured the spoils of national office (Banfield and Wilson, 1963).

As with most encompassing theories, however, many of the details never quite fit. The rise of the federal government was shackled from the start by the Supreme Court, which threw out reams of early New Deal legislation as an overreach of federal power. The central achievements of the New Deal, including social security and unemployment assistance, were achieved only *after* President Franklin Roosevelt ‘packed’ the court—that is, replaced or converted a majority of the justices (Brinkley, 1995). The relative decline of the subnational states, by contrast, was mitigated by substantive material gains: federal aid to the states rose sharply through the 1930s and focused on traditional state priorities such as agriculture and highways (see figure 1). Nor can the gains of the cities be reduced to partisan logic. The most prominent mayor in the New Deal was the Republican, Fiorello LaGuardia, who achieved power in machine-dominated New York City by crossing class and ethnic lines (Finegold, 1995). And the bosses rapidly gave way to a more professional political class (Mollenkopf, 1983).

What also emerges from a closer look back is an underlying conflict between the big cities and the subnational states. The central achievement of the cities—direct aid from Congress—was justified almost entirely as a failure of the states to help shoulder a crisis that had concentrated disproportionately in urban areas. Big-city mayors organized almost spontaneously in 1932 with the establishment of the United States Conference of Mayors and began walking the halls of Congress to make this point (Gelfand, 1975; Gunther, 1990). The initial form of aid from the Roosevelt Administration took a direct swipe at the states by shifting the method of allocation from state-based formulas to ‘needs-based’ criteria set by federal bureaucrats, often in direct negotiation with the cities (Clark, 1938). Slower to organize than the cities, the states initially

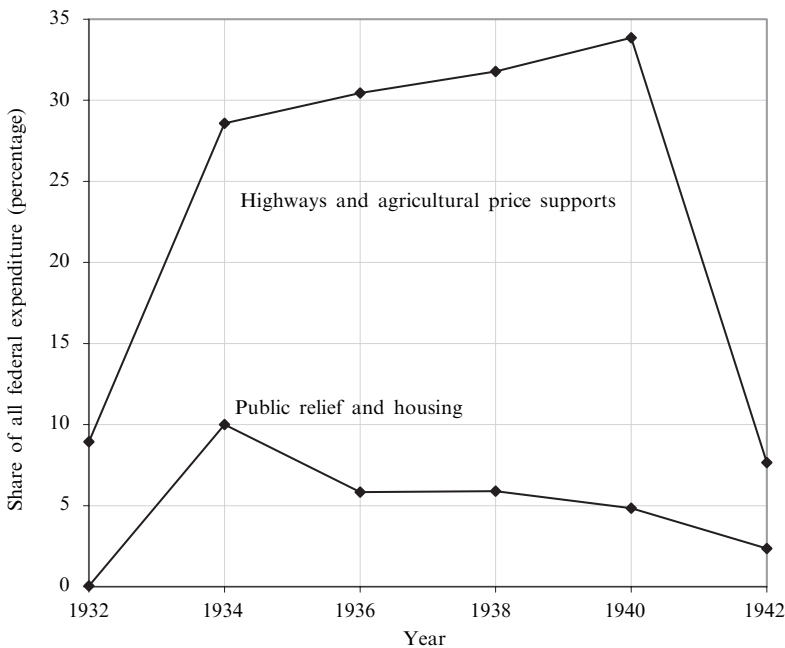


Figure 1. New Deal priorities (source: US Census Bureau, 1971 *Historical Statistics of the United States* Series Y 605-637 federal government expenditures by function).

responded by treating such measures as a temporary expedient and calling for an early return to ‘normal’ relations with Washington—which, for cities and the new administration, meant an unacceptable pre-Depression status quo. By the late 1930s, however, the states had their own powerful lobby in Washington, the Council of State Governments (CSG), whose advocacy and initiatives were increasingly viewed as a coherent alternative to the New Deal (Teaford, 2002).

At stake in this conflict between the cities and the states was a system of inter-governmental relations that emerged in the 1910s and 1920s to govern the growing number of federal grants for rural development. The first such program, the Weeks Act of 1911, had imposed requirements that were widely resented by the states as an incursion on their sovereignty, thereby precipitating a lengthy debate over the proper fiscal relations between Washington and the states (Clark, 1938). This conflict was resolved by devolving considerable authority to specialized state agencies, modeled after a central agency in the US Department of Agriculture, and further organized into a national association of state agencies, which acted as a kind of parallel legislature of the experts to set policy, provide oversight, and negotiate directly with Congress (examples include the Farm Bureau Federation and the American Association of State Highway Officials). Congress agreed, in turn, to multiyear authorizations, that is, to suspend its regular budgeting authority, in deference to state-developed policies and plans (MacDonald, 1928; Seely, 1987). Dubbed ‘cooperative federalism’ to distinguish it from the ‘dual federalism’ of the previous era, the new system grew rapidly in power and influence through the 1920s and early 1930s, prompting Franklin Roosevelt’s incoming public works czar, Harold Ickes, to quip: “I have heard of various kinds of government, such as oligarchies, monarchies, and democracies, but this is the first time that I have ever heard of a farmocracy” (quoted in Schlesinger, 1958, page 348).

The efforts of the cities to institutionalize their own pipeline to the federal purse imitated cooperative federalism in all particulars. Their first attempt—a federally assisted public housing program introduced by Senator Robert Wagner (Democrat, New York) in 1935—included requirements for local matching funds, a local receiving agency, a national association of local housing officials, and, most importantly, multiyear funding from Congress: with public housing, as with federal aid for state highways and farm aid, Congress would defer to locally developed estimates and plans (McDonnell, 1957; Keith, 1973). The only substantive difference was that federal aid would be in the form of loans, not grants. As Congressman William Barry (Democrat, New York) put it: “We gave \$4,000,000,000 in subsidies to the farmers, but here you are going to get your money back” (cited in McDonnell, 1957, page 368).

Though the opposition to this first incursion of the cities onto the federal turf of the states was dominated by the real-estate industry, which denounced the program as ‘socialistic’ (despite having just secured their own federal aid in the form of mortgage subsidies for single-family housing), the chief opposition in Congress was among Southern Democrats, who controlled key committees and were more inclined to articulate their objections in the language of states’ rights. This Southern leadership managed to hold up the bill for almost two years and, in the wake of its passage in 1937, refused to appropriate sufficient funds (Keith, 1973; McDonnell, 1957). The next big attempt of the cities, however, was met by direct opposition from the states, acting through their newly expanded CSG. The bill this time—a program of direct federal aid for municipal airports introduced in January 1943—involved similar issues of fiscal fairness and pressing need: by the late 1930s, the cities had built over one thousand airports on city-owned land, as opposed to only forty eight for the states, receiving hundreds of millions of dollars from the Works Progress Administration for the job. It was quickly countered, however, by a bill supported by the CSG for a system of federally assisted state airports modeled on the federal highway program (Gunther, 1990; Martin, 1965). Though Congress once again sided with the cities—the Federal Airport Act of 1945 provided for direct city applications with no prior authorization from the states—Roscoe Martin reports that forty four out of forty-eight governors opposed the bill (with several personally testifying against it) and that many state legislatures retaliated by passing legislation that required all new federal aid to be channeled through the states (Martin, 1965).

In the immediate aftermath of the Second World War, the prospects of the cities were further challenged by a partisan shift: Republicans took both houses of Congress in the midterm elections of 1946 and went on to defeat a wide range of city-supported measures for public works and labor rights (Gunther, 1990). The cities responded by enlisting President Truman in an all-out push to revive the moribund Public Housing Act of 1937. Though in many respects a rematch—the opposition was led once again by the real-estate lobby, which denounced the program as socialistic, and Southern Democrats, who framed the contest in the language of states’ rights—the cities managed a critical shift in the terms of the debate from working-class housing to ‘urban renewal’, and, by extension, from class conflict to economic growth (Gunther, 1990). The final bill, signed by President Truman in July 1949, was sponsored in the Senate by an equal number of Republicans and Democrats and prevailed in the House of Representatives when twenty-two Republicans switched sides (Keith, 1973).

This second big victory of the cities sidelined critics of an expanded city–federal partnership for most of the 1950s (Gelfand, 1975). Though urban renewal plans continued to be struck down by state courts (some of which continued to declare the whole program as unconstitutional), grumblings from the CSG gave way to open support among the urbanized states, convincing most observers that the cities had won their point: the federal

club (at least for now) would be enlarged (Greer, 1965; Scott, 1969). Nowhere was the reconciliation between the big cities and their erstwhile partisan foes more apparent than in the Housing Act of 1954, a renewal and expansion of the original Public Housing Act of 1937 that was entirely designed and promoted by the Eisenhower Administration (Flanagan, 1997).

Metropolitan ambitions

The return of prosperity after the Second World War, combined with fears of a new depression, prompted waves of housing development, highway construction, and urban renewal across the industrialized world that scholars associate with 'Fordism', after the company that defined the characteristic production process and wage relations of the era (Aglietta, 1979). In the USA the expanded system of cooperative federalism, which oversaw the public side of this process, produced an unusually rigid institutional framework: bureaucrats at both the city and state level remained preoccupied with their own federal-aid pipelines, with few mechanisms or incentives to coordinate between them. Though harshly judged as two ends of the same bulldozer (Jacobs, 1961), the problem was particularly acute on the state side. The federal highway program (counterpart to urban renewal) had emerged from its own political struggles in the New Deal with a single-minded focus on high speed, limited-access expressways and a bureaucratic culture that failed utterly to anticipate or respond to the noxious effects of air pollution, traffic congestion, urban sprawl, disinvestment in urban transit, and rail freight. By elevating the political stature and resources available to the big cities, however, the expanded federal partnership also bolstered the political agency of the cities, thereby creating conditions for institutional change. Under the Public Housing Act of 1949, for example, a comprehensive city plan became the legal basis both for the assembly of urban land and for the federal aid to redevelop it, encouraging cities across the country to hire experts, expand departments, and begin redrawing the city map (Scott, 1969). In the process many cities also began moving into the political vacuum beyond their borders, assembling highway engineers, transit operators, and suburban governments into the first metropolitan planning organizations (MPOs) and councils of governments (COGs) (Scott, 1969).

The most ambitious of these metropolitan initiatives of the early 1950s was a high-level commission created by Mayor Joseph Clark of Philadelphia in late 1953 to address the deepening traffic crisis in the Philadelphia region. Called the Urban Traffic and Transportation Board, it included representatives of the major banks, labor unions, retailers, automobile clubs, and oil refiners in the region, and worked steadily for a year and a half under the direction of Robert Mitchell, one of the foremost city planners in the country (CP, 1956). Its recommendations, announced by Mayor Clark before a large press conference in December 1955, called for a radical restructuring of funding and control in the Philadelphia region, including joint management of highways and transit as a single integrated system supported by the gas tax and other user fees and a directly elected regional council to run it (CP, 1955a)—amounting, in effect, to a replacement of the existing federal aid system with regional government. The only dissenter to the plan was J Maxwell Smith, president of the Keystone Automobile Club, who expressed concern about potential for increased tolls or taxes on automobiles (CP, 1956, page iii).

It is clear from the timing and substance of this report that the target audience was not the state legislature in Harrisburg, which would have to authorize the new entity, but Congress. An internal memorandum had warned months before of "constitutional and legal attack" (CP, 1955b), especially with regard to the gas tax, which, as in many other states, was constitutionally protected from diversion to nonhighway uses.

In Congress, by contrast, a huge new highway bill was making its way through the committees which promised not only billions of dollars for urban highways but recourse from the state highway engineers. The draft under consideration in 1955, submitted by President Eisenhower's famous Clay Commission, called for the creation of an off-budget federal highway corporation to issue bonds secured by the *federal* gas tax, effectively imposing a new level of authority on the old federal-aid structure (Seely, 1987). Between Mayor Clark's press conference of December 1955 and President Eisenhower's signing of the final bill six months later, however, the outlines completely changed. Though it achieved the promised billions for urban highways (almost one half of the total), the Interstate Highway and Defense Highway Act of June 1956 left the old state-highway bureaucracy completely in charge, with no provision for local input into the location or design of the giant new roads (Seeley, 1987).

The aftermath of the Interstate Highway Act of 1956 saw a noticeable increase in tensions along federal faultlines. The Eisenhower Administration set the tone by creating a Federal–State Action Committee in August 1957, composed of state governors and administration officials, to draft a plan for shifting federal programs and funding back to the states. The glaring omissions of the highway act galvanized city planners into calling a series of national conferences with the highway engineers to try and secure a formal role—the failure of which led directly to the first freeway revolt in 1959, when the City of San Francisco closed city streets to state bulldozers preparing to clear a corridor for the Western Freeway (Lathrop, 1971; SE, 1958). Also, in the economic downturn of 1958, the Eisenhower Administration cut back sharply on urban renewal, even as it pushed through another increase in the gas tax to close a looming gap for the interstate highways. This provoked the mayors to, effectively, recreate their old New Deal coalition and take their concerns directly to Capitol Hill (Gelfand, 1975; Scott, 1969). As the presidential race of 1960 heated up, they threw their collective weight behind the candidacy of John F Kennedy and wrote their concerns directly into the Democratic Party platform as a detailed “ten-year action program” to “restore the cities” and promote “balanced suburban development” (DNC, 1960).

The resolution of these federal tensions of the late 1950s was a new round of federal urban aid in the early 1960s, as the newly elected President Kennedy—who owed his narrow victory to the mayors—began fulfilling his campaign promises. The Housing Act of 1961, for example, doubled the authorization for urban renewal and tripled the authorized units of public housing. The Federal Aid Highway Act of 1962 conditioned the billions of dollars in interstate highway funds on “a *continuing, comprehensive* transportation planning process carried on *cooperatively* by states and local communities” (emphasis in the original). And in 1964, the Johnson Administration, following the Kennedy script, created the Urban Mass Transportation Administration, thereby providing the first ongoing federal aid for mass transit.

Metropolitan mess

What is especially notable about the renewed crusade of the big cities in the late 1950s was its upbeat rhetoric and emphasis on growth. As Mel Scott observed, Philadelphians “viewed Penn's city as a metropolis in intense competition with other great cities” (1969, page 532). Mayor Clark declared that if his transportation plan was achieved, “we will one day be the envy of the nation for our ease of movement through this highly civilized area” (CP, 1955a). The ideals expressed echo the view of many new regionalists today, who believe that new political institutions will emerge to harness and shape the growth that concentrates in a great metropolitan region. In its own real world context, of course, the mayors' crusade provides a poignant contrast with what followed. The urban agenda of the 1960s was not about facilitating economic growth so much as

stemming decline; the prevailing mode of political interaction in metropolitan areas was conflict, not cooperation. Indeed, the trauma of the 1960s so thoroughly eclipsed the confidence of the 1950s that the era is perhaps best remembered as “moments of grace” (Johns, 2003).

The dominant theories of urban decline from the 1960s and 1970s echo the disappointment of many reformers today. In the mainstream theory of urban form, cultural localism is a primary cause of urban decline, operationalized as the defining ‘preference’ of millions of individuals of where to live and work (Tiebout, 1956). In the dominant theory of US politics, it was the defining orientation of ‘rent-seeking’ politicians in Congress who managed to win ever larger pots of federal aid for ever smaller constituencies (Peterson, 1995). Even Marxist theory gave cultural localism a central place, albeit as the ideology of a deeper logic of capital accumulation (Harvey, 1985). The dominant political fault line in all of these theories was city versus suburbs, or what former Philadelphia mayor Richardson Dilworth called the “white noose”, gradually strangling the cities with a localist, racist, and antiurban politics (*The Philadelphia Inquirer* 2004).

Notably missing in all these theories was the old political fault line between the big cities and the subnational states—which, by all indicators, was alive and well. Relations between the cities and the states had actually reached a nadir of sorts in the early 1960s, when four cities in Tennessee, supported by cities around the country, launched another legal assault on state legislative apportionment practices that favored rural areas (Martin, 1965). The victory of the cities in the 1962 Supreme Court ruling, *Baker v Carr* (369 U.S. 186), produced a visceral reaction among state legislatures—thirty two out of the needed thirty four endorsed a drive for a constitutional amendment to override the decision (Gunther, 1990, page 232).

Though the states had no role in the creation of the new federal urban agenda of the 1960s, they had considerably more latitude to shape the outcomes because so many of the issues were now metro-wide. A 1962 report of the CSG captures the new state-eye view by, first, complaining that the cities had “leapfrogged the states to seek federal assistance for urban renewal, planning and area redevelopment” and then asserting, effectively, that the states should take over the job:

“Although the roles of local governments and the national government are indispensable, the key to solving the complex difficulties that make up the general problem of urban regional growth lies with state government.... The state is, in fact, an established regional form of government... [which] occupies a unique vantage point, broad enough to allow it to view details of development within its boundaries... yet close enough to enable it to treat urban regional problems individually and at first hand” (CSG, 1962, page 17).

Over the next several years state governments used the new federal urban aid to do just that: to reclaim the initiative in metropolitan areas. The advent of federal transit aid, for example, saw the creation of public transit authorities that consolidated transit operations across entire metropolitan regions, including such behemoths as the Massachusetts Bay Transportation Authority (1964), the Southeastern Pennsylvania Transportation Authority in the Philadelphia area (1964), and the Metropolitan Transportation Authority in New York (1965). The new requirement for a ‘continuous, comprehensive, and cooperative’ transportation planning process inspired the creation of hundreds of new MPOs, bringing local planners together with the highway engineers, in many cases, for the first time. As federal largesse spread to ever smaller constituencies, the states multiplied the number and range of public authorities and special districts, tapping federal grants for sewer systems, regional parks, and water works.

Far from the proclaimed 'regional government', however, the primary effect of this response of the states to the new federal urban agenda was the avoidance of government. Public authorities and special districts were already widely criticized as "government by bond resolution", that is, attempts to skirt statutory limits on state and local debt (Smith, 1964, page 19). The new MPOs were widely dismissed as having no power at all. Most were simply attached to the state highway departments, which provided staffing and oversight and directed most of the new federal aid for planning into the calibration of huge 'origin and destination' models of regional traffic, which biased decisions toward new highway construction (Goldman and Deakin, 2000; Weiner, 1997). As Scott Greer summed things up in 1965, "the only effective planners in our cities are those who lay out the giant grid of the freeways" (1965, page 192).

The late 1960s produced two distinct reactions to these failures of cooperative federalism. The first was an effort of the Johnson Administration to impose some order on the multiplying programs of the Great Society, most of which had been created as categorical grants requiring the creation of a separate receiving agency at the local end (Martin, 1965; Walker, 1995). This approach, outlined in Title 4 of the Intergovernmental Cooperation Act of 1968, extended the requirement for metropolitan planning first applied to federal highway aid in 1962 to some 150 of the Great Society programs. The states responded as they had before by delegating the job to voluntary associations of local governments broadly known as COGs, with a similar organization and reach as the MPOs above (Matthewson, 1974).

The second reaction was a broad-based political movement to restructure government in metropolitan areas. As in the 1990s, this reform movement consisted of local coalitions of business groups, community activists, liberal think tanks, and foundations, all expressing a common concern with the social unrest in the cities, the parochialism of the suburbs, and the growing complexity and confusion of government in metropolitan areas (Stephens and Wikstrom, 2000; Walker, 1995). As in the 1990s, it was buoyed by confident theories and academic advice, as well as a stream of reports from Europe and Canada of how to do things right (CED, 1970). Unlike the reformers of the 1990s, however, this earlier movement managed to bring a steady stream of proposals before state legislatures for consolidating and reorganizing government institutions on a metropolitan-wide basis (Matthewson, 1974).

The dominant explanation for the meager results of this first wave of metropolitan reform in the late 1960s and early 1970s is that things had simply gone too far. As a study for the Brookings Institution explained in 1973: "the present pattern of jurisdictional proliferation has vastly complicated the process of reform itself... each new unit of government or functionally defined jurisdiction creates new constituencies and interest groups with a stake in the status quo" (Danielson et al, 1973, page 131). It had become far easier, in short, to exercise a political veto than to mobilize the votes necessary for reform. Reformers spoke of being "torpedoed from below" by the "paranoiac attitudes" of local officials afraid for their jobs (Matthewson, 1974, page 254). Prominent in this explanation was the growing antagonism between city and suburb—an edge that could cut both ways. In 1971 the Federal Voting Rights Act was amended to require federal review of all proposed city-county mergers for evidence of efforts to dilute the urban minority vote. [The record of actual city-county mergers situates this concern in the particular history and troubles of the South; of the seventy consolidations proposed nationwide between 1947 and 1976, fifty two were in this one region of the country (Florestano and Marando, 1981)].

A second explanation for the troubles of metropolitan reform in the early 1970s took the opposite view, with the argument that the failure of reform was disaster avoided.

Reform, from this perspective, would have “emasculated the fundamental units of the American system” whose role was “the preservation of individual liberty” (Heaton, 1974, page 25). The emerging theory of public choice lent respectability to this view by arguing that political fragmentation not only enhanced the choice of individuals of where to live and work but fostered a rational allocation of public goods and services as well (Bish and Ostrom, 1973). As public-choice theory gained respectability, it inspired a rethinking of the reformers themselves, not as political activists struggling for regional home rule but as intellectual elites, heirs of the Progressive-era reformers and New Deal sociologists who had, in this view, more faith in government bureaucracy than ordinary people (Stephens and Wikstrom, 2000).

A resituation of the issue in the constitutional framework that informs this inquiry contextualizes both of these explanations for the failure of reform in a larger metropolitan realpolitik. Reform along the lines proposed would not only reconstitute a legal creature that the thrust of state efforts had sought to contain—the big (in this case, even *bigger*) city—but potentially reclaim the lion’s share of federal aid, making the new ‘metros’ the dominant subnational partner in the federal system. As longtime observer, Norton Long, explained:

“States and regions are faced with the problem of a real competition for political power if the regions are other than administrative divisions of the state. The state of Florida is reluctant to see Miami Metro expand to take in a metropolitan area that transcends the Metro’s present jurisdiction.... A metropolitan Boston would take in the lion’s share of the Commonwealth and, if effectively empowered to be self-governing, would leave the state the minor role” (1974, page 269).

Records of the actual politics of reform in state legislatures are consistent with this view of a reluctant sovereign. Victor Jones described the multiyear struggle of the Association of Bay Area Governments in 1974 as “trying annually since [1966]... to get the legislature to give it mandatory membership, statutory recognition as the regional planning agency, authority to require conformity with the regional plan, and an independent source of financial support” (1974, page 22). (This struggle coincided with a larger movement for ‘regional home rule’ in the Bay Area that went down to final defeat in the following year). Recalling one effort that did succeed, Governor Wendell R Anderson of Minnesota confessed:

“In 1969 the Legislature passed a bill for regionalization. A terrible, dirty word. Elected officials ducked the issue wherever the word was mentioned. Many people... felt that this bill was sneaked through the Legislature without adequate hearing and without adequate notice. The reason they believe that is because the bill *was* sneaked through the Legislature without adequate hearing and without adequate notice” (quoted in Hartman, 1974, page 244).

There is a particular irony in the reformers’ emphasis on ‘two tier’ governing structures in this regard (CED, 1970; Erie et al, 1972). The importance of preserving the integrity of local governments in a larger governing system—or, as Bernard Frieden put it, of “extend[ing]... the political philosophy of federalism... to metropolitan affairs” (1966, pages 9–10)—is the same argument that state legislatures had been using for years to justify the maldistribution of voting rights in favor of rural areas, an argument that the US Supreme Court had just thrown out in *Baker v Carr* (369 U.S. 186). The failure of metropolitan reform, in short, suggests a *constitutional* bottom line: the only ‘rotten boroughs’ in the US federal system would be the states.

The devolution revolution

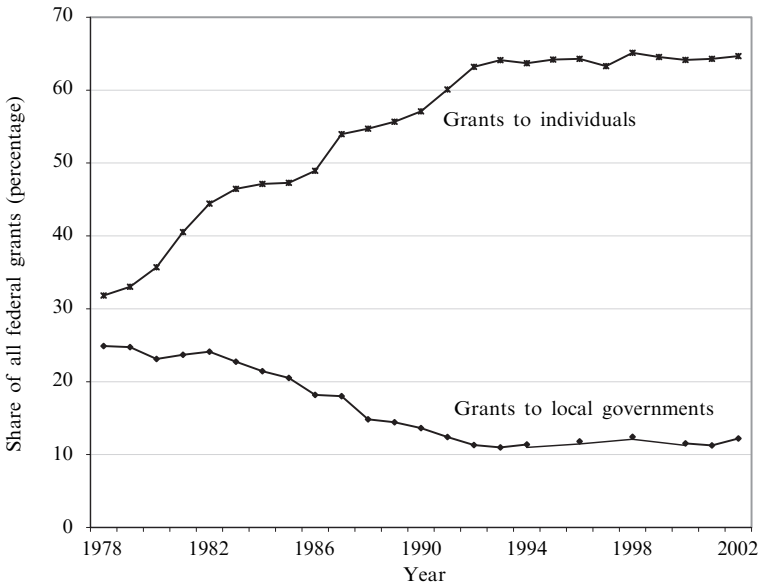
In the aftermath of this first wave of metropolitan reform, the federal government stepped up its own interventions in metropolitan areas in the form of increased aid for regional planning and transit systems, and the first real efforts to control air and water pollution. Transit advocates won a \$10 billion reauthorization of the Urban Mass Transportation Act in 1970 (up from the initial authorization of \$375 million in 1964), with another \$12 billion in the wake of the energy crisis of 1973. The Clean Air Act Amendments of 1970 and 1977 significantly increased the power of the federal government to set air quality standards and timetables for attainment. In the metropolitan areas themselves, however, reform efforts virtually disappeared, replaced in many cases by new political movements that abetted the trends toward fragmentation and sprawl, such as California's Proposition 13 (Stephens and Wikstrom, 2000). The new COGs quickly went the way of the MPOs, piling up reports that no one read (Harris, 1975; Wingo, 1972).

The larger context, of course, was the deepening crisis of the postwar economic order and the beginnings of a steady retreat by governments across the industrialized world from the social commitments and economic regulations associated with the Fordist era (Marglin and Schor, 1990). In the 1980s the Reagan Administration accelerated the process by exporting US financial deregulation and systematically attacking the federal budget through a combination of sharp reductions in taxes and sharp increases in military spending (Moran, 1991). According to David Walker, among the first casualties was the whole array of federal aid for regional planning. Of the thirty-nine federal programs which had a regional component in 1980, only one was left intact by the end of the Reagan Administration: twelve had been scrapped, eleven severely cut, nine 'de-regionalized', and six substantially revised (1995, page 274). The new environmental regulations barely held on.

A basic premise of the new regionalism is that this harsh new post-Fordist order was a necessary condition for the new wave of metropolitan reform that emerged in the 1990s, primarily because it forced local governments back on their own resources (Scott, 1998). The actions of the Reagan Administration would have exaggerated these conditions in the USA as compared with Europe, throwing the inefficiencies and inequities of US metropolitan regions in a particularly harsh light. The actual timing, however, suggests a more proximate cause of the new reform movement in the old political order. In 1993 the Democratic Party, traditional friend of federal aid, returned to the White House for the first time in twelve years, creating the opportunity for old constituencies to reassert claims. Partisan shifts in Washington also provide a proximate explanation for the *plight* of metropolitan reform. Clinton's election was followed by an even sharper turn to the right in the midterm elections of 1994, when Republicans captured both houses of Congress for the first time since the early 1950s and showed extraordinary unity behind House Speaker Newt Gingrich's "Contract with America". Radical even by Reagan standards—the 104th Congress sought to cut \$1 trillion from the federal budget over seven years—Gingrich's rhetoric honed the supposed localism of US culture to a fine point: "We want to decentralize power. That means we get it out of Washington.... But we also want to disperse power... so in your home town, in your family, in your community, you can have the maximum impact on the life you want to lead" (quoted in Conlan, 1998, page 297). *This* devolution revolution, however, did not survive. Clinton was reelected by a respectable margin in 1996 and the Democrats made substantial gains in the 1998 midterm Congressional elections. Nor did its extreme localist rhetoric survive. In the late 1990s a repackaged reform agenda, boasting the sharp new label, 'SmartGrowth', began tapping into a deep reservoir of quality-of-life issues in the suburbs such as

traffic congestion and the loss of open space (Daniels, 2001). Lowering its ambitions and shifting its sights away from Washington, the SmartGrowth movement also began to register some real political gains in state and local growth-management efforts (Tregoning et al, 2002; Wheeler, 2002).

A reconsideration of the troubles of metropolitan reform in the constitutional context that frames this inquiry suggests a more basic problem. As noted in the introduction, the economic restructuring of the 1980s and 1990s coincided with a devolution of sovereign power and right from the federal government back to the subnational states. Though championed by the Republican Party, whose judicial appointments also shifted the ideological balance on federal courts, this devolution revolution crossed party lines and appeared to enjoy wide popular support (Kincaid, et al, 2002). Perhaps the most poignant indicator of this was the Clinton Administration’s ‘reinvention’ of welfare in 1996, which transformed one of the oldest federal-aid programs from an open-ended entitlement to a capped block grant to the states. A closer look reveals that this larger shift in the US political system undid a very specific legacy of the New Deal: direct access of local governments to the federal purse. In the 1980s direct federal aid to all local governments dropped by almost 50% in real terms, even as that other great legacy of the New Deal—entitlements to individuals—began a record climb (see figure 2). According to Timothy Conlan (1998), Reagan made this fiscal break with localities explicit in his first State of the Union address in January 1982 when he proposed that all federal grants be redirected to the states. According to John Gunther, president of the US Conference of Mayors at the time, the governors encouraged the effort, agreeing to take a 10% cut in their own federal aid if Congress agreed to send all of the money their way (1990, page 156). A 1994 study by the US Conference of Mayors calculates that federal aid for urban renewal and public housing—the original urban aid programs—declined by almost two thirds



Note: Figures for local governments include grants that are administered by local governments but passed through to individuals.

Figure 2. Federal grants to individuals and local governments (sources: Office of Management and Budget *Historical Tables* table 12.1, <http://w3.access.gpo.gov/usbudget/fy2004/pdf/hist.pdf>; US Census Department *Statistical Yearbook, State and Local Government Finances* section 8, 1978–2003).

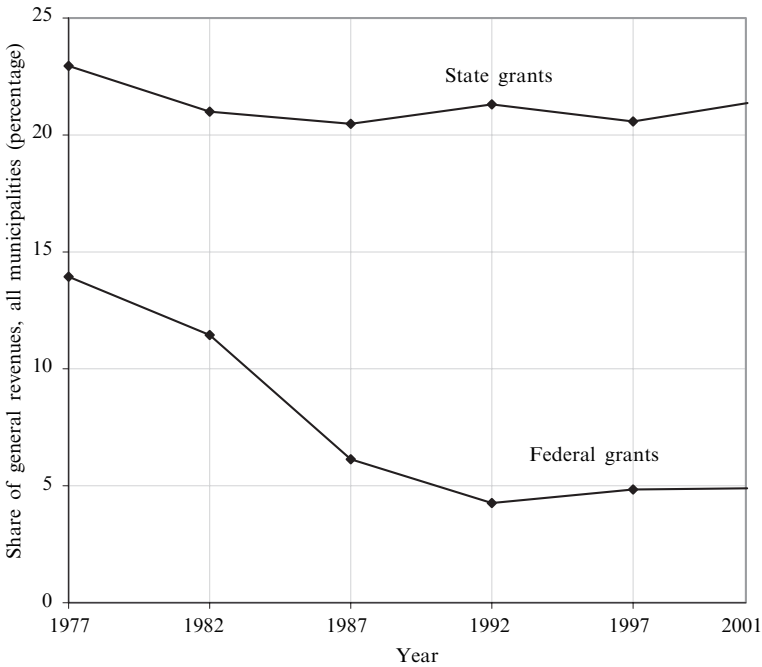


Figure 3. Federal and state grants to local governments (source: US Census Bureau *Census of Governments* 4(4) table 1, 1977, 1982, 1987, 1992, 1997, 2002).

in real terms between 1981 and 1993 (USCM, 1994). Though federal aid to local governments recovered somewhat under the Clinton Administration, notably in grants for crime-related programs, it remains substantially below the levels of the 1970s (see figure 3).

What these numbers suggest is the loss not just of resources—a condition shared by governments across the industrialized world—but of the federal *recourse* won by the big cities from their direct sovereign, the subnational states. The philosophy and practice of cooperative federalism, in other words, has reverted to its original form—that is, as a means of managing fiscal relations between the two sovereigns. Exceptions persist, such as the flexibility in transportation funding introduced by the Intermodal Surface Transportation Efficiency Act of 1991 (the legislation that finally declared the interstate highway system complete, twenty-years late and hundreds of billions of dollars over budget) (Edner and McDowell, 2002). As compared with the 1960s and 1970s, however, the key difference in the political context for metropolitan reform is a shrinking of the federal partnership. Reformers in the 1990s, in short, had little recourse to Congress; like the big cities in the 1920s, they were back face to face with the subnational states.

The other broad shift that these numbers reflect, of course, is the decline of the big cities. The forty largest American cities accounted for less than 4% of the US population in 1995, down from a high of almost 25% in 1945 (Gibson, 1998). Philadelphia represents a particularly sad case given its former high hopes: it has lost one third of its population since the 1950s and its metropolitan region has become the most fragmented in the country (Mitchell-Weaver et al, 2000). Though already well underway during the first round of metropolitan reform in the 1970s, the cities’ slide was clearly aggravated by the withdrawal of federal aid in the 1980s and 1990s. The significance of this second historic shift in the US federal system is the loss of the historical *agent*

of metropolitan reform. Absent from the coalitions to which reformers refer—business groups, environmental activists, policy think-tanks—are the big-city mayors, city planners, and political bosses who pried open the federal purse in the first place. There is nothing comparable to the big cities in the fragmented suburban sea—no political agent with the same degree of popular legitimacy, institutional depth, and raw incentive—to sustain such an ambitious reform agenda through the US federal system.

The metropolitan condition

To briefly recap, I have revisited the troubled history of metropolitan reform in the context of the shifting division of sovereignty in the US federal system. This constitutional perspective is significant, I argue, because authorization by the sovereign is the primary hurdle for any project of metropolitan reform and because the presence of two sovereigns creates an alternative avenue of appeal. The US federal system constitutes, in short, two political fault lines across which economic and political tensions arising from the urban process can be raised, contested, and potentially resolved. It also highlights what the dominant theories of the US political system have largely obscured: the long-standing conflict between the big cities and the subnational states. Reconsidering the history of metropolitan reform from this perspective, I conclude that this conflict was neither resolved nor dissolved by the rising sovereignty of the federal government but rather *displaced*: first, to Congress, from which the cities found new resources to address the urban problems that the states had ignored, and, then, to their rapidly urbanizing hinterlands, in which the initiatives and advocacy of the cities shaped the first attempts at metropolitan reform. I also conclude that each advance of the big cities was resisted and eventually undermined by the subnational states, exercising greater constitutional powers and claims. The first wave of metropolitan reform in the 1970s, from this perspective, was simply caught in the crossfire. The second wave of metropolitan reform in the 1990s failed in large part because reformers had to face the states alone.

The primary implication of this argument is that the political capacity to cope with the social tensions and environmental degradation that inexorably arise in the urban process will depend not so much on reform of the regions, as the new regionalists hope, as reform of the *states*. A quick glance back from this perspective suggests that state reform is what devolution apologists have been advocating all along. A small but influential group of scholars has been carefully documenting a ‘quiet revolution’ over the past thirty years in state administrative capacity and legislative procedure (Hedge, 1998; Teaford, 2002). Some go so far as to claim that the states have become a net generator of reform, the new ‘laboratories of democracies’—a phrase borrowed from Justice Louis Brandeis’s similar heralding of state reforms in the 1920s (Osborne, 1990). Consistent with this view, there are also indications that metropolitan reformers have shifted targets in recent years, focusing more of their research and advocacy on things such as state land-use plans and zoning statutes (Altshuler et al, 2001; Calthorpe and Fulton, 2001). Indeed, the entire SmartGrowth movement noted above can be read from this angle. According to Tom Daniels (2001), it made its political debut in the Maryland gubernatorial election of 1997 and boasts several Republican governors among its ranks.

The primary research agenda, it follows, is the need for urban scholars to extend their inquiry to this undertheorized political form. A basic question—one that could directly address the reformers’ concerns—is whether the subnational states are up to the job; that is, given their constitutional limitations, can they overcome this poor track record and create the kind of institutions that reformers envision, able to harness and shape the new metropolitan growth? Or will the federal fault line have to shift back to

Washington once again? Widening the angle, I believe that the US experience of the past seventy years can be usefully read by European scholars, whose political system is just embarking on its own experiment with divided sovereignty. It suggests, for example, that the prevalence of ad-hoc governance as opposed to formal government in the current wave of metropolitan reform reflects the new constitutional condition as much as the post-Fordist economy: European states, like their US counterparts, are simply disinclined to formalize any political arrangement over which they have less than full control. The US experience also suggests that urban politics will be a growing preoccupation of the European Union as well as a growing source of conflict between the European Union and its member states.

Finally, I believe that this argument raises important theoretical questions concerning the specificity of the capitalist state, an inquiry that has come to the fore in recent years with the prolonged crisis of Fordism. As noted in the introduction, the rising sovereignty of the European Union has undermined the dominant theory of the state in the postwar era as a centralizing, territorially demarcated, historical subject (Agnew and Corbridge, 1995; Held, 1995). By contrast, the resurgence of the subnational states in the United States in the argument above suggests the *resilience* of sovereignty as a constitutional claim. The US states—a far lesser creature than the European states—have surged back in recent years, reclaiming broad swaths of sovereign power and right after a long eclipse. The primary challenge here, I believe, is not to mainstream theories, which have shifted to various institutionalisms to explain political change above and below the nation-state, but to the rival scale debate in Marxist theory, which has placed renewed emphasis on the state in recent years as a strategic agent in these ‘reterritorializing processes’ (Brenner, 2004; MacLeod, 2001). The US state, though remarkably flexible for capital accumulation in the past, emerges as an unusually *rigid* polity from this perspective: the devolution of sovereignty to the subnational states in the argument above came at the expense of the kind of strategic reterritorializations of political power that scale theorists are finding in Europe. Unlike mainstream theorists, however, I believe that scholars in the Marxist tradition have the conceptual tools to get beneath this Atlantic divide—that is, to take these counter intuitive, oxymoronic divisions of sovereignty seriously as a clue to some deeper geohistorical specificity of the capitalist state.

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