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Baton Rouge, Louisiana

MRS. ROBINSON AND FEDERALISM
BOTH HAVE GONE AWAY

Where have you gone, Joe DiMaggio?
A nation turns its lonely eyes to you. Woo woo woo.

What's that you say, Mrs. Robinson?
"Joltin' Joe has left and gone away"
Hey hey hey, hey hey hey.

Mrs. Robinson was every young man's fantasy in the movie "The Graduate." But the film also dealt with values and the struggle for core beliefs. The same struggle for the same values conservatives have supposedly been wrestling with for years. Anne Bancroft, the marvelous actress who portrayed Mrs. Robinson, died last week. But you know what? Federalism, the beacon of the conservative movement, has also all but passed away.

First, let's talk about the so called conservatives in Washington. Even though federalism has always been a key element of the American conservative movement, it's almost as if our conservative elected officials don't want a strong states rights policy any more.

Around the time "The Graduate" was produced in the early 1960s, the Young Americans for Freedom was also formed. Their basic declaration was that "the genius of the Constitution -- the division of powers -- is summed up in the clause that reserves primacy to the several states, or to the people, in those spheres not specifically delegated to the federal government."

Remember Ronald Reagan's declaration when he took office as president that he promised to send 25% of federal taxes and spending back to the states? And when Newt Gingrich, set his new American agenda in 1995, he spelled out: "We are committed to getting power back to the states."

So now we have the Republican Party in control of the White House, both houses of Congress, as well as the Supreme Court. And what do we see happening? A federal government promoting, passing and enforcing laws that demand a "one-size-fits-all" set of national rules that undermines the premise of federalism those in charge have been promoting and preaching for decades.

And we now have a so-called conservative Congress, insisting on a rigid, cookie-cutter set of nationwide rules that flies in the face of any effort to create decentralized governance. Imposing national rules in many areas formerly left to the states suppresses the ability of these states to serve as

"laboratories of democracy." As Supreme Court Justice Louis Brandeis observed, it is one of the happy incidents of the federal system that a single courageous state may, if its citizens choose, serve as a laboratory; and try novel social and economic experiments without risk to the rest of the country."

Examples of how Washington has intervened with a single federal rule that affects the whole country:

Congress has passed a "No Child Left Behind" Act that now makes every local school district accountable to the federal bureaucrats in Washington. What happened to the conservative voices who once opposed the creation of a Federal Education Department? A Congressional Republican task force wrote back then: "Decisions which are now made in the local school or school district will slowly but surely be transferred to Washington..... The Department of Education will end up being the Nation's super school board. That is something we can all do without." Apparently, there's been a major change of philosophy.

A number of other federal mandates are coming at the states from all directions. A 2002 election law set national standards in such areas as registration and provisional balloting. A 2004 law set federal rules for state -- issued drivers' licenses and personal identification cards. Gun crimes now are prosecuted by the federal governments rather than at the state level. And how about the recent spectacle of the U.S. Congress overriding six Florida court decisions in the tragic case of Terri Schiavo? Just one more example of the federal government intruding into yet another place it doesn't belong.

The most recent slap in the face to the states came last week when the US Supreme Court ruled that people who smoke marijuana under a doctor's prescription for medical purposes in states where it is completely legal can still be prosecuted for violating federal drug laws. 10 states have laws on the books allowing doctors to prescribe pot to be used for the pain and nausea brought on by the treatment for cancer and other serious diseases. The message from the Supreme Court to cancer patients was pretty stark: Drop dead. If your spine is disintegrating from cancer, and you're blind from glaucoma, and you can't take a breath without agonizing pain, tough luck says the Supremes.

The decision really was more about the Commerce Clause and the 10th amendment rather than drug laws. Congress does have the power, according to the Constitution, "to regulate commerce among the several states." But no interstate commerce took place here. The decision was a bummer.

Even Justice Clarence Thomas spoke with seldom expressed logic in this one in, saying in his dissent: "If Congress can regulate medical marijuana under the commerce clause, it can regulate virtually anything."

The bottom line: Federal power in Washington, despite all the conservative rhetoric, is continuing to expand where apparently every problem needs a national solution. And that's really a bummer.

Expressing his concern of the importance of federalism and a separation of powers, James Madison wrote in the Federalist Papers, "A double security arises to the rights of the people. The different governments -- state and federal -- will control each other; at the same time that each will be controlled by itself."

When President Bush was first elected, he pledged to "make respect for federalism a priority in this administration," and he affirmed the founders belief that "our freedom is best preserved when power is disbursed."

There's a real danger today that conservatives will not take federalism seriously and abandon this principle to pander to small but vocal constituencies. The country and the American people would be the real losers if this happens. And that would be the ultimate bummer.

Back to Mrs. Robinson. I have to admit that Anne Bancroft was one of my all-time favorite actresses. She made a dozen B movies, and I saw every one. Remember "Demetrius and the Gladiators"? "Gorilla at Large"? One of my big favorites was "Don't Bother to Knock," which starred Marilyn Monroe and Richard Widmark.

I remember going to New York in the early 1960s, and seeing her as a Bohemian ballet dancer in William Gibson's "Two for the Seesaw." She stole the show and received her first Tony award. She played on both Broadway and starred in the movie "The Miracle Worker," where she struggled to teach 10-year-old Helen Keller how to communicate through sign language. Another Tony for her efforts.

But in the end, we will remember her as the seductress that captivated us all. She really didn't like that image. She was quoted in a 2003 interview: "I am quite surprised that with all my work and some of it is very, very good, that nobody talks about "The Miracle Worker." We're talking about Mrs. Robinson. I understand the world.... I'm just a little dismayed that people aren't beyond it yet." She described the role as a character who had unfulfilled dreams; a contradiction, that could have done much more with her life.

I guess just like those folks in Washington. A contradiction between the rhetoric and what they actually do. There are a lot of unfulfilled promises up there too. A lot more that could be accomplished. Where are you Joe DiMaggio?

GOVERNMENT

- ...giving money and power to government is like giving whiskey and car keys to teenage boys...
- A little government and a little luck are necessary in life, but only a fool trusts either of them.

P.J. O'Rourke, *Parliament of Whores*, 1992, pp. xviii-xix

Peace and Justice.

Jim Brown

Jim Brown's weekly column appears each Thursday here at Politicsla.com, and in a number of newspapers throughout the State of Louisiana. You can read Jim's Blog, and take his weekly poll, plus read his columns going back to the fall of 2002 by going to his own website at <http://www.jimbrownla.com>.)

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