

John D. Nugent. *Safeguarding Federalism: How States Protect Their Interests in National Policymaking*. (University of Oklahoma Press, 2009), pp. 330. \$45.00. ISBN-13: 978-0806140032

Federalism is one of the more inscrutable of the principles of the American Constitution, and is frequently subject to facile analysis in the service of ideological causes great and small. Conventional wisdom portrays the relationship between the state and national governments as a one-way, zero-sum game in which the national government steadily erodes state autonomy. Against this conventional wisdom, John Nugent's *Safeguarding Federalism* (2009) proposes that state officials and the organizations that defend local interests can effectively employ a variety of means at their disposal to defend their prerogatives. While the cause of state's rights has suffered a number of high-profile defeats (witness the failure of southern resistance to desegregation and the proliferation of unfunded mandates, for example), Nugent persuasively argues that the states have been far more successful than conventional wisdom would suggest, and cogently describes the many subterranean pathways by which states resist, influence, and appropriate national policies to better serve their interests.

Nugent's scope of analysis is deliberately narrow and practical: rather "than presenting a normative grand theory of how state and federal authority *ought* to be divided, I describe and explain the ongoing intergovernmental policy battles that *are* waged in a variety of arenas" (p. 18). Nugent proceeds from the belief that states are not monolithic entities that respond universally to all federal policies. To better relate the complexity of state incentives vis-à-vis national policymaking, he creates a typology of interests that range from universalistic concerns that are articulated by the national intergovernmental lobbying groups

like the National Governor's Association and the National Conference of State Legislatures to more categorical interests that are advanced by regional lobbying groups such as the Western Governors Association to particularistic interests that are advanced by individual state lobbying efforts. Nugent then conducts content analyses of state officials' associations and governor's state-of-the-state addresses to demonstrate that the prevailing attitude among state and local officials and their lobbyists is a general aversion to challenging the legitimacy of a national role in most policy areas. In Nugent's view, brinksmanship is rarely employed because it is so rarely successful in the face of a roused federal government. Other, less visible, means are generally preferred by state actors.

Part of the value of the book is the clear explanation of the variety of approaches state officials and their representatives can use to influence the direction of national policymaking. One of the more interesting segments of Nugent's book is Chapter Three's discussion of the "uniform-state-laws process," which is a little known and largely voluntary effort among states and professional associations to create model laws and commercial regulations for adoption by the other states. Nugent objectively analyzes the work of the National Conference of Commissioners on Uniform State Laws (NCCUS), which is the wellspring of the bulk of most uniform-laws proposals, and while few uniform-state-law proposals are fully adopted in identical form by all 50 states, Nugent correctly notes that "by developing and passing high-quality legislation in various policy areas, the uniform-laws process generates practical – if not formal, legal – limits on the federal government's reach" (p. 114).

Nugent also effectively analyzes the various points of entry by which state actors can influence federal policymaking. Whether by overt lobbying using intergovernmental associations or by employing the offices maintained by thirty-five of the state's governors, states routinely stay abreast of the legislative process at the federal level, and as Nugent documents, are uniquely effective in advertising their preferences to federal lawmakers. Noting that federal political actors rarely impose severe sanctions on noncompliant state officials, Nugent's analysis reveals the degree to which federal policymakers and regulators are reliant on states for effective policy implementation, which is an often neglected dimension of this relationship.

Nugent's analysis may not please everyone. Individuals determined to sound the tocsin against an imperial federal government will find Nugent's portrayal of the relationship between the national and state governments unpersuasive. Likewise, those scholars with a more behavioral bent will yearn for more in the way of quantitative analysis. Still, *Safeguarding Federalism* is a sound contribution to the growing literature on intergovernmental relations, and provides an objective, nuanced and careful analysis of one of the more sophisticated of the "working parts" of the American system of government, and is highly recommended for scholars interested in the field of intergovernmental relations.

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