

PostScript



Department of Political Science
2140 Derby Hall
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Columbus, OH 43210

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Alumni News (continued)

DISTINGUISHED ALUMNI AWARD



The Honorable Colleen McMahon accepts the Distinguished Alumni Award from professor and chair Paul Allen Beck.

Distinguished Alumni Award recipient and featured speaker at this year's Spring Honors Reception on June 12, 2004, was the **Honorable Colleen McMahon**, a judge in the U.S. District Court for the Southern District of New York. Judge McMahon was born in Columbus and graduated from Ohio State *summa cum laude* with distinction in political science in 1973. She went from Ohio State to Harvard Law School, where she graduated *cum laude* in 1976. Her legal career began at the New York firm of Paul, Weiss, Rifkind, Wharton, and Garrison, where she later became the first woman litigator to be elected as a partner. Before her appointment to the U.S. District Court, she also had been a special assistant to the U.S. Mission to the United Nations, a judge of the New York Court of Claims, and an acting justice of the Supreme Court of New York.

Beyond her distinguished career as a lawyer in private practice and as a judge, Colleen McMahon has made valuable service and pro bono contributions. Among other things, she chaired the Jury Project that led to radical jury reform in New York State, and she has been active on committees combating bias in the courts. She also has been a leader in the arts community and in her church.

Judge McMahon spoke eloquently about parallels she discerns between the constitutional issues raised at the time of her own graduation and those being raised today that will face the graduates of our department as they pursue their careers. Students and parents attending the reception responded to Judge McMahon's remarks with an enthusiastic standing ovation.

WINTER 2005

THE OHIO STATE UNIVERSITY

DEPARTMENT OF POLITICAL SCIENCE

PostScript

The department now consists of 40 faculty members representing the full range of the interests of the discipline of political science...

I am very pleased to introduce you to the 2004–2005 issue of Postscript, which documents events that have occurred in the lives of the students, faculty, staff, and alumni of the Department of Political Science during the past year. The first thing you might notice is that this Letter from the Chair is being written by someone different. Professor Paul Beck, who served as the department's chair from 1991–2004, has been named the dean of the College of Social and Behavioral Sciences. I would like to take this opportunity to publicly thank Paul for his dedication to the department's missions of teaching, research, and service and to acknowledge the consequences of his leadership for the department's continued high standing within the university and the discipline. I am sure you join me in wishing him continued success in his new role as dean.

The department has enjoyed another exceptional year, including our welcoming several new faculty members. Jennifer Mitzen earned her Ph.D. from the University of Chicago, and she will be contributing to our program in international politics. Massimo Morelli, who has been a member of the economics department at Ohio State, now has a joint appointment with political science; he will be contributing to our programs in political economy and international politics. Nancy Scherer, who has both a Ph.D. (from the University of Chicago) and a J.D. (from Emory), will be contributing to our American politics program, especially in the area of judicial politics. Alexander Wendt is a distinguished full professor who comes to us from the

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Letter from the Chair

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We continue to attract a large number of impressive students. At the undergraduate level, we have almost 1300 majors, the highest number ever.

University of Chicago. He holds the Ralph D. Mershon Professorship in the Mershon Center, and he will contribute to our programs in international politics and political theory. Finally, Randall Ripley has returned to the department following his long tenure as dean of the College of Social and Behavioral Sciences (1991–2004), and he will be contributing to our program in American politics. The department now consists of 40 faculty members representing the full range of the

interests of the discipline of political science, giving us an opportunity to provide an even richer and more diverse curriculum to our undergraduate and graduate students.

We continue to attract a large number of impressive students. At the undergraduate level, we have almost 1300 majors, the highest number ever. More than a quarter of these are University Honors students. At the graduate level, we have welcomed another strong class of Ph.D. students, resulting in a graduate program of almost 100 students who come from a variety of states and foreign countries.

Our standing in the discipline continues to be excellent. In the physical and social sciences, departments are commonly ranked by publications in leading journals and by the number of citations attributed to work published by their faculty. The department's alums can take pride in the fact that we were recently ranked fourth in the world by Simon Hix of the London School of Economics and

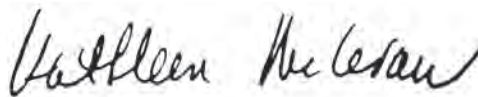
Political Science in his recent study of faculty publications! (A link to that study is available on the department's web page at <http://psweb.sbs.ohio-state.edu/awards/>.)

These rankings provide an external measure of the department's effectiveness and reputation. Just as important to us are the opinions of the students who have graduated from our program. In the spring of 2004, the department undertook an alumni survey of 649 majors who had graduated between 1980 and 2003. We were very gratified by the responses. Overall, 83% of the alumni said they were "satisfied" or "very satisfied" with the department, and 89% said they would advise an undergraduate Ohio State student to major in political science. These alumni also provided us with good advice as to how we can better serve our students—advice we are taking very seriously. In particular, we continue to improve our advising services and internship opportunities, with a terrific staff (Wayne DeYoung, Charles Smith, and Wendy Watson), working in conjunction with the faculty, that is dedicated to providing our students the best possible undergraduate experience.

As you will see elsewhere in this newsletter, a number of you responded to our request that you share news about your lives. We would love to hear from more of you, so please take the time to fill out the form in this issue.

We would also like to hear from you in another way. We are working hard to achieve our goal of becoming one of the nation's very best political science departments for both undergraduate and graduate study. We could use your help in achieving this goal. Financial donations to the department can be used for a variety of purposes—for supplementary student scholarships and fellowships, for prizes in recognition of outstanding student achievement, and for faculty and student research support. More information about how to give to the department is provided elsewhere in this newsletter. Any amount helps and is greatly appreciated.

Finally, on behalf of the department's faculty, staff, and students, I extend my best wishes to you and your families for a happy, healthy, and productive 2005.



Kathleen M. McGraw
Professor and Chair

Ohio and the 2004 Presidential Election —by Herb Asher

Ohio was the epicenter of the 2004 presidential contest, a focus that began in late March after John Kerry effectively won the Democratic nomination and continued right up through election day and election night.



Herb Asher,
Professor Emeritus

Ohioans saw a record number of presidential campaign ads, sponsored by the Kerry and Bush campaigns, the Democratic and the Republican National Committees, and the various 527 and other independent groups. Ohio also was the target of extensive grassroots activities on the part of both campaigns and their allies. And Ohioans also witnessed innumerable visits from the presidential candidates, their spouses and families, the vice presidential candidates and their families, and a slew of campaign surrogates.

For example, in the week before the election, the Kerry campaign held a rally on the South Oval that attracted over 30,000 people and featured not only Senator Kerry, but also Bruce Springsteen and John Glenn. The next day President Bush appeared at Nationwide Arena along with Governor Schwarzenegger. The week before, the President's daughters were on campus thanking the College Republicans for their work on behalf of the Bush-Cheney ticket. Some students living east of High Street were surprised to find President Bartlet (Martin Sheen) canvassing their neighborhood on behalf of the Kerry campaign. The centrality of Ohio to the election was even more apparent in the election day events. After voting in Texas, the President and First Lady flew to Columbus late morning to thank supporters at Ohio Republican Party headquarters. And, of course, on election

night, Ohio was key to the outcome: whoever carried Ohio would be the next President of the United States.

Not only did our students have the opportunity to witness the campaign firsthand, many of our faculty—especially Professors Weisberg, Lacy, Beck, and myself—were regularly called upon by the print and electronic media to offer commentary and insights. We wound up speaking to reporters from 19 nations as well as journalists from all over Ohio and the United States. I told various campus and off-campus audiences that they would never again see one state receive such intensive attention over such a lengthy period of time.

The outcome in Ohio was a bit surprising. Although the polls showed a close race, many observers thought that John Kerry would eke out a narrow victory for two major reasons. The first was the sorry state of the Ohio economy, which many analysts thought would severely hurt the President's re-election prospects. Second was the extensive registration, activation, and get-out-the-vote efforts conducted by the Kerry campaign, organized labor, and various independent 527 groups. But it turned out that the Republican Party had its own, highly successful mobilization efforts. And whereas the Democratic efforts were focused mainly on the large urban counties such as Cuyahoga, Franklin, and Hamilton, the Republican effort was targeted to the rapidly growing exurban or ring counties such as Delaware, Clermont, and Butler, as well as the smaller rural counties of Ohio. And the Republican effort was aided by a state constitutional amendment on the ballot that, among other things, defined marriage as the union of one man and one woman. Some analysts believe that this amendment helped bring additional Christian conservative voters to the polls, who then also voted for President Bush. The architect of this strategy was Karl Rove. Rove was assisted in important ways by Ohio Secretary of State Kenneth

Blackwell, who worked hard to get the amendment on the ballot and who then campaigned for the amendment's passage.

The 2004 election demonstrated that the traditional rules for winning Ohio no longer held. Indeed, the 2000 election results demonstrated this and the 2004 outcome simply confirmed the change in Ohio politics. The traditional rules stated that in order for a Democrat to carry Ohio, he/she had to run strongly in Cuyahoga County (Cleveland), carrying it by 125,000+ votes, run competitively in Franklin County (Columbus), and not get blown away in Hamilton County (Cincinnati). Al Gore achieved all three of these standards in 2000 and still lost the state by 165,000 votes. John Kerry exceeded Gore's performance in all three counties, carrying Cuyahoga by 218,000, Franklin by 41,000, and losing Hamilton by 25,000. Yet Kerry still lost Ohio by a margin of 118,000 votes (once provisional votes were counted and a recount conducted).

These traditional rules no longer apply for a number of reasons. One is that the population geography of Ohio is changing. Cuyahoga and Hamilton are losing population. And although Franklin is gaining population, the share of the vote cast by the three largest counties is declining and will continue to decline. The fastest growing parts of Ohio are the exurban counties such as Delaware County, the 16th fastest growing county in the entire United States. And these counties are heavily Republican in their political orientations.

A second reason for the GOP victory was the very effective mobilization of Republican voters in the smaller, more stable rural counties. Despite low population growth in many of these counties, the Republican vote total and the Republican share of the vote went up substantially in many of these counties. This was attributed to both the GOP grassroots efforts and the effects of Issue 1 in stimulating voter participation. A final reason for the Republican victory was that the economic issue did not seem to have much of an impact in many of the smaller counties throughout the state that were enduring high unemployment and loss of jobs.

The scant effect of the economy may have been due to the Kerry campaign not focusing sufficiently on these smaller counties as well as the fact that the Democratic Party as an organization was almost nonexistent in some of these areas. Or it may be that other issues such as moral values or presidential leadership trumped the economy. Or it may be that voters believed that presidents could do relatively little about the economy and therefore did not punish President Bush for the bad economy. A number of faculty members are examining the election results, trying to disentangle the various reasons that Ohio turned out as it did.

In addition to the Bush/Kerry battle, there was much controversy in Ohio about election law and election administration. Indeed, had the margin in Ohio been 36,000 rather than 136,000, there would have been major legal battles that would have resulted in the Ohio outcome being unknown going into December. But because the margin was greater, most observers saw the outcome as definitive even as we conducted a review of the entire election process and a recount of the votes themselves. Even though the outcome is now clear, Ohio had many problems with the actual election process, some a function of the huge turnout that overwhelmed many polling places, others due to a lack of clarity in election procedures, and some more a function of partisan politics and unfortunate actions and comments by the Secretary of State.

One problem was extremely long lines at the polling places due to increased turnout and insufficient numbers of voting machines. Waits of two to four hours were common and in some cases the lines were much longer. In many cases, citizens were waiting outside in the rain. Complaints were leveled that long lines discriminate against citizens who do not have the opportunity to vote during less crowded times and who do not control their own work schedules. While there are anecdotal stories about citizens leaving the lines because of the long waits, there is no way of knowing how many were actually deterred from voting by the long delays.

One response to this situation will be the consideration of early voting in Ohio and the expanded use of absentee voting.

On election night, with the national focus on Ohio, Secretary of State Kenneth Blackwell did a good job explaining to the media that it was better to get the vote tally correct than to get it done quickly, as he explained that every vote would ultimately be counted. But in the lead-up to the election, Blackwell made a number of decisions and issued a number of statements that made him seem more like a partisan Republican dedicated to the election of President Bush than the state's chief election officer.

In early September, Blackwell sent a directive to the county boards of elections stating that valid voter registration applications had to be completed on paper forms of a certain weight, which raised the prospect that already completed forms would not be accepted. Although he quickly reversed course, his initial edict made him appear as if he were trying to prevent citizens from voting.

Provisional voting was another controversial matter on which the courts ultimately sided with the Secretary of State. But when a federal judge initially ruled against the Secretary of State, Blackwell responded intemperately, calling him a left wing judge and again raising the specter of a very partisan chief elections officer. And Blackwell himself campaigned extensively on behalf of Issue 1, once again suggesting a very political Secretary of State.

It might be appropriate for the National Association of Secretaries of State to review its own guidelines about official conduct. Certainly one of the reasons that the fairness of the Florida election system seemed so questionable in 2000 was the fact that Republican Secretary of State Katherine Harris was co-chair of the Bush campaign and Democratic Attorney General Bob Butterworth was co-chair of the Gore campaign. Secretary of State Blackwell has pledged to hold a conference in 2005 to review the entire conduct and administration of the election. One hopes that all aspects of provisional voting will be

reviewed, including a detailed analysis of why some provisional votes were deemed invalid. The conference should also review how well various voting systems worked. Sixty-nine of Ohio's 88 counties still used punch card voting in 2004, although that should be the last statewide election for these machines. And the conference should also consider various proposals for early voting with the appropriate protections against fraud and abuse.

Because the Bush margin was sufficiently large, Ohio did not become the Florida of 2004 and our place in the limelight ended shortly after November 2. But it was quite a ride while it lasted. Ohio's prominence was simply a function of the Electoral College and Electoral College arithmetic. Bush carried Ohio in 2000 by a narrow margin and won the Electoral College vote by 271 to 267. Because of the effects of the 2000 census and the reapportionment of U.S. House seats, had all the states voted the same in 2004 as they did in 2000, Bush would have won 278–260. Thus, Kerry had to pick up a state(s) that Bush won and hold on to the states that Gore carried. When all was said and done, three states switched in 2004—New Hampshire from Bush to Kerry, and Iowa and New Mexico from Gore to Bush. Overall the electoral map in 2004 was very similar to 2000 with its red and blue states, but the turnout in 2004 increased substantially over 2000, with about 13 million more Americans voting in 2004.

We came very close to another split decision between the popular vote and the Electoral College. Had Kerry won Ohio, he would have been the President-elect despite losing the popular vote by about 3.5 million votes. Had a popular vote system been in place in 2004, Ohio's importance would have been diminished, although not as much as that of Wisconsin, Iowa, Nevada, New Mexico, Colorado, Minnesota, and other small- to medium-sized states. It seems likely that as other parts of the country remain solidly Republican or solidly Democratic territory, the Great Lakes states will continue to be battlegrounds in future presidential contests.

Russia and the Rule of Law

—by Timothy Frye

Many have identified the legal environment as a critical obstacle to the development of a more vibrant economy in Russia. Shady businessmen, corrupt politicians, and a failed legal system have



Timothy Frye
Associate Professor

become the main culprits in stories of a Russian transition to a market economy gone awry. This view has influenced international financial organizations that have responded by pouring millions of dollars into legal reform, western politicians who are concerned about the security implications of Russian crime, and scriptwriters seeking an exotic and unstable country that may provoke an international crisis in their films. Indeed, the extent of corruption and lawlessness in

Russia has become deeply accepted as conventional wisdom in Moscow, Washington, and even Hollywood.

Recent events have enhanced this view. Over the last several months, the Russian government and Mikhail Khodorkovsky, the owner of what had been the largest oil company (YUKOS) in Russia, have been engaged in a bitter struggle over charges of tax evasion. The ensuing legal battle has raised serious questions about Russia's future development. Some argue that President Putin is clipping the wings of oligarchs grown wealthy through dubious means. Others argue that Khodorkovsky is the victim of selective punishment, as YUKOS was far from the only company in Russia that avoided paying taxes. They further charge that the government is interested in expropriating YUKOS only to line its pockets.

The struggle to build the rule of law in Russia is an important policy question, but it also raises central issues for political science. Borrowing from Thomas Hobbes, some identify private competitors in the market as the greatest threat to property rights and look to the state as a remedy. This argument posits that it is essential to give state officials the resources and discretion to protect property against thievery and fraud by private agents. An equally longstanding view comes from John Locke who locates the threat to property in the state itself. He argues that state agents, with their great advantage in the use of force, present the primary threat to property. To strengthen the rule of law requires strong institutions, like courts, to constrain state officials from acting arbitrarily.

To provide preliminary answers to these questions, I commissioned a survey of 495 firms in eight cities in Russia in October/November 2000. The cities included Moscow, Nizhni Novgorod, Novgorod, Smolensk, Tula, Voronezh, Ufa, and Ekaterinburg. The average interview lasted just under an hour and was conducted face to face in Russian. The firms ranged from heavy industry giants from the energy and machine-tool building sectors, to light industry firms that produced textiles and food, to retail trading firms and banks. The average firm

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Internet Wine Sales and Direct Shipment Bans

—by Alan Wiseman

When the U.S. Supreme Court met this last December, among the matters it considered was one that is near and dear to the hearts of several Ohio residents: whether the average Ohioan



Alan Wiseman,
Assistant Professor

can legally order a bottle of wine directly via the Internet from his or her favorite Napa Valley winery. Ohio, as well as 23 other states, currently bans interstate direct shipment of wine by common carrier, making it illegal for Ohio residents to order their favorite wines directly from an out-of-state producer. At the same time, Ohio is one of several states that do allow intrastate shipment of alcohol. This difference in shipping policies, depending on whether alcohol is being shipped across or

within state lines, is one of the primary issues that the Court will speak to when it makes a decision in *Swedenburg v. Kelly*.

The current status of Internet wine sales, and interstate alcohol sales more broadly, is the culmination of a legal and political debate that has evolved over the past 100 years. As early as the late 19th century, different states and localities were concerned with how they could regulate the consumption and use of alcohol within their borders. To address these issues, the U.S. Congress passed the Webb-Kenyon Act in 1913, which explicitly gave states the power to regulate transportation and distribution of alcohol into and within their borders. This power was effectively codified into the U.S. Constitution with the ratification of the 21st Amendment. The 21st Amendment, as is well known, repealed prohibition (as established in the 18th Amendment). What is less well known, however, is the effect of Section 2 of the 21st Amendment, which states, "The transportation or importation into any State, Territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited."

Following the passage of the 21st Amendment, states quickly moved to establish legal and regulatory frameworks for handling the distribution and sale of alcohol within and across state lines. The pattern that most states adopted has come to be known as the "three-tier" system. This system establishes a policy whereby any alcohol coming into a state has to come from the producer (tier one) to a distributor (tier two) and finally to a retailer (tier three) before arriving in the hands of any consumers. By the 1980s, almost every state in the U.S. had adopted some variant of the three-tier distribution system, and, with the exception of Alaska, California, and Rhode Island, interstate direct shipments of wine (meaning shipments directly to consumers across state lines) were generally illegal.

The legal landscape of direct shipment changed dramatically in 1986 when California passed legislation prohibiting direct shipment of wine from other states to California residents,

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Table I. Ratings of Significant Problems

Problem	Small Problem 1	5 Big Problem
High taxes			4.3
Frequent changes in laws.....			3.5
Strong competition.....			2.9
Difficulty finding credit.....			2.7
Lack of qualified managers			2.6
Lack of support from local government.....			2.5
Corruption of government officials.....			2.4
Lack of public infrastructure			2.2
Interference in business by government.....			1.9
The racket.....			1.4

Table II. Ratings of Political Institutions

Performance on a Scale of 1–5

Tax Inspectorate	3.31
The Arbitration Court	3.19
The Tax Police.....	3.17
The President.....	3.08
Regional Government	3.00
Regional Bureaucracy	2.99
Federal Bureaucracy	2.83
The Court of General Jurisdiction	2.82
Court Bailiff.....	2.75
Regional Duma.....	2.75
The Federal Government	2.72
The Police	2.64
The Duma	2.31

Table III. Courts and the State

	% Responding Yes
Courts can defend interests against local/regional government.....	39
Courts can defend interests against business partner.....	76
Courts can ensure compliance if decision goes against the local/regional government..	28
Courts can ensure compliance if decision goes against a business partner.....	67

RUSSIA from page 5

employed 840 workers. The smallest firm had four workers and the largest had over 53,000. The sample roughly mirrors the national population of firms.

Much of the survey focused on legal issues. For example, I asked firm managers to rate the following problems as an obstacle to their business on a scale of 1–5, with 1 being a small problem and 5 being a big problem. The list includes a range of problems commonly cited as obstacles to economic development. (Table I)

On a scale of 1–5, business managers rated frequent changes in laws and other normative acts as 3.5. In their view, the lack of legal stability is a substantial problem. Only high taxes—perennially cited as the biggest problem for business in Russia—are seen as a bigger problem. This result is somewhat surprising. In comparison to previous surveys, the intensity of the legal environment as a problem for businesses in Russia seems fairly high.

HIGH RATINGS FOR STATE ARBITRATION COURTS

Conventional wisdom holds that Russian businesses perceive the court system to be of little use. The Russian and foreign press are replete with high-profile stories of inefficiencies, corruption, and incompetence in the state arbitration courts, the main forum for resolving disputes among firms and between firms and the state. However, one may ask if these cases are typical. The courts in Russia suffer from many problems, but several academic studies find that for most cases they do not work badly. To gain some leverage on the performance of Russian state arbitration courts relative to other state institutions in Russia, I asked firms to rate the performance of selected political institutions on a scale of 1–5, with 1 being very poor and 5 being very high. (Table II)

Despite widespread criticism of the performance of the court system in Russia generally, the state arbitration courts that handle most economic disputes receive fairly high ratings from the firm managers. Only the State Tax Inspectorate is given ratings higher than those received by the state arbitration courts. Most interesting, the arbitration court receives higher marks than the courts of general jurisdiction that handle most criminal cases. This indicates that respondents differentiate between the two institutions.

The most interesting results take us back to Hobbes and Locke. Evidence from the survey indicates that businesses believe that state arbitration courts are far less effective in protecting their rights when the state is a party to the case than when it is not. I asked firms, “In the case of an economic dispute with the local or regional government, do you believe that the courts could protect your legal interests?” I then asked firms, “In the case of an economic dispute with a business partner, do you believe that the courts could protect your legal interests?” I also asked a related question concerning enforcement of decisions that go against the local or regional government and against private business. (Table III)

These findings suggest that firms believe that local and regional governments are far less likely to abide by judicial decisions than are private businesses. The vast majority of businesses believe that the courts can protect their interests (76%) and enforce decisions (67%) in cases involving other private businesses. However, far fewer businesses believe that the courts can protect their interests (39%) and enforce decisions (28%) in cases involving the local or regional government. Again, these results imply that firm managers do not believe that state arbitration courts per se work badly. Instead, they strongly suggest that firm managers recognize the weakness of the courts vis-à-vis the state, but not in cases involving other private firms. Thus, attempts to improve the legal climate in Russia should devote considerable attention to limiting the power of the local and regional government to disregard legal decisions.

These results are consistent with surveys of small businesses that I conducted in 1996, 1998, and 2003, but any one survey can provide only a snapshot of a dynamic legal environment. In the fall of 2004, I repeated the survey, thanks to funds from the William Davidson Institute at the University of Michigan and the Mershon Center at Ohio State. Having done so should allow me to begin to track changes in the security of property rights in Russia over time and to make stronger recommendations about a critical policy issue—building a stronger legal regime in Russia.

INTERNET WINE from page 5

unless exporting states allowed their residents to receive direct shipments from California wineries. This legislation paved the way for the current “reciprocity” agreements between 13 states that recognize two-way shipping rights between each other for direct interstate shipments of wine from producers and/or retailers to consumers. Besides the 13 reciprocity states, 14 other states (and the District of Columbia) eventually relaxed their prohibitions on interstate direct shipments to allow limited quantities of wine and alcohol to be imported without going through the state sanctioned (or administered) distribution system. At the same time, several other states altered their direct shipping laws so that, as of 2003, 24 states had bans on direct shipments, including five states in which direct shipment was a felony.

This change in the legal landscape of alcohol distribution has been accompanied by the rise of distribution and wholesaler interests that have actively lobbied state legislatures to pass laws that (arguably) establish and maintain privileged positions for them in the wine market. In many cases, several laws passed by these legislatures obviously restrict competition in a manner that would not normally withstand constitutional scrutiny if they applied to any industry other than alcohol. Due to the 21st Amendment, however, the courts (until recently) have ruled that wine and alcohol are not like any other industry. As a result, state legislatures could pass laws that effectively restricted interstate commerce by barring the importation of products from other states and/or establishing something tantamount to state-specific protectionist trade regimes.

While certain states have started to tighten up their alcohol regulations in recent years (e.g., Florida’s making direct importation a felony), the wine industry as a whole has undergone dramatic changes. There are currently nearly 2,700 bonded wineries in the United States, nearly 80% of which are very small-scale, producing less than 25,000 cases a year. This sizable market follows from a 500% increase in the number of wineries over the past 30 years. While production has expanded, there has been a dramatic consolidation on the distribution side of the business, from nearly 5,000 distributors in the 1950s to approximately 400 wholesalers in 2002.

With the expansion of production, and the contraction in distribution, in conjunction with the rise of electronic commerce, various tensions have emerged. First, producers have alleged that the current distribution framework is simply unable to meet their needs. A second tension comes from consumers who are seeking wines from smaller-production vineyards, but who live in jurisdictions where direct shipment is illegal (e.g., Ohio). A third tension comes from distributors and wholesalers, who in light of recent consumer and producer mobilization, combined with the prospects of an Internet facilitated virtual wine market, have started to fear that their control of distribution might be eroding.

In recent years these tensions have culminated in the filing of several lawsuits that have challenged the constitutionality of various direct shipment bans. Among the states whose laws have been targeted for challenge were Michigan, Florida, New York, North Carolina, Texas, and Virginia—all of which had laws that

banned interstate direct shipments, but allowed intrastate direct shipments. The legal debate gained significant prominence in policy and trade circles in March 2003, when former Solicitor General Kenneth W. Starr was retained by the Coalition for Free Trade (a nonprofit legal foundation favoring the repeal of direct shipment bans) to press its cases forward. The wine wholesalers, for their part, retained constitutional scholar Robert Bork and C. Boyden Gray, former White House counsel to President George H.W. Bush.

Thus far, the decisions in these lawsuits have been mixed. For Michigan, Texas, North Carolina, and Virginia, federal courts decided in 2002 and 2003 that these states’ alcohol restrictions violated the commerce clause. Following the Virginia decision, the court granted a stay in order to give the state legislature an opportunity to correct provisions of the law found to be unconstitutional. In April 2003, Virginia passed legislation that provided for legal door-to-door shipment of both beer and wine, if out-of-state firms obtained a permit and remitted the relevant taxes. In contrast to the Virginia outcome, the Second Circuit decided to uphold New York’s law that banned direct shipments from out of state, but allowed New York wineries to deliver directly to New York residents and consumers. The contradiction in these decisions, combined with the pressure from Michigan officials to have their case appealed, led to the Supreme Court granting cert in May 2004 to hear the cases on December 7, 2004. The Court’s decision will not be given until early spring.

Legal issues aside, an ongoing source of debate is whether consumers are helped or harmed by these laws. Proponents of the direct shipment bans argue that the economic harm to consumers is slight, and that these laws are necessary to promote temperance, collect alcohol taxes, and prevent underage drinking. Opponents claim that consumers suffer significant harm with respect to product prices and availability, and that legitimate concerns about taxation and alcoholic beverage control can be addressed through policies that are less restrictive than an outright ban on direct shipment. While there is an ongoing debate over the extent to which these laws actually promote temperance and prevent underage drinking, recent evidence would suggest that consumers could stand to gain if these laws were to be repealed.

In our recent study, Dr. Jerry Ellig, of the Mercatus Center at George Mason University, and I investigated whether the direct shipment ban that existed in Virginia until 2002 negatively affected consumers in McLean, Virginia (an affluent suburb of Washington, D.C.). Focusing on a sample of wines drawn from the 13th Annual Restaurant Poll conducted by *Wine and Spirits* magazine, we sought to ask two basic questions. First, were Virginia consumers limited in their choices because they were not allowed to purchase bottles of wine online? Second, after accounting for the appropriate shipping charges, did consumers in Virginia pay more for their wine than what they would if they could purchase from any retailer that had an online store. The answer to both of these questions was “yes.” More specifically, approximately 15 percent of the wines in our sample are unavailable in bricks-and-mortar stores identified as

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PROGRESS IN THE UNDERGRADUATE INTERNSHIP PROGRAM

It has been an exciting year for the political science department's internship program. Not only have our enrollments increased but we have been able to expand our students' opportunities for experiential learning.

Enrollment in our two internship offerings, Political Science 489 and 589, has increased substantially. During 2004 we saw enrollment in 489 reach 60 students (over four quarters) and enrollment in 589 reached 39.

During autumn quarter, our 589 students were afforded a wide range of internship opportunities. Students worked in such assignments as the U.S. Senate office of Senators DeWine and Voinovich, the Ohio Republican Party, Bush/Cheney '04, the U.S. Attorney's Office, the U.S. Sportsmen's Alliance, and Green Energy Ohio.

In addition, the department has been fortunate to work with Dr. James Baker of Western Kentucky University to provide students an opportunity to spend five weeks in Ottawa, Canada, interning for members of the Canadian Parliament during spring quarter. In 2004 Dr. Baker chose three Ohio State students to join his group in Ottawa. This spring, nine Ohio State students will make the trek north to take part in this incredible experience.

In September 2004, Dr. Deborah Moore Haddad, our department's internship director, accepted a promotion within the College of Social and Behavioral Sciences. Dr. Haddad's position has been filled by Mr. Charles Smith, a Ph.D. candidate in the department. In addition to overseeing the internship program, Mr. Smith advises undergraduate majors and lectures on judicial politics.

Also in September, Mr. Smith became Ohio State's liaison for The Washington Center for Internships and Academic Seminars. This non-partisan, nonprofit organization places college students in internships in D.C. for 10 weeks. Students are able to earn up to 15 credit hours for the quarter. There is currently one student attending the center for winter quarter and an additional nine have applications in for spring and summer.

Working with Mr. Peter Chimbis of the Franklin County Public Defender's Office, our department has set up two internships for students interested in pursuing legal careers. Our students will monitor cases working their way through the criminal justice system. This opportunity should prove invaluable to our students.

Make a Gift to the Department of Political Science

University funds are always scarce, so the successes of the Department of Political Science—the support of important scholarship, the education of our undergraduate and graduate students, the presence of visiting speakers and distinguished scholars on campus—are all supported more and more by the generosity of our alumni.

We invite you to make a gift to the department through one of our existing funds, which we describe below. Please use the tear-off return card on page 10 to indicate the fund to which you are donating.

And also please let us know about yourself, so we can share with your colleagues in our next issue (see page 9).

Political Science funding opportunities

Jacobina Aman Award

Established January 12, 1959, with a bequest from Katherine A. Seibert in memory of her mother. Income provides a student award recognizing good will, understanding, and practical cooperation in international affairs and/or race relations among fellow students.

Francis R. Aumann Fund

Established February 4, 1983, by alumni, friends, and associates of Dr. Aumann, professor emeritus. Income rewards scholastic excellence of political science students and promotes academic goals of the Department of Political Science.

William Jennings Bryan Prize

Established July 20, 1898, by Mr. Bryan. Income supports a prize for the best essay on *The Principles Which Underlie Our Form of Government*. If no prize is awarded, income is reinvested to principal.

Lawrence J.R. Herson Fund

Established May 7, 1999, by alumni, friends, and associates of Professor Herson, in honor of his retirement and distinguished career in the Department

of Political Science. Income enhances academic goals of the department and promotes scholarly excellence among political science majors.

Madison H. Scott Memorial Fund in Political Science

Established April 4, 1997, by family, alumni, friends, and associates of Mr. Scott, former vice president for human resources and former secretary of the Board of Trustees. Income provides research grants and scholarships for minorities in the Department of Political Science.

Walter J. Shepard Foundation

Established June 30, 1936, by friends of Dean Shepard. Income supports lectures by distinguished scholars in political science.

Henry Russell Spencer Fund in Political Science

Established July 11, 1949, by friends, colleagues, and former students of Professor Spencer. Income supports lectures or fellowships in political science.

Harvey Walker Sr. Memorial Fund in Political Science

Established September 8, 1972, by family, colleagues, and friends. Income funds fellowships for outstanding students in political science for purposes of advancing the study of political science.

Political Science Advancement Fund

At the discretion of the chair, the income from this fund is used to support student and faculty educational activities for the advancement of the department.

Political Science Development Fund

At the discretion of the chair, this fund's income is used for teaching, research, faculty travel and recruitment, student aid, public service, publications, and other similar purposes.



Andrew Holbrook receives his Graduate Teaching Award from Associate Dean Elliot Slotnick of the Graduate School



Charles Smith, with his Graduate Teaching Award, in front of Derby Hall

The Council of Graduate Schools

in Washington, D.C., along with UMI/Proquest, has awarded **Pedro Magalhaes** the distinguished dissertation award in the social sciences for 2004. Magalhaes was advised by Richard Gunther, professor of political science. His dissertation title is "The Limits to Judicialization: Legislative Politics and Constitutional Review in the Iberian Democracies."

During the five past years, Ohio State has received the first-place prize three times, including two in political science, and also received a second-place honor. The 2000 award went to **Barry C. Burden** in political science and advisor Herbert F. Weisberg for "Candidates' Positions in Congressional Elections."

Charles Smith and **Andrew Holbrook** both won Graduate Associate Teaching Awards from the Graduate School. This is the second year in a row that our department has had two

of our TAs win this award—out of a total field of 10 awards each year. **Johnny Peel** won the department's Henry R. Spencer Award for Distinguished Teaching by a graduate student.

Ray Block was the recipient of the 2004 Madison Scott Grant for his project on "Disillusionment with American Race Relations and Support for Black Nationalism: An Endogeneity Problem." The Madison Scott Memorial Fund was established from generous gifts in Madison Scott's honor to provide educational opportunities to both undergraduate and graduate students in our political science department, and the grant is provided through the fund. Madison Scott earned his bachelor's degree from the department and subsequently held major leadership positions at Ohio State, including secretary to the Board of Trustees.

DEPARTMENT OF POLITICAL SCIENCE

Yes, I want to support the Department of Political Science (fund # _____ from list below) through an annual pledge of:
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Department of Political Science Funds

Jacobina Aman Award Fund	600140
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Walter J. Shepard Fund	606562
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For more information, or to speak with a development officer, contact:
 Sandra Wood, Program Coordinator, (614) 292-2880, wood.16@osu.edu.

TENURE AND PROMOTION

In June 2004, **Paul Beck** was promoted to Dean of the College of Social and Behavioral Sciences; **Randall Ripley** returned from the office of dean to being a professor in the department; and Professor **Kathleen McGraw** became chair of the department.

Professor Emeritus **Bradley Richardson** received a commendation award from the minister of foreign affairs of Japan on June 17, 2004. Professor Richardson, who is also Honorary Consul General of Japan, earned the commendation for outstanding contributions to the promotion of friendship, exchange, and mutual understanding between the United States and Japan.

Kira Sanbonmatsu has been promoted to associate professor with tenure.

AWARDS AND RECOGNITION

Richard Gunther has won the Faculty Award for Distinguished University Service. He has made a number of very valuable contributions to the university in a series of important service roles, including chairing the University Fiscal Committee and his leadership of the campaign to protect the university budget and mission against legislative action last spring.

Professor Gunther also was named a Joan N. Huber Faculty Fellow in the College of Social and Behavioral Sciences. This program acknowledges and rewards the strongest scholars on the SBS faculty. It is named in honor of Joan Huber, who in her own scholarly career and as dean of SBS (1984–1992), set the highest standards for faculty in SBS. Faculty members selected as Joan N. Huber Faculty Fellows receive an annual cash award of \$5,000

a year for three years to further their research programs.

On January 27, 2004, **Paul Beck** was named one of the university’s Distinguished Scholar Award winners. Established in 1978, the award recognizes exceptional scholarly accomplishments by senior professors who have compiled a substantial body of research. The award is supported by the Office of Research with honoraria provided by The Ohio State University Foundation.

Ted Hopf was awarded the 2003 Marshall Shulman Book Prize of the American Association for the Advancement of Slavic Studies for his monograph on the international behavior of the former Communist bloc. *Social Construction of International Politics: Identities & Foreign Policies, Moscow, 1955 & 1999* earned praise from the award committee as “a remarkable exploration of the sources of Soviet/Russian foreign policy behavior” and “a model for area studies scholars wanting to make a rigorous contribution to the theoretical development of a traditional academic discipline.”

NEW FACULTY

Jennifer Mitzen (Ph.D., Chicago, 2001), assistant professor, has research and teaching interests in IR theory, global governance, and post-conflict reconciliation. She is completing a book manuscript on the impact of publicity and deliberation on great power politics, with particular attention to the evolution of conference diplomacy in 19th-century Europe. Other research includes the impact of needs for ontological security on international politics and a coauthored book drawing together North American and English security dilemma theory.

Before joining Ohio State, **Massimo Morelli** spent one year at CORE as a research fellow, two years at Iowa State University as an assistant professor, and one year at the University of Minnesota as a visiting professor. In 2001–02 he became a member of the Institute for Advanced Study, Princeton. Within the game theory field, his major contributions so far relate to demand bargaining and network formation. Within the political economy field, his focus is mainly on party formation, electoral systems, legislative bargaining, international organizations, and corruption. In the field of contract theory, his focus is on occupational choices and endogenous constraints. Market Games, experimental economics, and mechanism design are other strong interests.

Nancy Scherer’s research interests include judicial behavior, Federal Court appointment processes, and inter-branch governmental relations. Her writings include “The Impact of Divided Government on Judicial Ideology” (*Law and Society Review*) and “Are Bill Clinton’s Judicial Nominees ‘Old’ Democrats or ‘New’ Democrats?” (*Judicature*). Prior to her arrival at Ohio State, she served as a B.A. thesis advisor at the University of Chicago and as an associate in the litigation department of Weil, Gotshal & Manges.

Alexander Wendt taught at Yale University from 1989 to 1997 and at Dartmouth College from 1997 to 1999. He is the author of a number of articles on international relations theory and a book, *Social Theory of International Politics* (Cambridge University Press, 1999). He is currently working on two projects—why a world state is inevitable, and the possible implications of quantum mechanics for social science.

INTERNET WINE from page 7

wine retailers within 10 miles of McLean, but they could be ordered online if direct shipment were legal.

With respect to price, aggregate cost savings depended on various factors, but our findings indicate that an exclusively online shopper could save money on the wines in our sample by purchasing six or 12 bottles and having them delivered via standard UPS ground service. This finding holds for more expensive bottles in particular, as average savings of up to 21 percent are available on wines costing more than \$40 per bottle. Consumers who engaged in comparison shopping by checking both online and offline prices, then purchasing wherever the wine is cheapest, could save 1.6–9.7 percent with legalized interstate direct shipping.

Furthermore, our results suggest that McLean consumers may face higher prices and have access to less product variety (even for highly popular wines) than they would in the absence of the direct sales ban.

The various economic and legal tensions behind these laws were debated at a July 2004 roundtable on Capitol Hill in which myself, Jerry Ellig, Kenneth Star, Boyden Gray, and others discussed the relevant issues that the court should consider in making its forthcoming decision. While several participants were willing to acknowledge that the evidence suggests that consumers could stand to gain from an economic standpoint by the repeal of these different laws, several members on the panel were still arguing that economic

costs and benefits are beside the point. The constitution gives the states the right to regulate alcohol sales, transportation, distribution, and consumption. This right should be unconditional, so even if states are enforcing laws that seem anti-competitive and protectionist (such as those that allow intrastate shipment, but ban interstate shipment), they should not be compromised. The extent to which this view is legally relevant will hopefully be decided within the coming year.

Further Reading: Wiseman, Alan E., and Jerry Ellig. 2004. “Market and Nonmarket Barriers to Internet Wine Sales: The Case of Virginia.” *Business and Politics*. 2004. 6 (2): Article 4. Available at: <http://www.bepress.com/bap/vol6/iss2/art4/>