recognition of same-sex unions. The Massachusetts Supreme Judicial Court, through rulings in 2003 and 2004, became the first state supreme court to require legalization of same-sex marriage, and this was followed by similar rulings in California (2008), Connecticut (2008), and Iowa (2009). Because these rulings rest on state constitutional grounds, they are unreviewable by the Supreme Court, although they are susceptible to reversal through the state constitutional amendment process, as took place with California voters' approval of an initiated amendment in 2008 overturning the court ruling and reinstating a same-sex marriage ban.

As is evident from state legislators' occasional abolition of the death penalty and recognition of same-sex unions and marriages, state legislatures, no less than state courts, can provide expanded protection for rights in response to Supreme Court decisions viewed as insufficiently rights-protective. The leading example of state legislative action of this sort in recent years concerns protection against state and local government use of eminent domain to take private property for economic development purposes. In 2005 the Supreme Court held that it does not run afoul of the federal Bill of Rights for governments to invoke their eminent domain power to condemn property that will be used for economic development purposes, although the justices also made clear that the ruling does not prevent states from providing heightened protection for private property by disallowing such a use of the eminent domain power. Several state courts promptly interpreted their state constitutions as providing such heightened protection; but for the most part state legislatures took the lead, whether by approving statutes disallowing use of eminent domain for economic development purposes, proposing state constitutional amendments toward this end.

State legislatures have also been active in enacting statutes in response to congressional inaction on various policy issues. For instance, in the face of what many state officials view as insufficient federal action targeting climate change, state legislatures have enacted their own statutes to reduce greenhouse gas emissions. California took the lead when Governor Arnold Schwarzenegger signed the Global Warming Solutions Act of 2006, establishing a cap on carbon emissions. Other states have enacted similar measures. States have also formed regional compacts intended to reduce greenhouse gas emissions, including the Regional Greenhouse Gas Initiative (made up of Mid-Atlantic and Northeastern states), the Western Climate Initiative (composed of Western states and three Canadian provinces), and the Midwestern Greenhouse Gas Reduction Accord (including Midwestern states and two Canadian provinces).

In other cases, states have enacted, with varying effectiveness, statutes that challenge federal policies. Between 1996 and 2010 fifteen states enacted statutes or constitutional amendments legalizing medicinal use of marijuana, even though the federal Controlled Substances Act classifies marijuana as a controlled substance and makes no exception for its use for medicinal purposes. In 2005, the Supreme Court rejected a challenge to the enforcement of this federal statute in states that had legalized medicinal marijuana; however, the Department of Justice in 2009 directed US attorneys not to make it a priority to prosecute individual violators for violating the federal Controlled Substances Act as long as they are in compliance with state medicinal marijuana statutes. In this sense, the fifteen states that have legalized medicinal marijuana have prevailed in the face of a contrary federal law.

On the other hand, states have had mixed success in enacting statutes to control illegal immigration, in response to a perceived inability of federal officials to address this challenge effectively. Arizona has been particularly active in enacting such statutes and defending them in federal courts. The Supreme Court upheld a 2007 Arizona law requiring businesses to determine the legal status of their workers and revoking the licenses of businesses found to knowingly hire illegal immigrants. But the Ninth Circuit Court sustained a US District Court judge ruling enjoining enforcement of portions of a 2010 Arizona law that required police to check the immigration status of any person they arrest who they have reasonable suspicion of being in the country illegally.

State attorneys general have also been instrumental in securing regulations that have proved inattainable through the federal policy process. Out of a desire to secure greater restrictions on cigarette advertising and recoup health care costs associated with smoking, state attorneys general in four states reached individual settlements with major cigarette manufacturers; then, the remaining forty-six attorneys general negotiated a Master Settlement Agreement in 1998 requiring the companies to pay $246.5 billion and agree to significant restrictions on their marketing practices. Meanwhile, in an effort to bring about various reforms of the financial services industry, New York Attorney General Elliot Spitzer relied on lawsuits to force a $1.4 billion settlement in 2003 between regulators and financial services companies that required investment firms to separate their research and investment divisions and disclose conflicts of interest between these respective divisions.

Conclusion. Despite the significant expansion of federal power in the twentieth and twenty-first centuries, states retain primary responsibility for policy-making in a number of prominent areas. Even where the federal government has taken the lead, states continue to play an important role in policy-making, because federal officials have frequently relied on states to implement federal statutes and have permitted states to exercise significant policy discretion. Additionally, state officials continue to issue rulings that have the force of law and to enact statutes, and file lawsuits that exceed or challenge federal standards, in an effort to achieve goals unattainable through the federal policy process.

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"energetic" administration, this aspect of presidential power attracted scant critical attention in the nineteenth century. Prominent commentators including Alexis de Tocqueville, Francis Lieber, and James Bryce noted the challenge that it posed for democracy in America, but concluded that the country's relative isolation meant that there was likely to be little need for state secrecy in the near future.

The turning point can be traced to the early twentieth century, when many came to believe that secret diplomacy had been responsible for the outbreak of World War I. Though a number of public figures, including President Woodrow Wilson, responded by calling for "open diplomacy," World War I actually provoked the United States to develop a centralized national security apparatus and to concomitantly institutionalize state secrecy, most notably in the form of the Espionage Act of 1917. In the decades that followed, political scientists including Edward Corwin, Quincy Wright, Carl Friedrich, and Harold Laslki addressed fears about the growth of state secrecy by emphasizing that the separation of powers allowed Congress to rein in the president. However, these responses began to seem unsatisfactory, as the president's control over official information grew rapidly during World War II and then expanded even further with the onset of the Cold War, culminating in the establishment of the classification system in 1951. As scholars like Harold Laslki, Robert Dahl, and Francis Furet began to express concern about the impact of these developments on American democracy, influential members of civil society, particularly the American Society of Newspaper Editors, started to publicly urge that classification decisions ought to take account of the public's "right to know" what officials were doing. This argument did find a receptive audience in Congress, which subsequently passed the Freedom of Information Act (FOIA) in 1966. But it is now widely accepted that this legislation has not been able to ensure that officials will strike an appropriate balance between secrecy and publicity. On the contrary, a steady stream of controversies ranging from the disclosure of the Pentagon Papers in 1971 to the George W. Bush administration's use of "extraordinary renditions" and "black sites" following 9/11 have underscored how easily presidents can use their control over classified information to manipulate public opinion, and to hide potentially unlawful activities from public view.

Given this history, it is hardly surprising that contemporary scholarship on state secrecy has tended to focus on identifying how best to ensure that it will not be misused. These efforts have proceeded along two parallel routes. The first, favored by Hongki Koh, Louis Fisher, and Heidi Kitrosser, among others, has been to reinforce the separation of powers by insisting upon Congress's right of unfettered access to classified information, which has run up against presidential invocations of an "executive privilege" to withhold information from Congress. The other route, proposed by Sissela Bok, Dennis Thompson, and Daniel Mayrihan, among others, has been to push for greater transparency in government by carefully delineating the circumstances under which the government may withhold information from the public. Unfortunately, this approach has been frustrated by the fact that the courts, which would presumably be awarded the responsibility of deciding whether the relevant criteria have been met, have tended in practice to defer to the president on the grounds that the courts lack the expertise and even the constitutional authority to second-guess the president's claims about the need to withhold official information.

It has become increasingly apparent that the challenges identified above, daunting though they are, have not always prevented the pursuit of democratic accountability. The explanation for this lies in the pervasiveness of unauthorized disclosures of classified information, which, as Cass Sunstein, Heidi Kitrosser, and Rahim Sagar have pointed out, allow lawmakers and citizens to become aware of misconduct that might otherwise have been shielded by state secrecy. This picture is complicated, however, by the fact that unauthorized disclosures infringe upon the constitutional authority of an elected president. Nor is it easy to justify such infringements, because unauthorized disclosures tend to be made anonymously, making it difficult for the public to ascertain the true intent of a given "leak" (a point brought home by the controversy surrounding the publication in the New York Times of misleading information relating to Iraq's purported weapons of mass destruction program). This analysis suggests that the rough-and-ready path that Americans have found around the obstacle that state secrecy places before democratic accountability is itself not entirely consonant with democratic principles. This outcome is more than simply ironic, because it implies that the prospects of democracy in America depend heavily on the courage and good judgment of officials, reporters, and publishers. This dependence, which can easily backfire, reveals that state secrecy continues to exact a toll on democracy in America, albeit in a new and unprecedented form.

[See also Executive Privilege.]

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Rahim Sagar

SUDAN

See Darfur.

SUPREME COURT OF THE UNITED STATES

See Judicial System, American.

SYRIA

Syria has a geopolitical importance out of proportion to its relatively small population, size, and economic wealth because of its military power, independent foreign policy, and a location that gives it a central role in the Middle East's key disputes—particularly the Arab-Israeli conflict. Syria has one of the world's longest recorded histories, but the modern state was created only in 1920, by Western colonial powers; it remained under French colonial rule until independence was gained in 1946. Syrian political life is imbued with a powerful sense of grievance, owing to the partition of historic Syria by Western imperialism, with the truncated rump governed from Damascus seen by many of its citizens as an artificial state cut off from its southwestern hinterland by the Zionist colonization of Palestine. The emergence of radical Arab nationalism as the dominant identity of the country and dominant ideology of the ruling Baath Party is a direct consequence of this experience. In this heterogeneous country, in which, as of 2010, Sunni Muslims account for almost 75 percent of the population of 22 million and Arabs for over 85 percent—and in which one sectarian minority, the Arabic-speaking Alawis, enjoy disproportionate power while the main non-Arab ethnic minority, the Kurds, are only partly integrated—communal cleavages have, along with class, represented the main bases of political identity and