# Federalism

Interstate Relations
- “full faith and credit” in regards to publics acts, records, and judicial proceedings
- privileges and immunities
- extradition

Interstate Compacts and Lawsuits

**Interstate Compacts**

*Reasons for Initiating:* controlling air and water pollution, managing toll bridges and transportation, conserving wildlife, fish, water, coal, and oil, and handling the disposal of hazardous materials

*How They Are Handled:* The compact is signed by the parties to the agreement (two or more states or a state and the national or a foreign government) and then by Congress if this body approves it. The terms of the compact are enforceable by the Supreme Court.

**Interstate Lawsuits**

*Reasons for Initiating:* If states can’t handle differences with interstate compacts, they often resort to lawsuits. In the West, many lawsuits are fought over water rights. Other cases have involved sewage from one state polluting the water in another state, and disputed state boundary lines.

*How They Are Handled:* Interstate lawsuits are always heard in the Supreme Court. It is the only court in which one state may sue another.

States’ Rightists Versus Nationalists

**States’ Rightists:** The states created the national government and gave it only certain limited powers. Doubts about whether a power belongs to the government or the states should be settled in favor of the states. State governments are closer to the people and better reflect their wishes than the national government. According to the Tenth Amendment, powers not delegated to the national government are reserved to the states or the people.

**Nationalists:** The national government is not subordinate to the states. Congress has the right to adopt any means that are convenient and useful to carry out its delegated powers. The reserved powers of the states should not limit how the national government can use its own powers. The national government should take the lead in solving major social and economic problems facing the nation. The national government stands for all the people, while each state speaks for only part of the people.

Expanding National Government (Because of these powers)

**Power to Wage War:** power over the economy; power over the educational system

**Authority to Regulate Commerce:** passing the Civil Rights Act of 1964 (based on belief that discrimination by innkeepers and restaurant owners interferes with travel and thus restricts the flow of interstate commerce)

**Power to Raise Taxes and Spend Money:**
power over business (by heavily taxing dangerous products, the government makes it unprofitable to manufacture them); power over states (federal tax laws encourage states to set up their own unemployment insurance programs)

Federal Aid = red tape (See page 110)
- can help even out inequities between states

Preemption Laws = restraints and mandates (ADA)

*Federal Aid dropped under George HW Bush – giving much more control to local and state governments