

### 3. POLICY POSITION

#### URGING A STRONG COALITION BETWEEN STATE AND LOCAL GOVERNMENT IN THE FACE OF A FADING FEDERALISM SYSTEM

##### Background

When our nation was formed through the federal union of the American colonies, the diversity embodied in the several States was preserved, and it was recognized that the people of the United States would act through a variety of governmental entities, including strong State and local governments. Drawing their powers from the common well delineated by the Tenth Amendment to the United States Constitution, State and local governments are intrinsically tied. This final statement of the Bill of Rights reserves "the powers not delegated to the federal government by the Constitution, nor prohibited by it to the States,... to the States respectively or to the people."

Recent U. S. Supreme Court decisions (Garcia v. San Antonio Metropolitan Transit Authority (1985) and South Carolina v. Baker (1988)) have effectively relegated States, and therefore local governments, to the level of a public interest group with respect to the federal government. Local governments have often been viewed in the same manner by State governments.

The States have delegated to local governments powers of raising revenue and the responsibility of providing service, thus local government is the partner of the State in serving their citizens. Recent U.S. Supreme Court decisions have undermined the constitutional limits imposed by the Tenth Amendment upon Congress' authority to regulate State and local governments.

##### Recommendation

It is the consensus of the Southern Legislative Conference that State and local governments are partners with a common and equal interest in the balanced operation of the federal system. The Southern Legislative Conference recognizes that a strong federal system depends upon maintaining a balance with equally strong partners, federal on the one hand and State, including local governments as partners, on the other.

The Southern Legislative Conference urges all State and local governments to embrace and advocate this principle in our attempt to restore balanced federalism as set out in the Tenth Amendment.

Adopted by the Southern Legislative Conference July 19, 1989.  
(Sponsor: Senator Douglas Henry, Jr., Tennessee)