

## AFD 304 Links and Notes - Interstate Compacts, Revisited

- AFD Ep 92 (July 2014) - our first Big Ideas for American Governance Episode  
<http://arsenalfordemocracy.com/2014/07/16/july-16-2014-arsenal-for-democracy-92/>  
(part 3 specifically: <http://billhumphreyresearch.com/radio/AFD-92-part-3.mp3> )
- [http://en.wikipedia.org/wiki/Interstate\\_compact](http://en.wikipedia.org/wiki/Interstate_compact)
- [http://en.wikipedia.org/wiki/Compact\\_Clause#Clause\\_3:\\_Compact\\_Clause](http://en.wikipedia.org/wiki/Compact_Clause#Clause_3:_Compact_Clause)
  - *No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.*
- [http://en.wikipedia.org/wiki/Driver\\_License\\_Compact](http://en.wikipedia.org/wiki/Driver_License_Compact)
- [https://en.wikipedia.org/wiki/Virginia\\_v.\\_Tennessee](https://en.wikipedia.org/wiki/Virginia_v._Tennessee) (1893)
  - *If the bordering line of two states should cross some malarious and disease-producing district, there could be no possible reason, on any conceivable public grounds, to obtain the consent of congress for the bordering states to agree to unite in draining the district, and thus removing the cause of disease. So, in case of threatened invasion of cholera, plague, or other causes of sickness and death, it would be the height of absurdity to hold that the threatened states could not unite in providing means to prevent and repel the invasion of the pestilence without obtaining the consent of congress, which might not be at the time in session.* <https://caselaw.findlaw.com/us-supreme-court/148/503.html>
  - *Looking at the clause in which the terms 'compact' or 'agreement' appear, it is evident that the prohibition is directed to the formation of any combination tending to the increase of political power in the states, which may encroach upon or interfere with the just supremacy of the United States.*
  - *The constitution does not state when the consent of congress shall be given, whether it shall precede or may follow the compact made, or whether it shall be express or may be implied. In many cases the consent will usually precede the compact or agreement, as where it is to lay a duty of tonnage, to keep troops or ships of war in time of peace, or to engage in war. But where the agreement relates to a matter which could not well be considered until its nature is fully developed, it is not perceived why the consent may not be subsequently given. Story says that the consent may be implied, and is always to be implied when congress adopts the particular act by sanctioning its objects and aiding in enforcing them; and observes that where a state is admitted into the Union, notoriously upon a compact made between it and the state of which it previously composed a part, there the act of congress admitting such state into the Union is an implied consent to the terms of the compact.*
- A majority of states have already committed to inter-governor agreements on coordinating if/when to “re-open” after the pandemic:
  - Ohio, Indiana, Kentucky, Illinois, Wisconsin, Michigan, Minnesota:  
[https://www.wdrb.com/news/governors-of-kentucky-indiana-and-5-other-states-unveil-regional-effort-to-reopen-midwest-economy/article\\_824e210c-8018-11ea-aa1f-73a02fa2e8b7.html](https://www.wdrb.com/news/governors-of-kentucky-indiana-and-5-other-states-unveil-regional-effort-to-reopen-midwest-economy/article_824e210c-8018-11ea-aa1f-73a02fa2e8b7.html)
  - New York, Connecticut, Delaware, New Jersey, Pennsylvania, Rhode Island, Massachusetts:  
<https://ctmirror.org/2020/04/13/cuomo-says-ne-governors-to-cautiously-ease-covid-19-restrictions/>

- California, Oregon, Washington:  
<https://www.gov.ca.gov/2020/04/13/california-oregon-washington-announce-west-ern-states-pact/>
- Colorado, Utah, Wyoming, New Mexico, Kansas, Missouri:  
<https://www.hpr.org/post/kansas-and-colorado-governors-talks-coordinate-regional-response-covid-19>
- Maine, New Hampshire, Vermont:  
<https://vtdigger.org/2020/04/15/vermont-to-join-multi-state-effort-to-coordinate-coronavirus-recovery/>
- DC, Maryland, Virginia:  
<https://wtop.com/coronavirus/2020/04/maryland-virginia-and-district-coordinating-virus-response/>