

activity includes the involvement of the federal government.

State/provincial relations undeniably have policy implications for the U.S. Federal Government. First, and most obvious, is the constitutional implication of this state/provincial activity in the context of the U.S. federal system. There is, in a general sense, no doubt in the U.S. Constitution as to where the treaty-making power lies. Article II Section 2 states: "He (the President) shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur..." Moreover, states are expressly forbidden in the Constitution to conduct "foreign" relations without the consent of Congress according to Article I Section 10: "No state shall enter into any treaty, alliance or confederation... No state shall without the consent of Congress... enter into any agreement or compact with another state or with a foreign power..." However, states do participate in forms of external relations, with varying degrees of legal formality, and Congress has deemed that not all these relations require Congressional consent. The Congress is willing to absorb the functional needs of states in these external relations, but is concerned with the "political" power of states and the extent to which this power might erode the centrality of the U.S. Federal Government. For example, in a statement on the Constitution prepared for Congress in its seventy-fourth session and repeated for its eighty-eighth session, it is stated: "The terms 'compact' and 'agreement'... do not apply to every compact or agreement... but 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." Nor is there any uncertainty as to the nature of this prohibition: "The terms cover all stipulations affecting the conduct or claims of the states, whether verbal or written, formal or informal, positive or implied with each other or with foreign powers."

Varying degrees of legal formality

No constitutional issue

Significantly, there were no major cases uncovered in the research for the State Department sponsored study that would raise fundamental constitutional questions about the U.S. federal system and the role of the states in external affairs. This is probably attributable to the fact that state/provincial activity is primarily concerned with functional necessities. However, it should be noted that

Eastern Canadian Provinces Transportation Advisory Committee and the New England/Eastern Provinces Energy Advisory Committee, which were established in August 1973 by the respective governors and premiers. The sixth technique used by states in dealing with provinces involves Canadian provincial participation in U.S. interstate compacts. For example, the Uniform Vehicle Registration Proration and Reciprocity Interstate Compact has a total of 19 states as members, in addition to British Columbia and Alberta. Another example is the 1949 Interstate Forest Fire Protection Compact, which includes the six New England states, New York and the provinces of Quebec and New Brunswick.

The seventh technique used by state and provincial officials involves professional associations in which both state and provincial officials are members (e.g. the International Association of Law Enforcement Officers and the American Association of Motor Vehicle Administrators). Conventions and meetings of such associations serve as channels for getting together, enabling state/provincial officials to establish personal contacts, to discuss common problems and to exchange information and resolve issues. In addition, the associations themselves can serve as the basis for, or indeed obviate the need for, separate state/provincial activity through such associational activities as technical discussions, the sponsorship of co-operative projects, the passing of resolutions, and the establishment of guidelines. Some U.S. states have reported as many as two dozen associations they felt were relevant in their dealings with provincial officials. Indeed, a total of 40 states reported state/provincial activity involving associations, and it can be roughly estimated that 21 per cent of the total state/provincial activity includes the involvement of associations.

Federal channels

The final trans-border technique used by state and provincial officials involves federal governmental channels. This refers both to the direct membership of states and provinces in federal Canadian-U.S. joint organizations (e.g. the Great Lakes Fisheries Commission and the International Joint Commission's numerous reference groups), and to state/provincial officials dealing with each other in the context of meetings with U.S.-Canadian federal authorities (e.g. the network of U.S.-Canadian civil defence agreements). It can be roughly estimated that 15 per cent of the total state/provincial