

or house illegal immigrants. A recent surge of Hispanic residents to the formerly homogenous city pushed the issue onto the public agenda in Hazelton, but as can be expected in a federal system, Hazelton's laws would not be left to the city's residents to decide. Instead, the Hazelton laws are being challenged in federal court largely on the grounds that municipalities have no right to preempt federal authority on immigration issues, and that the Hazelton laws clash with federal antidiscrimination and fair-housing laws.

While the federal courts did find Hazelton's law unconstitutional in July of 2007, it seems clear that the outcome of the case did not end the intergovernmental mess that engulfs this issue. In 2008 and 2009 several states, including Oklahoma, Colorado, and Virginia, decided to curtail medical care, mortgage loans, and other benefits for illegal immigrants as the national economy soured. And back on the West Coast there were renewed efforts in California to place a question on the ballot that would end public benefits for illegal immigrants, cut off welfare benefits for their children, and impose new rules for birth certificates. It is clear the combination of immense political and economic pressures, changing demographics, and large gray areas within the realm of American federalism will keep intergovernmental relations in the area of immigration very tense for years to come.

**For Discussion:** *Why have state and local governments become more active in regulating illegal immigrants during recent years? How does the design of American federalism lead to the types of intergovernmental conflicts found in the area of immigration?* ▲

## SUMMARY

The process of intergovernmental relations is federalism in action. It is the complex network of day-to-day interrelationships among the governments within a federal system. It is the political, fiscal, programmatic, and administrative processes by which higher units of government share revenues and other resources with lower units of government, generally accompanied by special conditions that the lower units must satisfy as prerequisites to receiving the assistance.

The U.S. Constitution created the permanent features of intergovernmental relations in the United States. The popular image of the federal system as a layer cake, with each layer of government neatly on top of the other, is deceptive. The reality is more like a marble cake, in which the cooperative relations among the varying levels of government result in an intermingling—not a layering—of activities.

The key word in the new American thrust toward decentralization or devolution is mandate: One level of government requires another to offer—or pay for—a program as a matter of law or as a prerequisite to partial or full funding for either the program in question or other programs. Mandates are orders. The movement toward devolution is spurred on by jurisdictions and constituencies that increasingly resent taking such orders.