

Indiana Law Review

Volume 32

1998

Number 1

SYMPOSIUM: NATIONAL POWER AND STATE AUTONOMY: CALIBRATING THE NEW “NEW FEDERALISM”

CYNTHIA A. BAKER*
JONATHAN D. MATTINGLY**

INTRODUCTION

In 1819, Chief Justice John Marshall addressed the balance between the power of the federal government and that of its member states in authoring the celebrated opinion of *McCulloch v. Maryland*. Chief Justice Marshall, speaking for the United States Supreme Court, set the terms of the debate about federalism and held that the federal government “is the government of all; its powers are delegated by all; it represents all, and acts for all.” In doing so, Chief Justice Marshall noted that the question of federalism is “perpetually arising, and will probably continue to arise, as long as our system shall exist.”

History has proven Chief Justice Marshall’s prediction correct. Federalism questions are a recurring source of major constitutional and political issues. In fact, the United States Supreme Court has recently addressed the “perpetually arising” question of federalism in a number of decisions, including *Printz v. United States*, *Idaho v. Coeur d’Alene Tribe*, and *City of Boerne v. Flores*. Today’s symposium, “National Power and State Autonomy: Calibrating the New ‘New Federalism,’” will explore the present and future effects of these decisions on the balance of federalism in the context of the United States Constitution, Supreme Court precedent, governmental structure, and public policy.

The symposium will begin with an overview of the historical and doctrinal context for the recent developments in federalism and continue with three academic sessions, each of which will explore decisions recently handed down by the United States Supreme Court and the balance of federalism left in their wake. The symposium also features a luncheon address from the Honorable Jeffrey Modisett, Attorney General of Indiana. Participation in the symposium promises guests the opportunity to hear nationally renown academics discuss how federal, state, and local governments are affected by recent changes in federalism. The Program on Law and State Government and the *Indiana Law Review* thank you for joining us in the Chamber of the Indiana House of Representatives to learn how the United States Supreme Court’s recent calibration of federalism impacts us all.

* Director, Program on Law and State Government, Indiana University School of Law—Indianapolis. B.A., *with distinction*, 1988, Valparaiso University; J.D., *magna cum laude*, 1991, Valparaiso University School of Law.

** Symposium Editor, *Indiana Law Review*, Volume 31. B.S., 1995, University of Notre Dame; J.D., 1998, Indiana University School of Law—Indianapolis.

