




American Government

- *America At Odds, 6th Ed.*
- Edward Sidlow & Beth Henschen




Federalism

1. Federalism and Its Alternatives
2. The Constitutional Division of Powers
3. The Struggle for Supremacy
4. Federalism Today
5. The Fiscal Side of Federalism



2



1. Federalism and Its Alternatives

- What is federalism
 - A system of shared sovereignty between 2 levels of government, one national & one sub national

3



Alternatives to federalism

- Unitary system- a centralized governmental system in which local or subdivisional governments exercise only those powers given to them by the central governments

- Confederal system (Articles of Confederation)-a league of independent sovereign states joined by a central government with limited powers



Federalism: Pros & Cons

- Advantage of Federalism
 - Good for the US because of our large size
 - Makes it possible to experiment with innovative policies and programs at the state/local level
 - Allows the political and cultural interests of regional groups to be reflected in the laws governing those groups
- Disadvantage of Federalism
 - Powerful state and local governments can block progress of national plans
 - Small political units are likely to be dominated by a single political group
 - Can complicate interstate transactions because of lack of uniformity of state laws



Current Number of Governments in the US

Government	Number
• Federal	1
• State	50
• County	3,034
• Municipalities	19,431
• Townships	16,506
• Special districts	35,356
- Water, sewer, etc.	
• School districts	13,522
• Total	87,849

Source: US Census Bureau, Preliminary Report, 2006 Census of Governments

6



2. Constitutional Division of Powers

- Powers of the national government
- Concurrent powers
- Powers of the states
- Interstate relations
- Supremacy clause

7



Powers of the National Government

- Powers delegated to the national government
 - Expressed-provided in the Constitution or congressional law
 - Implied-implied by the expressed powers
 - Inherent-powers necessary to ensure the nation's integrity & survival as a political unit.
- Powers prohibited to the national government

8



Powers of the States

- 10th Amendment-powers not delegated to the national government, nor prohibited to the states, "are reserved to the states respectively, or to the people
- These powers are not specified and have been defined differently at different times in our history.
- Prohibited Powers—some are specifically mentioned in the Constitution and certain amendments

9



Interstate Relations

- The Constitution requires each state to honor every other state's public acts, records, and judicial proceedings.
- May include agreements known as *interstate compacts* among two or more states to regulate the use or protections of certain resources.

10



Concurrent Powers

- Concurrent powers can be exercised by both the state governments and the federal government


11



Supremacy Clause

- Article VI, Clause 2
- The US Constitution & the laws of the federal government "shall be the supreme law of the land."
- States cannot use their reserved or concurrent powers to counter national policies


12



Powers Granted by The Constitution

National Powers	
<ul style="list-style-type: none"> •Coin money •Conduct foreign relations •Regulate interstate commerce •Declare war 	<ul style="list-style-type: none"> •Raise & support a military •Establish post offices •Admit new states •Powers implied by the necessary & proper clause
Concurrent Powers	
<ul style="list-style-type: none"> •Levy & collect taxes •Borrow money •Make & enforce laws 	<ul style="list-style-type: none"> •Establish courts •Provide for general welfare •Charter banks & corporations
State Powers	
<ul style="list-style-type: none"> •Regulate intrastate commerce •Conduct elections •Provide public safety, health, welfare & morals 	<ul style="list-style-type: none"> •Establish local governments •Establish state militia •Ratify amendments to US Constitution -


13



Powers Denied by The Constitution

National Powers	
<ul style="list-style-type: none"> •Tax articles exported from any state •Violate the Bill of Rights •Change state boundaries 	
Concurrent Powers	
<ul style="list-style-type: none"> •Grant titles of nobility •Permit slavery •Deny citizens the right to vote 	
State Powers	
<ul style="list-style-type: none"> •Tax imports or exports •Coin money •Enter into treaties •Impair obligations of contracts •Abridge the privileges or immunities of citizens or deny due process and equal protection of the laws 	

14



3. Struggle for Supremacy

- Early US Supreme Court decisions
- Dual federalism
- Cooperative federalism

15



Early Supreme Court Decisions

- *Marbury v. Madison*, 1803
 - Judicial review
- *McCulloch v. Maryland*, 1819 firmly established
 - The doctrine of “implied powers”
 - Principle of “national supremacy”
- *Gibbons v. Ogden*, 1824
 - Opened the door to vast expansion of national control over commerce

16



Dual Federalism

- A system of government in which both the federal and the state governments maintain diverse but sovereign powers
- After *Gibbons v. Ogden* there was a shift back to states rights in from late 1820-30
- South Carolina challenged that in conflicts between state government & national government, states should have ultimate authority. Result-Civil War
- Dual Federalism ended in the 1930s during the Great Depression

17



Cooperative Federalism

- Theory that state & federal governments should cooperate in solving problems
- Emerged in 1930's as a result of the Great Depression
- New Deal ushered in by Franklin Roosevelt, 1933-1945
- Marked real beginning of national supremacy





4. Federalism Today

- The new federalism-1970-80's shift from nation-centered to state-centered federalism
- The Supreme Court and the New Federalism

19



5. The Fiscal Side of Federalism

- Federal grants
 - Categorical grant-targeted for a specific purpose as defined by federal law
 - Block grant-given for a broad area such as mental health
- Fiscal federalism –the power of the federal government to influence state policies through grants
- Competitive federalism-competition for businesses/citizens by offering competitive advantages

20
