

FEDERALISM

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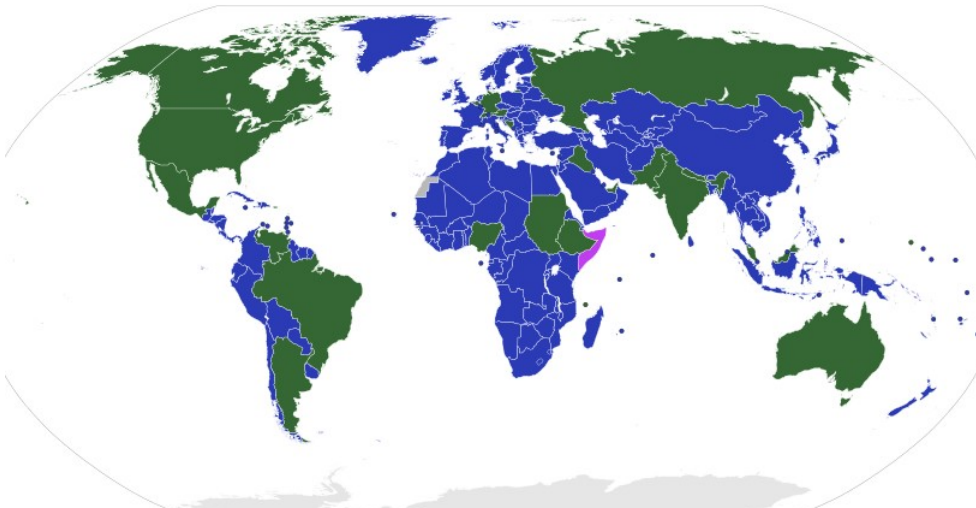
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PRELIMINARIES

- Federal system: A system of government where power is divided between two or more levels of government.
- Unitary system: A system of government where power is held (nearly) entirely by a single level of government.

WHICH COUNTRIES ARE FEDERAL?

AND WHICH ARE UNITARY?



PATTERNS?

- Countries that are larger (population and land area) tend to be federal.
- Countries that are smaller (population and land area) tend to be unitary.
- Why?

TYPES OF FEDERALISM

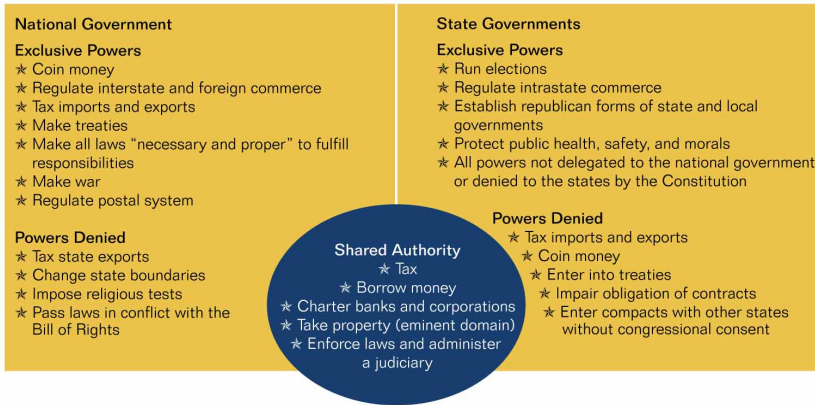
It's all about how power is divided between the national government and the states (power differentiation):

- Dual federalism
- Cooperative federalism
- Coercive federalism
 - The role of money in coercive federalism

POWER

- National power
- State power
- Concurrent power
 - Taxation
 - Banking
 - Drug laws

Figure 3-2 The Constitutional Basis for Dual and Shared Federalism



Source: Adapted from Lee Epstein and Thomas G. Walker, *Constitutional Law for a Changing America: A Short Course*, 6th ed. (Washington, DC: CQ Press, 2015), Table III-1, p. 189.

FEDERAL REGULATION OF THE STATES

EXAMPLES

- Education (No Child Left Behind, Education for All Handicapped Children Act/IDEA, e.g.)
- Environment (Clean Air Act, Endangered Species Act, e.g.)
- Voting regulations (Help America Vote Act, National Voter Registration Act, e.g.)
- Drinking age (National Minimum Drinking Age Act)

FEDERALISM IN THE COURTS

- United States v. Texas (2016)
 - DAPA and the Administrative Procedure Act
 - “notice and comment”