

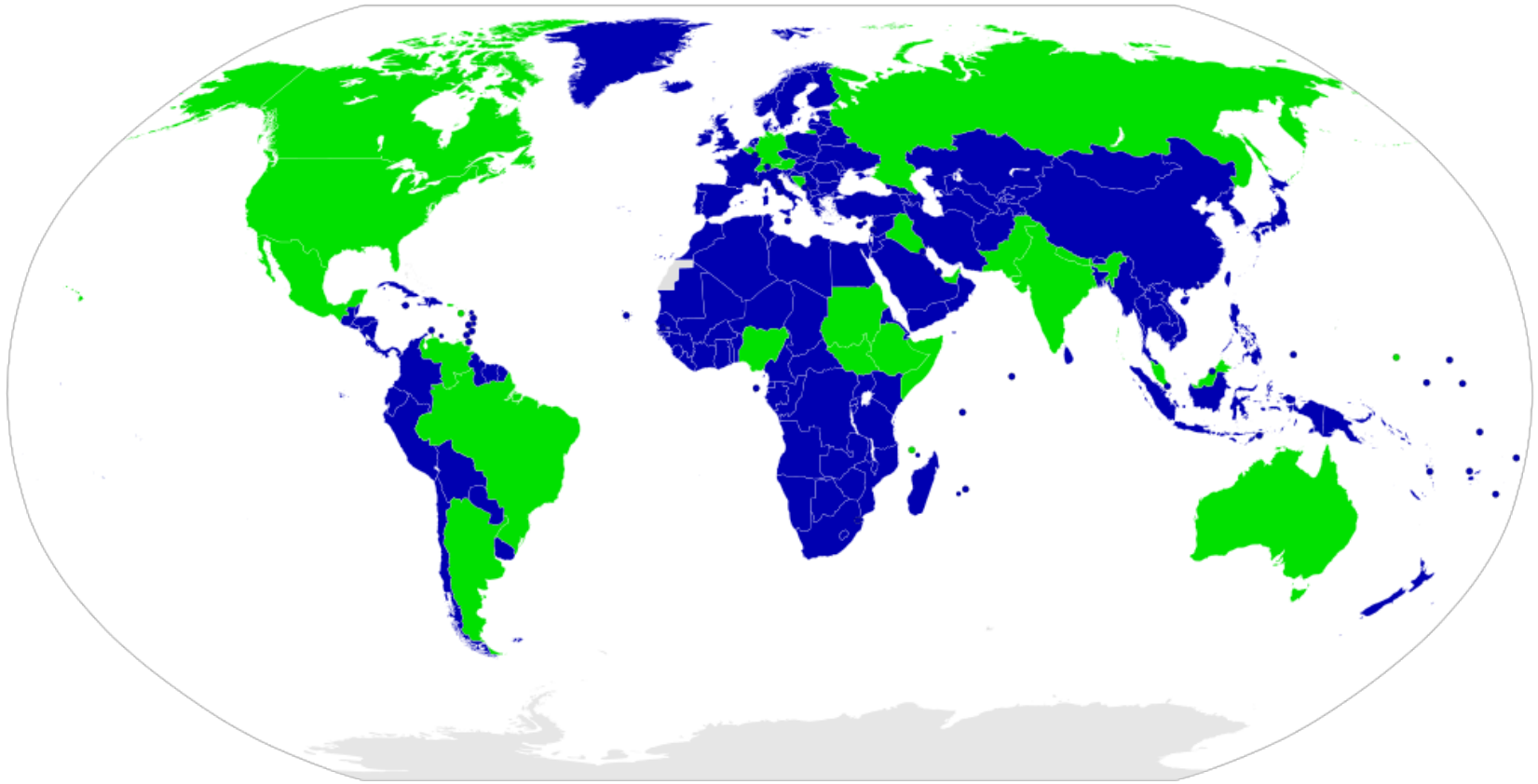
Federalism

What is Federalism?

- The definition presented by *We the People*:
 - “A system of government in which power is divided, by a constitution, between the central (national) government and regional (state) governments” (glossary)
- Other forms:
 - Unitary
 - Where governmental power is concentrated in a central government
 - Confederal
 - Where the central government has less power than the units that are part of the country, like the Articles of Confederation

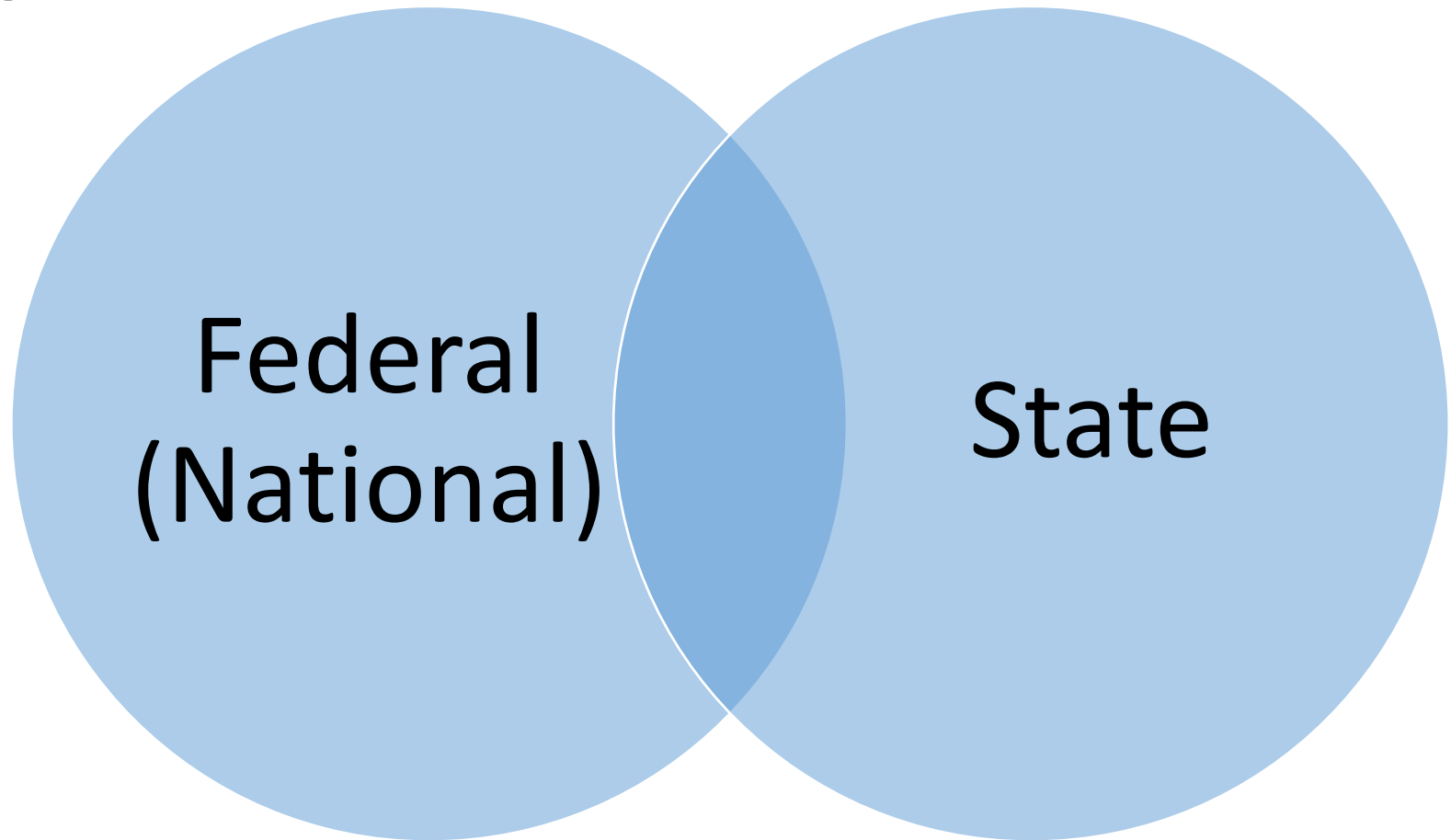


Countries with Federal Systems





In the US, there is overlap between the powers of the levels of government



Federalism in the Constitution

- “Expressed Powers” or “Enumerated Powers”
 - These are the powers that are specifically listed as powers of Congress (Article I, section 8)
- Implied Powers: Elastic Clause or “necessary and proper”
- Supremacy Clause (Article VI)
 - Where powers overlap, the national government is supreme
- Denied Powers
 - Powers denied to federal government (see Art. I, sec. 9)
 - Powers denied to state governments (see Art. I, sec. 10)
- Reserved Powers: 10th amendment

Examples where states are primarily the government authority

- Elections
 - Who is eligible to vote
 - No state can legally keep citizens 18 years and older from voting based on race, ethnicity, or gender.
 - Other possible restrictions: some states bar persons convicted of crimes from voting
 - How elections are run
- Regulate intrastate commerce (commerce within the state)
- Police
- Regulate lawyers
- Certify teachers

McCulloch v. Maryland (1819)

- An important case for federalism
- Two questions were posed:
 - Can Congress charter (create) a bank?
 - Can Maryland tax that bank?
- Answers from the Supreme Court:
 - Congress Can Charter A Bank
 - Based on the “necessary and proper” clause
 - Maryland Cannot Tax the Bank
 - supremacy clause
- See the brief summary of the case at [Oyez.com](https://www.oyez.com/cases/mcculloch-v-maryland)



Layer Cake or Marble Cake?

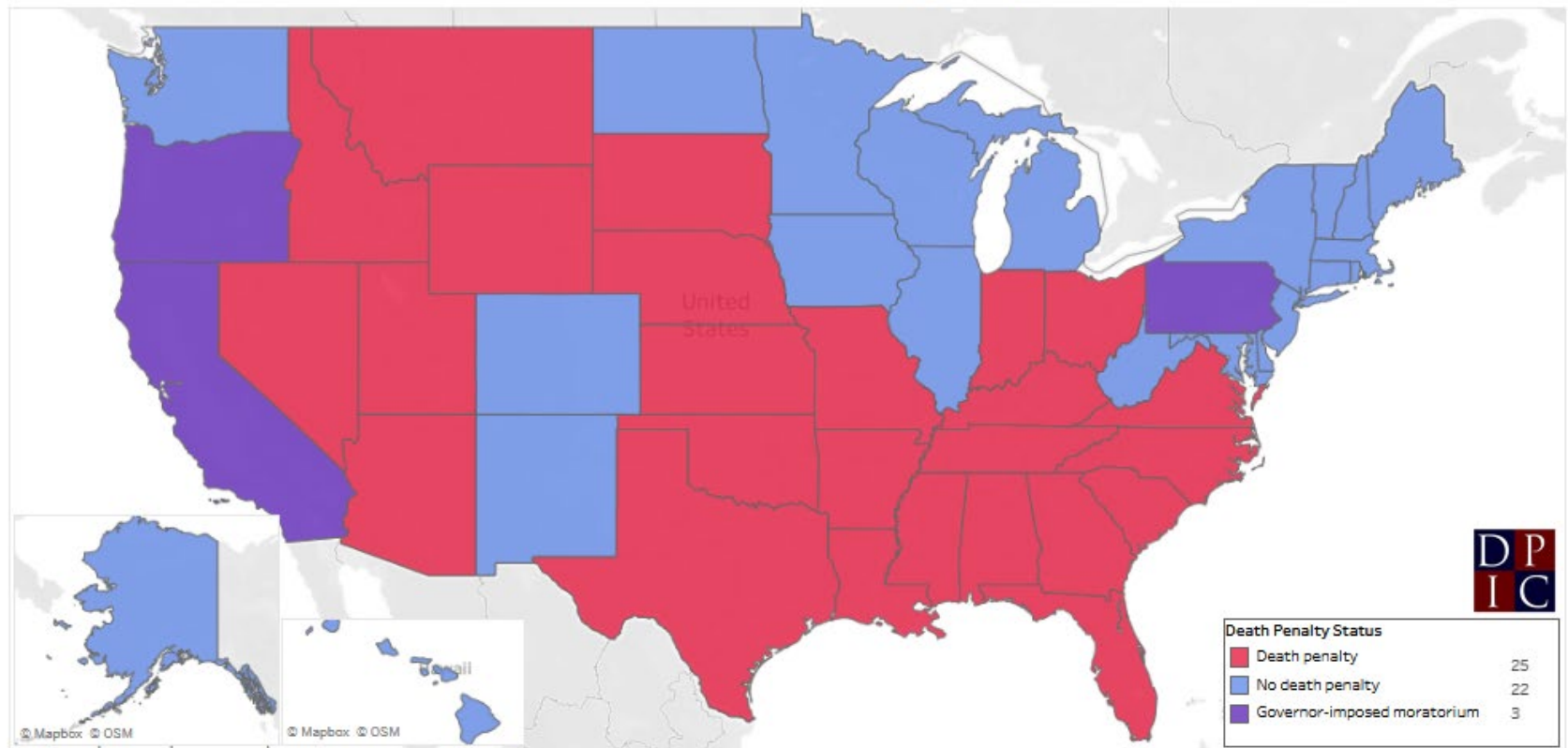


Advantages and Disadvantages of Federal System

- More difficult to have single national policy
- Allows inequities among states
- State or local control can perpetuate exclusion of minorities
 - E.g. discrimination in South
- A layer of government closer to the people is easier to access
- Allows for state experimentation (“political laboratories”)
- Allows variations that reflect local interests
- Checks power of national government

States decide whether or not to have capital punishment

States with and without the death penalty - 2020



Year: 2020

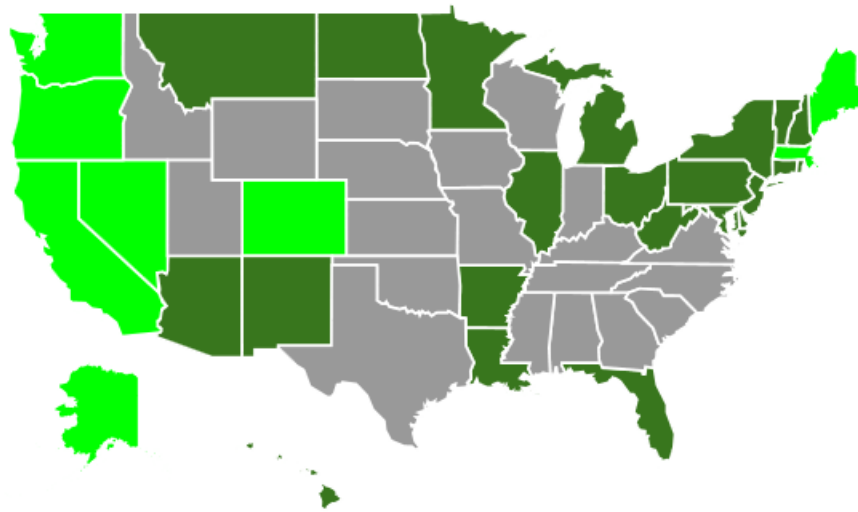
State: (All)

Region: (All)

Year of Abolition: (All)

A more blurry example: state legalization of marijuana

Information is current as of March 30, 2018.



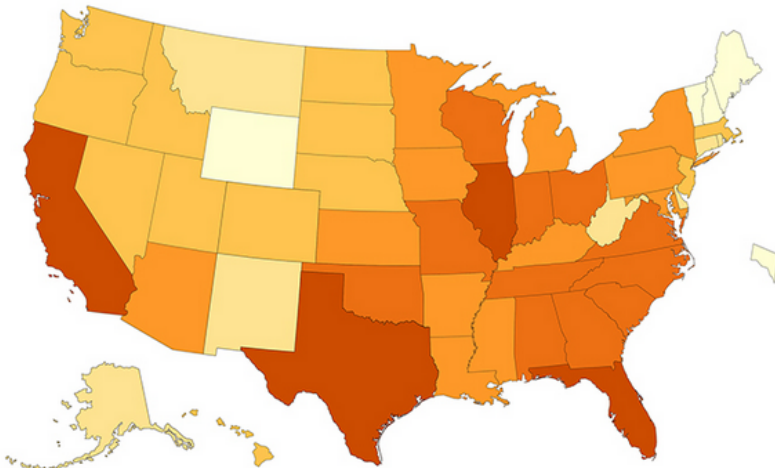
Marijuana Legalization Status

- Medical marijuana broadly legalized
- Marijuana legalized for recreational use
- No broad laws legalizing marijuana

NOTE: Although Louisiana is considered to have legalized marijuana on our map, it cannot be used in a form that can be smoked -- only oils, topical applications and other types. Some states shown above with no laws broadly legalizing medical marijuana provide limited access under certain circumstances. States like Alabama and Mississippi, for instance, maintain laws permitting medical marijuana for severe epileptic conditions.

COVID-19 in the Federal System

United States COVID-19 Cases in the Last 7 Days By State and Jurisdiction



cdc.gov/coronavirus

Territories AS FSM GU MP PR PW RMI VI

**LATEST
DATA**

AS OF
SEPTEMBER 8, 2020

Cases reported
September 2 through
September 8, 2020

- 0 - 313
- 535 - 1,154
- 1,409 - 2,868
- 3,176 - 5,564
- 5,889 - 12,653
- 16,064 - 30,114



CDC
@CDCgov

As of Sept. 8, the total number of [#COVID19](#) cases in the US surpassed 6 million. COVID-19 is widespread in many areas, particularly in the upper Great Plains, Midwest, and South. Additionally, 5 states reported over 10,000 new cases in the last week. bit.ly/33bNiop

2:25 PM · Sep 9, 2020 · Twitter Web App

151 Retweets 15 Quote Tweets

170 Likes

Coronavirus: Cases per capita (as of September 9, 2020)



The New York Times

PLAY THE CROSSWORD

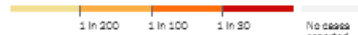
Account

percent from the average two weeks earlier.

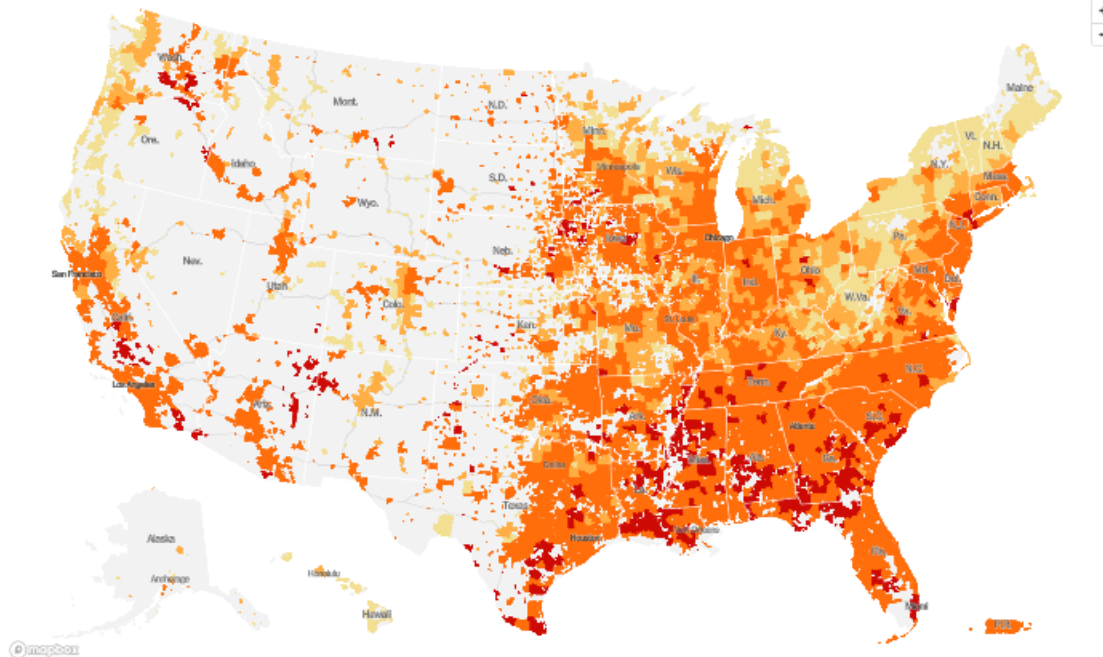
As of Wednesday afternoon, more than 6,354,600 people in the United States have been infected with the coronavirus and at least 189,900 have died, according to a New York Times database.

Hot spots Total cases Deaths Per capita

Share of population with a reported case



Double-click to zoom into the map.



Sources: State and local health agencies and hospitals. Population and demographic data from Census Bureau.

About this data