Chapter 3: Federalism

1. Defining Federalism
   1. What is federalism?
      1. Federalism
         1. System of shared power between two or more units of government
      2. Unitary Government
         1. All power resides in a strong central government
      3. Confederation
         1. A system of government where the the national government is weak and all power is held in the states.
      4. The Federal System works via intergovernmental relations
         1. Intergovernmental relations
            1. The workings of the federal system- the entire set of interactions among national, state, and local governments, including regulations, transfers of funds, and the sharing of information.
   2. Why is Federalism So Important?
      1. Improves Judicial Power
      2. Decentralizes our politics and policies
      3. Larger power can influence states decisions.
2. The Constitutional Basis of Federalism
   1. There is an inherent division of power
      1. Supremacy Clause establishes the following as supreme over states laws
         1. The Constitution
         2. Laws of the national government
         3. Treaties
      2. 10th Amendment
         1. States only have power of what the Constitution doesn’t regulate
      3. United States v.s Darby
         1. Established that states have independent powers
      4. National League of Cities v.s. Usery
         1. Federal minimum wage is not allowed to be enforced on employees of the state governments
      5. Garcia v.s. San Antonio Metro
         1. Overturned the ruling of National League of Cities v.s. Usery
   2. Establishing National Supremacy
      1. Implied Powers
         1. Powers of the federal government that go beyond those enumerated in the Constitution, in accordance with the statement in the Constitution that Congress has the power to “make all laws necessary and proper for carrying into execution the powers enumerated in Article I”.
         2. McCulloh v. Maryland
            1. Ruled that national government laws rule over state government.
      2. Enumerated powers
         1. Powers of the federal government that are specifically addressed in the Constitution; including the powers listed in Article I, Section 8, for example, to coin money and regulate its value and impose taxes.
      3. Elastic Clause
         1. The final paragraph of Article I, Section 8, of the Constitution, with authorizes Congress to all laws “necessary and proper” to carry out enumerated powers.
      4. Commerce Power
         1. Gibbons v. Ogden
            1. Defined commerce as any from of commercial activity.
      5. The Civil War
         1. Military example of what McCulloh v. Maryland proved
      6. The Struggle for Racial Equality
         1. Brown v. Board of Education
            1. Segregation of schools was ruled unconstitutional
            2. Many southern states opposed this ruling, however this is an example of where the federal government reigned supreme
   3. States’ Obligations to Each Other
      1. Full Faith and Credit
         1. A clause that requires states to recognize the public acts, records, and judicial proceedings of all other states.
         2. Allows intrastate commerce and ensures credit is valid in all states
      2. Extradition
         1. A legal process whereby a state surrenders a person charged with a crime to the state in which the crime is alleged to have been committed.
         2. Ensures that criminals cannot avoid prosecution by simply going over state boundaries.
      3. Privileges and Immunities
         1. The provision of the Constitution according citizens of each state the privileges of citizens of other states.
         2. If you visit California, a resident of Ohio will pay the same sales tax as a resident of California,
3. Intergovernmental Relations Today
   1. From Dual to Cooperative Federalism
      1. Dual Federalism
         1. A system of government in which both the states and the national government remain supreme within their own spheres, each responsible for some policies.
      2. Cooperative Federalism
         1. A system of government in which powers and policy assignments are shared between states and the national government.
      3. With the addition of many programs we have slowly moved from a dual to a cooperative federalism. Many responsibilities are shared,
      4. A good example of Cooperative Federalism would be with Hurricane Irma. We saw local, state, and federal governments all chipping in to help the preparation and relief effors.
      5. Cooperative Federalism’s principles
         1. Shared Costs
            1. Cities and states share costs to build airports and roadways
         2. Federal Guidelines
            1. Federal grants have stings attached and most are requited to be spent a certain way
            2. States must adopt the legal drinking age
         3. Shared Administration
            1. Local and State officials may implement federal policies but they have powers of their own.
   2. Devolution?
      1. Devolution
         1. Transferring responsibility for politics from the federal government to state and local governments.
         2. Reagan’s federal budget reduced funds for states and therefore responsibility for policy shifted back to the states.
   3. Fiscal Federalism
      1. Fiscal Federalism
         1. The pattern of spending, taxing, and providing grants in the federal system; it is the cornerstone of the national government’s relations with state and local governments
      2. The Grant System: Distributing the Federal Pie
         1. Categorical grants
            1. Federal grants that can only be used for specific purposes, or categories, of state and local spending. They come with strings attached, such as nondiscrimination provisions.
         2. Project grants
            1. Federal categorical grant given for specific purposes and awarded on the basis of merit applications
         3. Formula grants
            1. Federal categorical grants distributed according to a formula specified in legislation or in administrative regulations.
         4. Block grants
            1. Federal grants given more or less automatically to states or communities to support broad programs in areas such as community development and social services.
      3. The Scramble for Federal Dollars
         1. Most states have full time staffers in Washington scrambling to get as much as that 600 billion dollars as possible.
      4. The Mandate Blues
         1. Mandates
            1. Requirements that direct states or local governments to provide additional services under threat of penalties or as a condition of receipt of a federal grant
            2. Most states and local governments comply
      5. No Child Left Behind
         1. Schools had to improve performance or federal funds would be pulled.
4. Understanding Federalism
   1. Federalism and Democracy
      1. More levels of government mean more checks and balances
      2. More levels also mean more opportunities for political participation
      3. Different states can concentrate on different things
         1. For example, citrus growing matters a whole lot more to California than it does to Rhode Island, so the states can tailor their legislation to their state
      4. Federalism can also thwart national majority on issues
   2. Federalism and the Scope of the National Government
      1. National government has grow in in response to the demands of Americans for public services it can best provide, bit it has not in any way supplanted the states.