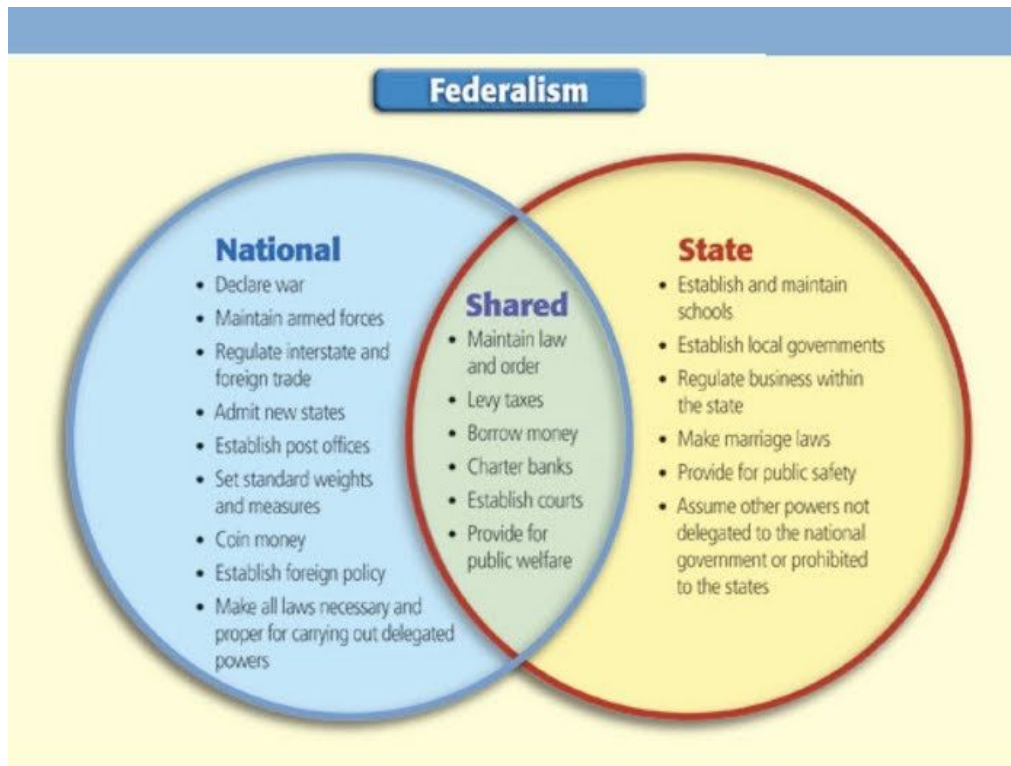


Review Guide Unit 1 Pt. 2

Chapter 2: Federalism

Definition of Federalism

Federalism- the sharing of power between the central government and the equally sovereign regional governments.



FEDERALISM:

What is Federalism?

- A system of government in which power is divided between national, state and local governments.
- Federal System Power (sovereignty is shared)


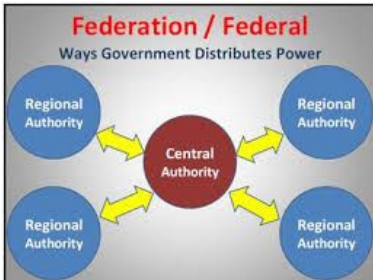
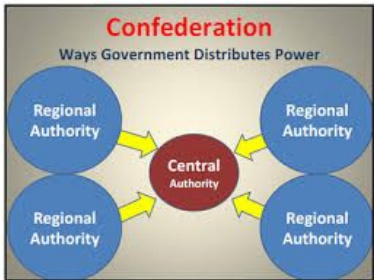
<u>Benefits</u>	<u>Disadvantages</u>
<ul style="list-style-type: none">• Allows for state/local action- local concerns	<ul style="list-style-type: none">• Tougher for a national government to make one

<p>(hurricanes, snow storms, other natural disasters)</p> <ul style="list-style-type: none"> • More access points/ways to participate in government (local, state, federal levels) • States can take action on an issue if national govt. fails to address the problem • States can be the laboratories of democracy • National Government takes a uniform policy(foreign/economic policy) • Divides power- protects liberty 	<p>unified national policy in a large republic with differing state interest</p> <ul style="list-style-type: none"> • States rights have been used to further discrimination (segregation, opposition to Civil Rights Acts)
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Changes in Federalism

- Civil War/New Deal
- Federal power grew during the Civil War and the permanently expanded during the Great Depression when the Federal Govt. Began taking an active role in the economy.
- The New Deal is seen as the transition point from Dual to Cooperative Federalism.

Systems of Government

Unitary Government	Federal Government	Confederal Government
<p>The central government is superior to the subunits and is the governing unit.</p> 	<p>The central government and the subunits share equal power.</p> 	<p>Subunits are superior to and control the central government.</p> 

Theories of Federalism

Dual Federalism

-Also known as layer-cake federalism, is a political arrangement in which power is divided between the federal and state governments in clearly defined terms

Cooperative Federalism

-Also known as a marble- cake federalism, is a concept of federalism in which national, state, and local governments interact cooperatively and collectively to solve common problems, rather than making policies separately but more or less equally.

Grants/Mandates

The federal government has gained power over the years through the use of money. They can do this in multiple different ways, it depends on the situation.

Categorical Grants

The government gives money for a specific purpose, it is the favored way to give states money.

Conditions-of-Aid

Money that is given to states on the condition that they do something the federal government wants.

Ex. The Fed. Govt. passes a bill to raise the drinking age and the states must agree to it or lose 10% of their road funding.

Mandates

Rules that the states must follow, they can be completely unfunded.

Block Grants

Federal money that is given to use within a broad purpose, plenty of freedom on what it can be used on.

Revenue Sharing(Nonexistent)

Not currently in existence, federal money given to states with absolutely no strings attached at all.

Clauses of the Constitution

Commerce Clause- gave Congress the power to regulate commerce with foreign nations and among the states.

Supremacy Clause- makes the Constitution supreme to all laws and makes anything that contradicts it void.

Elastic Clause- allows Congress to make laws that are necessary for carrying out their expressed powers.

- Can be found in Article 1, Section 8

Devolution (Ronald Reagan)

-Gives responsibilities from Federal Government back to states.

-Devolution is specifically based on new federalism, which is a form of federalism that allows the states to reclaim some power while recognizing the federal government as the highest governmental power.

New Federalism (Richard Nixon)

-Is a political philosophy of devolution or the transfer of certain powers from the United States federal government back to the states.

-New Federalism typically involves the federal government providing block grants to the states to resolve a social issue.

Incorporation Doctrine and the Due Process Clause

The Incorporation Doctrine applied the Bill of Rights to the states through the Due Process Clause of the 14th Amendment. Before the Incorporation Doctrine, the Bill of Rights did not apply to the states. The Due Process Clause of the 14th Amendment states that life, liberty, and property can not be taken away without due process.

United States v. Lopez

In US v. Lopez, the federal court used the commerce clause to enforce the Gun-Free School Zone Act. The federal government argued that the commerce clause could be used to regulate guns near school campuses because guns raise the possibility of a violent crime and violent crimes cause harm and creates expenses such as insurance costs, and deferring travel to the area of the violent crime which can affect surrounding businesses. The Supreme Court ruled that federal government stretched the Commerce Clause too far and that the commerce clause does not have unlimited jurisdiction.

McCulloch v. Maryland

In McCulloch v. Maryland, the federal government created a national bank, which was in Maryland. The Maryland state government then taxed this bank and the legitimacy of this was questioned. The national government's power to create a national bank was also questioned. The Supreme Court then ruled that the national bank could not be taxed because of the Supremacy Clause which states that the federal government has more power over the state government. The

Supreme Court also ruled that the national government had the power to create the national bank by using the necessary and proper clause, meaning that the federal government could create the national bank to exercise their power of the purse.

Gibbons v. Ogden

The case was between New York and the federal government over navigation rights for the Hudson River. The court questioned whether or not Congress had the right to oversee the navigation rights for the Hudson River. The court looked into Article 1, Section 3 of the US Constitution and found that the commerce clause gave Congress the right oversee of over most commercial activities. The interpretation of the commerce clause in Gibbons v. Ogden became the centerpiece of debate over the balance between the national and states government. The ruling in Gibbons v. Ogden ended up leading to a system of dual federalism.

Marbury v. Madison

William Marbury was appointed by President John Adams to become Justice of Peace, but he did not receive his commission. The court questioned they had the ability to order the delivery of the commission. The court ruled that Madison was entitled to his commission, but the court couldn't grant it because of the Judiciary Act of 1789 which conflicted with the Constitution. However, this case established the Supreme Court's power of judicial review, which gave the Supreme Court the ability to strike laws down as unconstitutional.