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Instructor Manual

Chapter 2 Summary

Chapter 2 discusses the relationship between the federal government and state governments. The chapter offers both a historical and a comparative approach to studying the federal political system in the United States. The origins of this system stem from failed attempts to install unitary and confederal systems of government. Although a federal system of government emphasizes power sharing between central and regional governments, states and localities are engaged in an ongoing battle with the federal government in terms of policy and financial responsibility. As the text notes, this has led to numerous court cases challenging the sources of federal and state power in the U.S. Constitution.

Chapter 2 also discusses the advantages and disadvantages of federalism. While federalism allows for greater policymaking flexibility and experimentation, it also can create undue complexity and confusion. The battle over policymaking authority between states and the federal government has resulted in different "eras" of federalism. The authors note that while federalism was initially characterized by a specific division of policy responsibility between the states and the federal government (dual federalism), the relationship evolved allowing, for a time, greater control by the federal government over policy areas that were once understood to be the sole responsibility of the states. The era of New Federalism afforded the states more autonomy and policymaking discretion, but fewer financial resources. Since 2002, ad hoc federalism has emerged whereby powers and responsibilities are assigned to the federal government or the states according to political or partisan convenience. Although long-term effects remain to be seen, the 2008–2009 recession shifted power toward the federal government due, in part, to the states' renewed dependency on the federal government for economic relief. By rigorously examining the various types of federalism through both a historical and a comparative framework, Chapter 2 provides an in-depth analysis of the flow of power across jurisdictions and a systematic framework for examining federal–state relationships.

Lecture Outline

I. Federalism

A. Sharing of power and responsibilities between central and regional governments

B. Central and regional governments operate independently

C. Example: the American Recovery and Reinvestment Act

II. Systems of power

A. Unitary systems: central government delegates authority to regional governments (i.e., United Kingdom)

B. Confederal systems: regional governments delegate authority to the central government (i.e., Articles of Confederation, United Nations)

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C. Federal systems: power is shared between central and regional governments (i.e., U.S. Constitution)

D. Localities are dependent on their states for power and responsibilities

III. Why federalism? The origins of the federal system in the United States

A. Problems with the Articles of Confederation

B. Annapolis Convention and Shays's Rebellion

C. Disgust with centralized authority under British rule

D. Desire for representative government

IV. Advantages and disadvantages of federalism

A. Advantages

1. Proximity to citizens

2. Conflict reduction

3. Flexibility and experimentation

4. Facilitation of national policy goals

B. Disadvantages

1. Increases complexity and confusion

2. Increases conflict between states and the national government

3. Duplication and reduction of accountability

4. Lack of coordination

5. Inequality in services and policy

V. Constitutional basis of federalism

A. Enumerated powers versus implied powers

1. Specific grants of authority

2. Federal government has the power to pass all laws "necessary and proper" to provide for the "general welfare" of the United States

B. Exclusive powers versus concurrent powers

1. Powers given by the Constitution solely to the federal government

2. Powers that both federal and state government can exercise (including the right to tax, borrow, and spend)

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VI. Sources of federal power

A. Necessary and proper clause: implied powers

B. National supremacy clause: federal law trumps state law; "preemption"

C. General welfare clause: an implied power giving Congress the authority to provide for the "general welfare"

VII. Sources of state power

A. Tenth Amendment: gives all powers not designated to the federal government nor denied to the states to the states and the people

B. Full Faith and Credit Clause: the constitutional clause requiring states to recognize each other's public records and acts as valid

C. Privileges and immunities clause: the constitutional clause prohibiting states from discriminating against citizens of other states

D. Fourteenth Amendment: no state shall abridge upon the privileges or immunities of any citizen and each state must provide due process and equal protection for all citizens

VIII. The development of federalism

A. Dual federalism (1789–1933)

1. Layer cake (nation-centered versus state-centered federalism)

2. States' rights

3. Compact theory

4. Nullification and secession

B. Cooperative federalism (1933–1964)

1. Marble cake (overlapping jurisdictions)

2. New Deal

C. Centralized federalism (1964–1980)

1. Grants-in-aid

a. Categorical grants

b. Block grants

c. General revenue sharing

d. Crosscutting and crossover requirements

e. Unfunded mandates

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2. Great Society and Nixon impoundments

D. New Federalism (1980–2002)

1. Devolution

2. Block grants (i.e., AFDC switch to TANF)

E. Ad hoc federalism (2002–present)

1. George W. Bush and the Interagency Working Group on Federalism

2. No Child Left Behind

3. September 11, 2001

4. Great Recession of 2008–2009

IX. Federalism and the U.S. Supreme Court

A. Nation-centered

1. *McCullough v. Maryland*

2. Interstate commerce clause

B. State-centered or ad hoc?

1. *United States v. Lopez*

2. Sovereign immunity

3. *Bush v. Gore*

4. *Gonzales v. Raich*

X. Conclusion

A. Federal system and intergovernmental relationships

B. Future of federalism

For Discussion

1. Is it possible to prevent inequality in policy and services under federalism? For instance, the Welfare Reform Act of 1996 shifted policy responsibility to the states in terms of moving individuals from welfare to work. Are some states better equipped to move individuals from welfare to work than others?

2. Homeland security remains an important policy priority for the states and the federal government, but provisions relating to it remain largely unfunded. Given that state and local emergency personnel are the first responders to any attack or natural disaster, what are the effects of homeland security remaining a largely unfunded mandate in terms of federal–state relations?

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3. Did the U.S. Supreme Court overstep its bounds in its ruling in *Bush v. Gore* (2000)? Should this have remained a state issue with the Florida State Supreme Court holding final authority?

4. What is the future of federalism? What are some potential problems of ad hoc federalism? When each era of federalism is evaluated, is it possible to identify advantages and disadvantages to each?

5. Some believe that the American Recovery and Reinvestment Act had a centralizing effect, resulting in a more powerful federal government. What reasons might they offer to support their belief? Are there reasons to believe otherwise? What are they?

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Chapter Summary

Chapter 2 Federalism: The Power Plan

The relationship between the federal government and state governments is complex. Early in its political history, the United States adopted a federal system of government as a way to ensure an appropriate balance of power between the states and the federal government. Under federalism, states share power with the federal government and are considered independent equals. As such, states have enormous policymaking roles in the American political system, allowing for more responsive and more representative public policy. However, federalism is not without its disadvantages, particularly the complexity and confusion that result from fifty different sets of policy recommendations.

In an attempt to address the disadvantages of federalism, the nature of the relationship between the states and the federal government has experienced many changes. While federalism provides states and local government an opportunity to experiment with public policy, there has been disagreement over how much policymaking authority the states should have. These disagreements have spawned different eras of federalism. The 1930s saw the emergence of a more cooperative relationship between the states and the federal government, whereas the 1960s and 1970s saw an increase in the financial dependence of the states on the federal government. The relationship is further complicated by the fact that the U.S. Constitution fails to explicitly address the powers of state governments. States are now less financially dependent on the federal government, and they have more policy discretion and autonomy, but debates continue over what policy responsibilities lay with each level of government. This has led to renewed arguments over the role of both states and the federal government in the provision of basic public services.

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Discussion Questions

1. At the federal level there are protections against being fired for the color of your skin, your age, your religion and several other individual characteristics. Many states have chosen to add sexual orientation to this list, yet in other states workers can still legally be fired for being gay. What role should the federal government play in dealing with such morality issues as protections for homosexual workers? Should these issues be left entirely up to the states, or should the federal government impose strict requirements to avoid confusion and complexity?

2. Is it possible to prevent inequality in policy and services under federalism? For instance, the Welfare Reform Act of 1996 shifted policy responsibility to the states in terms of moving individuals from welfare to work. Are some states better equipped to move individuals from welfare to work than others? Why or why not?

3. Homeland security remains an important policy priority for the states and the federal government, but provisions relating to it remain largely unfunded. Given that state and local emergency personnel are the first responders to any attack or natural disaster, what are the effects of homeland security remaining a largely unfunded mandate in terms of federal–state relations?

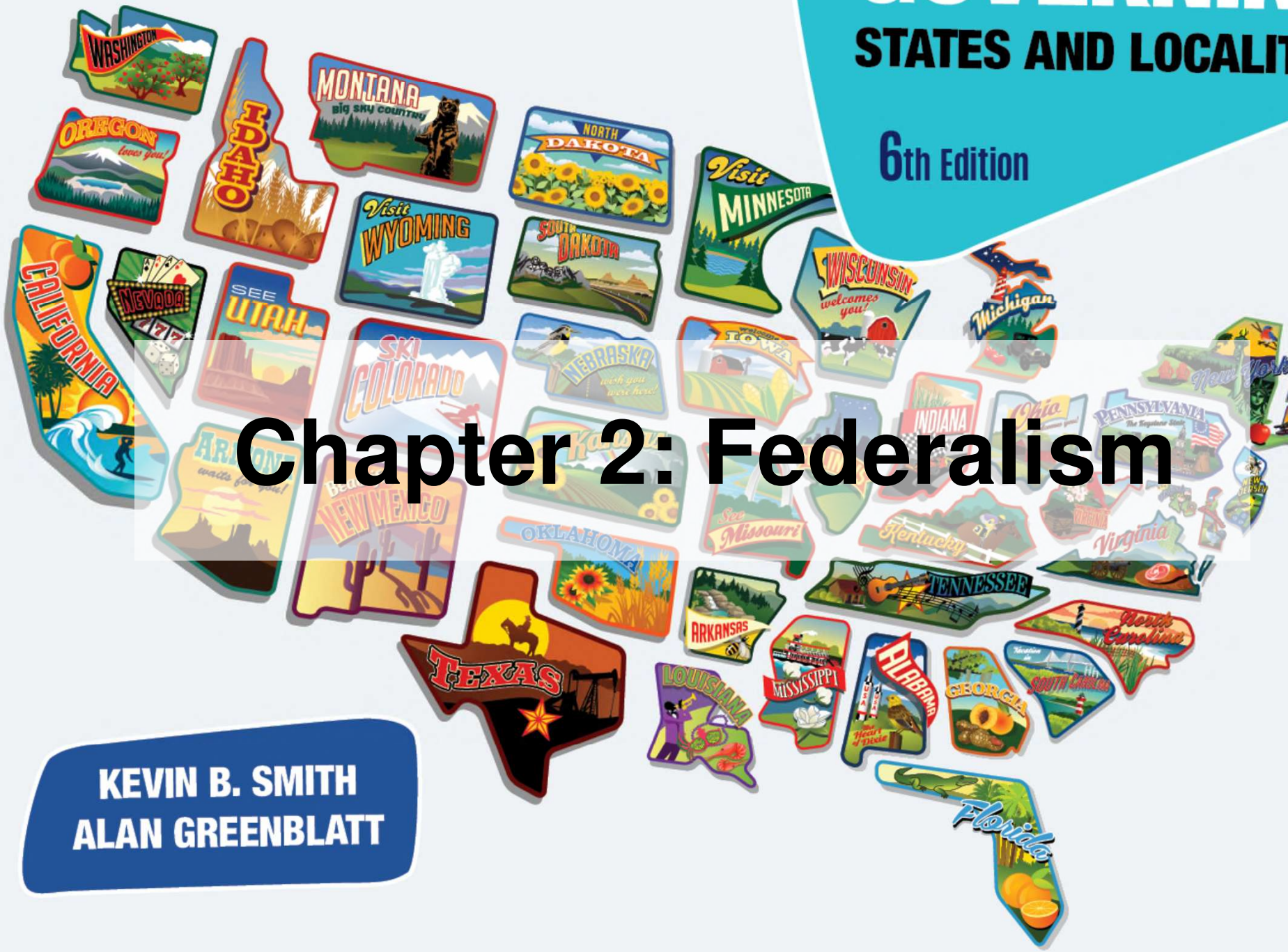
4. Did the U.S. Supreme Court overstep its bounds in its ruling in Bush v. Gore (2000)? Should this have remained a state issue with the Florida State Supreme Court holding final authority?

5. What is the future of federalism? What are some potential problems of ad hoc federalism? When each era of federalism is evaluated, is it possible to identify advantages and disadvantages to each?

6. Some believe that the American Recovery and Reinvestment Act had a centralizing effect, resulting in a more powerful federal government. What reasons might they offer to support their belief? Are there reasons to believe otherwise? What are they?

7. The sides of the states' rights vs. federal power debate can generally be lined up with the two major political parties in the U.S. Why is this? What values do each of the parties hold that creates this correlation?

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Chapter 2: Federalism

Federalism

- Power sharing between central and regional governments

- Who has the power to do what?

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Systems of Power

- Unitary
  - Power is concentrated in a central government
- Confederal
  - Power is concentrated in regional governments
- Federal
  - Power is shared with national and regional governments as independent equals

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Origins of Federalism

- Problems with the Articles of Confederation
- Annapolis Convention and Shays's Rebellion
- Desire for representative government

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Advantages of Federalism

- Government decisions can reflect local preferences
- Reduces conflict between citizens and government
- Allows for policy experimentation
- Facilitates national policy goals

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Disadvantages of Federalism

- Complexity, confusion, and duplication
- Can increase conflict between governments
- Policy and service inequalities
- Reduces accountability
- Makes coordination difficult

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Power Challenge I: National Powers

- Enumerated powers vs. implied powers
- Exclusive powers vs. concurrent powers
- Supremacy clause and preemption
- Necessary and proper clause
- General welfare clause

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Power Challenge II: State Powers

- No specific grants of authority, only “concurrent powers”
- “Full faith and credit clause” and “privileges and immunities clause”
- Tenth Amendment
- Fourteenth Amendment

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Power Challenge III: the Referees

- The U.S. Constitution
- Bill of Rights
- The U.S. Supreme Court

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Dual Federalism (1789-1933)

- Layered cake
  - State and federal governments have separate jurisdictions and responsibilities
    - Nation-centered federalism vs. state-centered federalism
    - Compact theory
    - Nullification and secession

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Cooperative Federalism (1933-1964)

- Marble cake federalism (overlapping and inseparable jurisdictions)
  - State and national governments work together to resolve problems
    - Great Depression and the New Deal
    - Federal problem identification, program design, and grant funding to pay for program
    - State and local program implementation and management

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Centralized Federalism (1964-1980)

- Federal government takes leading role, states and localities take back seat
- Grants-in-aid
  - Categorical grants
  - Block grants
  - General revenue sharing grants
  - Unfunded mandates
  - Crosscutting requirements
  - Crossover sanctions

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New Federalism (1980-2002)

- States and localities should regain power and less funding from federal government
  - Devolution
  - Block grants

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Ad Hoc Federalism? (2002-present)

- Sometimes state-centered, sometimes nation-centered
  - Depending on political or partisan convenience
    - Interagency Working Group on Federalism
    - September 11, 2001

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A (brief) Return to Centralized Federalism?

- Federal government might be bette equipped to deal with some things
  - Recession
  - War

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Supervising Federalism

- Nation-centered *(McCullough v. Maryland)*
- State-centered *(United States v. Lopez)*
- Back to nation-centered *(Bush v. Gore)*

- Ideologies foster inconsistencies?

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Conclusion

- Federalism offers distinct advantages and disadvantages
- Power sharing relationships vary across time and across issues
- A full reversal of New Federalism or short-term shift of power to national government?

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