Federalism

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## TABLE 3-1

### Numerous Governments Comprise America’s Federalism

<table>
<thead>
<tr>
<th>Type</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>National</td>
<td>1</td>
</tr>
<tr>
<td>State</td>
<td>50</td>
</tr>
<tr>
<td>County</td>
<td>3,034</td>
</tr>
<tr>
<td>Municipal</td>
<td>19,429</td>
</tr>
<tr>
<td>Township and town</td>
<td>16,504</td>
</tr>
<tr>
<td>School district</td>
<td>13,506</td>
</tr>
<tr>
<td>Other special districts</td>
<td>35,052</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>87,576</strong></td>
</tr>
</tbody>
</table>

What is Federalism?

**Federation:** Authority is divided between the central and state or local governments. (US, Canada, Germany)

**Confederation:** Authority held by independent states and delegated to the central government. (US under Articles)

**Unitary System:** Authority is centralized with state and local governments administering authority delegated from the central government. (France, UK, Japan)
**Figure 3-2 The Constitutional Basis for “Dual” and “Shared” Federalism**

### National Government

**Exclusive Powers**
- Coin money
- Regulate interstate and foreign commerce
- Tax imports and exports
- Make treaties
- Make all laws “necessary and proper” to fulfill responsibilities
- Make war
- Regulate postal system

**Powers Denied**
- Tax state exports
- Change state boundaries
- Impose religious tests
- Pass laws in conflict with the Bill of Rights

### State Governments

**Exclusive Powers**
- Run elections
- Regulate intrastate commerce
- Establish republican forms of state and local governments
- Protect public health, safety, and morals
- All powers not delegated to the national government or denied to the states by the Constitution

**Powers Denied**
- Tax imports and exports
- Coin money
- Enter into treaties
- Impair obligation of contracts
- Enter compacts with other states without congressional consent

**Shared Authority**
- Tax
- Borrow money
- Charter banks and corporations
- Take property (eminent domain)
- Enforce laws and administer a judiciary

Interstate Relations

- **Full Faith and Credit Clause**
- **Privileges and Immunities**
- **Extradition**
- **Settlement of Disputes**

“By the power invested in my by the Full Faith and Credit Clause, I declare this marriage valid in all states. You may kiss the dude!”
Federalism in Practice

- Dual Federalism (early 1800s-1930s)
  - *McCulloch v. Maryland* (1819)
  - *Dred Scott v. Sandford* (1857)
  - *Plessey v. Ferguson* (1890)

- Shared ("cooperative") Federalism (1930s-1970s)
  - New Deal (1930s) and Great Society (1960s)
  - Nationalization of public policy

- "New Federalism" (1970s-Present)
McCulloch v. Maryland

Chief Justice John Marshall writing for the majority:

“Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the constitution, are constitutional.”

“The power to tax involves the power to destroy....If the right of the States to tax the means employed by the general government be conceded, the declaration that the Constitution, ...shall be the supreme law of the land, is an empty and unmeaning declamation.”
Types of Federal Grants

- **Categorical Grants:** A federal grant of money to states for a specific activity. These grants usually require states to provide matching funds and to adhere to federal guidelines in spending the money.

- **Block Grants:** Broad grants given by the federal government to state governments for specific areas (health; education), but leaving it to the states to determine how it is spent.

- **(Unfunded) Mandates:** Laws passed by the federal government dictating that state or local governments must comply with federal regulations (e.g., air/water standards) under threat of civil/criminal penalties or loss of federal funds.
Advantages of Localization

- Federalism checks the growth of tyranny.
- Federalism encourages experimentation.
  - States as “laboratories of democracy”
  - Welfare reform
- Federalism keeps government closer to the people.
  - Matching policy to local interests (e.g., gun control; pornography)
  - Clearer connection between cost/benefits
Advantages of Nationalization

- Benefits of National Collective Action
- Ability to Equalize Resources
  - Educational Spending
- Equal Treatment of Citizens
  - Southern states and civil rights
  - Texas and death penalty
- Weaken potential special interest control
  - Lower participation in state politics
  - Cutthroat competition on labor regulation