

Federalism

- **Federalism** – A political system in which ultimate authority is shared between a central government and state or regional governments.
 - Certain powers granted to federal gov't
 - Certain powers granted to state gov't
 - Certain powers granted to both state and federal government

Three Types of Government

- I. Federation
 - Sovereignty to the national government
 - Direct contact with citizens by both national and state governments
 - Both levels have power over the people
 - Example: United States

Three Types of Government, continued

- II. Confederation
 - Sovereignty to the state government
 - National government deals with states, states deal directly with the people
 - States have the power over the people

Three Types of Government, continued

- III. Unitary
 - Only the central government
 - No state governments
 - France, England

PHASES OF AMERICAN FEDERALISM

Phase 1: 1789 – 1867

- Administrative Collaboration
 - Cooperation between state and national governments on development
- Conflicts Over Sovereignty
 - State vs. Federal gov't

Phase 1: 1789 – 1867, continued

- The Doctrine of National Supremacy
 - McCulloch vs. Maryland court case
 - Issues
 - Can Congress charter a bank?
 - If so, can the state tax the bank?
 - Question 1:
 - Yes, Based on ~~Necessary and Proper Clause~~ of the ~~Enumerated Powers~~ given Congress in Article I, Section 8

Phase 1: 1789 – 1867, continued

- The Doctrine of National Supremacy
 - McCulloch vs. Maryland court case
 - Question 2:
 - NO, Based on the Supremacy Clause in Article 6
 - Supremacy Clause – Federal government has primacy, power over the states
 - The Doctrine of Nullification
 - Nullification Doctrine – states could nullify any federal law if they thought it to be unconstitutional.

Phase 2: 1867 – 1913

- Doctrine of Dual Federalism
 - Dual Federalism – A constitutional theory that the national government and the state governments each have defined areas of authority, especially over commerce.
- Industrial Regulation
 - Growth of Commercial trade

Phase 2: 1867 – 1913, continued

- Substantive Due Process
 - Courts defined corporations as individuals to protect them, based on 14th Amendment

Phase 3: 1913 – 1941

- Reversing Industrial Regulation
 - Courts now allowed the Federal gov't to make laws protecting workers from corporations.
 - Child labor
 - Working hours
 - Unemployment insurance

Phase 4: 1941 – 1969

- Race
 - Conflict between states and federal gov't over enforcing civil rights legislation
 - Civil Rights Act
 - Voting Rights Act
- The National-Local Relationship
 - Federal & local governments worked together to bypass state governments

Phase 5: 1969 – Present

- Devolution
 - Greater mistrust of the federal government
 - Returning power back to the states
 - **Block grants** – Grants given by the federal government to state and local authorities for general purposes.
 - Example – educational grant
 - Advantage – flexibility
 - Disadvantage – lack of available money

Phase 5: 1969 – Present, continued

- Devolution
 - Returning power back to the states
 - **Categorical Grants** – Grants given by the federal government to state and local authorities for a specific purpose.
 - Example – build an airport
 - Advantage – availability
 - Disadvantage – purpose too narrow

Phase 5: 1969 – Present, continued

- Devolution
 - **Mandates** – Rules imposed by the federal government on the states as conditions for obtaining federal grants or requirements that the states pay the costs of certain national programs.
 - Example – civil rights laws
 - Advantage – protects minorities & society
 - Disadvantage – some mandates unfunded & little man power to enforce the mandates

Phase 5: 1969 – Present, continued

- Devolution

- **Conditions of Aid** – A condition which the state government must fulfill in return for taking federal funds.

- Example – lowering speed limit to 55 to get federal highway funding
 - Advantage – available funds
 - Disadvantage – too many restrictions
