

American National Government  
POL 140  
Sections 3-6  
Federalism

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# Announcements

- ▶ Chapter 2 Quiz
- ▶ How are papers going?

- ▶ What's going on in the world?

- ▶ Dual Federalism
- ▶ Layer Cake Federalism
- ▶ Picket Fence Federalism
- ▶ Devolution
- ▶ Money and Federalism

**Federalism:** The sharing of power between federal and state governments.

- ▶ A Comparison: Is there any difference between the European Union and the United States?

# National Government Powers

**Enumerated powers:** Powers granted to the national government under Article I, Section 8 of the Constitution.

**Supremacy Clause:** Article IV of the Constitution, national law is supreme over state law when the national government is acting within its constitutional limits.

**Necessary and Proper Clause:** Found in Article I, Section 8 of the Constitution, the necessary and proper clause gives congress the authority to enact any law necessary in order for it to carry out one of its enumerated powers (A.K.A Elastic Clause).

▶ Affordable Care Act (Obamacare)?

**Implied Powers:** The national government's authority to take action by use of the necessary and proper clause that is not expressly granted/authorized by the Constitution.

**Reserved Powers:** Powers granted to the states under the Tenth Amendment of the Constitution.

- ▶ “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”

# Dual Federalism

- ▶ Pre- FDR
- ▶ Federalist vs. Anti-Federalist
- ▶ States and the Federal government were fighting for power (a dual).





- ▶ McCulloch v. Maryland (1819)
- ▶ Scott v. Sandford (1857)
- ▶ Background
- ▶ Legal questions
- ▶ Decision
- ▶ Rational

## One Minute Paper

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## One Minute Paper

- ▶ Why are these two cases so important?

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## One Minute Paper

- ▶ Why are these two cases so important?
- ▶ What would have happened if the Supreme Court had decided differently?

# Other State-Federal Battles

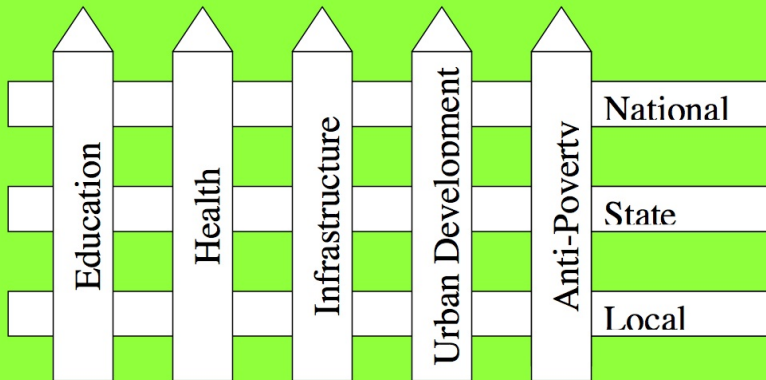
- ▶ Civil War
- ▶ Commerce Clause
- ▶ New Deal

# Cooperative Federalism

- ▶ Picket fence federalism
- ▶ Marble cake federalism
- ▶ State and federal governments share authority over a policy area.
- ▶ Much of the power still resides with the states.
- ▶ Jointly funded
- ▶ Jointly administered

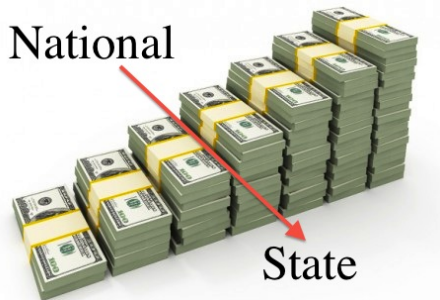


## Picket Fence Federalism



# Fiscal Federalism

- ▶ National government provides some or all the money.
- ▶ States run the program.



**Grants-In-Aid** Federal cash payments to states and localities for programs they administer.

- ▶ Localities can choose to reject a grant-in-aid, but if they accept it, they must spend it as dictated by the national government.
- ▶ National government maintains policy influence
- ▶ States can expand services
- ▶ Categorical and Block Grants-In-Aid



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# Coercive Federalism

- ▶ The national government pressures states to change their policies through mandates, regulations, and conditions for receiving federal money.
- ▶ Seat belt laws (primary office)
- ▶ Speed limits and transportation funds
- ▶ No Child Left Behind

# Categorical Grants

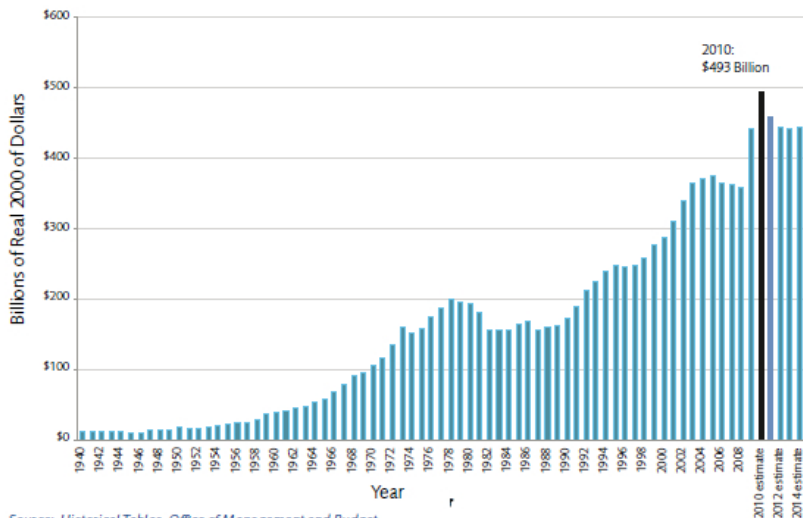
- ▶ Grants-in-aid that can only be used for a designated, specific activity.
- ▶ More restrictive
- ▶ High Speed Rail
- ▶ School lunches

# Block Grants

- ▶ Grants-in-aid can only be used for a designated, broad area of activity in which the state and local governments have discretion in how to spend the money within the designated area.
- ▶ Less restrictive
- ▶ Education

# Grants in Aid Over Time

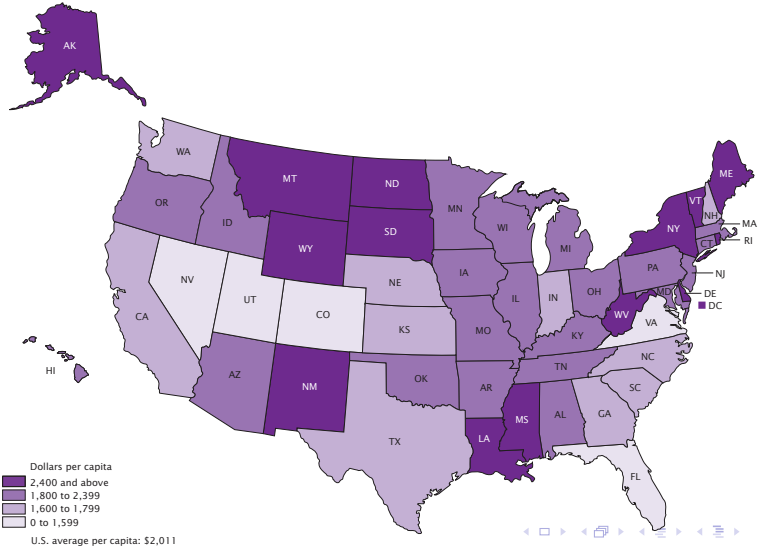
FIGURE 1: REAL FEDERAL GRANTS TO STATE AND LOCAL GOVERNMENTS



Source: Historical Tables, Office of Management and Budget

# Grants in Aid By State

Figure 1.  
**Federal Aid to State and Local Governments, Per Capita Ranges by State: Fiscal Year 2010**



**Devolution:** The passing of authority from the national government to the state and local government.

- ▶ Started in the early 1970s
- ▶ Republicans
- ▶ Is devolution still at work today?

# Federalism and Public Opinion

- ▶ Changes in the balance of power between the states and national government have been driven by public opinion.
- ▶ New Deal
- ▶ Great Society
- ▶ Welfare Reform
- ▶ 9/11 and Financial Crisis



- ▶ What does Article I Section 8 of the Constitution say about Immigration?
- ▶ Did Arizona or Alabama go to far?
- ▶ Was the Supreme Court correct in its interpretation?
- ▶ Should states be permitted to increase their power in policy areas where the national government has authority but is not taking action?

# Federalism Today

- ▶ What other policy areas are the federal and state governments currently fighting over?
- ▶ What policy areas have the state and federal government settled their disputes?

# Why Federalism?

- ▶ What are the advantages and disadvantages of federalism?

# Quiz 3 Due

- ▶ Quiz 3 due by next class period.

# Something to think about...

- ▶ Protection from government is important to a well functioning democracy. Yet, there are times when Americans are willing to give up their civil liberties. Why (especially when its hard to get them back)?