

# FEDERALISM

**FEDERALISM**

**SYSTEMS OF GOVERNMENT**

| <b>SYSTEM</b>   | <b>DESCRIPTION</b>  | <b>EXAMPLES</b>  |
|---|---|--|
| <b>UNITARY</b>  | Local and regional governments derive authority from the national government.   | -United Kingdom<br>-France<br>-Italy<br>-Japan   |
| <b>FEDERAL</b>  | --Power is shared between the national government and the State governments.<br><br>--National government and states derives authority from the people. | -United States (under Constitution)<br>--Canada<br>-Australia<br>-Germany                      |
| <b>CONFEDERATION</b>  | The national government derives authority from states. ("League of friendship" comes together primarily for foreign issues)                             | -United States (under Articles of Confederation)<br>-Southern United States (during civil war) |
| <p>--Alternative definitions of federalism: The division between a central government and regional governments. Basically central and national are the exact same things. Also regional and state governments are the exact same things.<br/>--Federal almost always means the division of national and state. But in society (and occasionally on test) Federal Government is often a term for the national government. Be careful about that.</p> |   |  |

**POWERS IN A FEDERAL SYSTEM**

| <b>POWER</b>  | <b>DESCRIPTION</b>  |
|---|---|
| <b>ENUMERATED</b>   | Specific powers granted to Congress under Article I, section 8, of the Constitution;; these powers include taxation, coinage of money, and authority to provide for a national defense. |
| <b>CONCURRENT</b>   | Authority possessed by both state and national governments that may be exercised concurrently.  |
| <b>RESERVED<br/>(AKA: Police Powers)</b>  | Powers reserved to that states by the 10th amendment that lie at the state's right to legislate for the public health and welfare of its citizens.                                      |
| <p>Most scholars agree that the 10th amendment has not been that far reaching. The supremacy clause has had more of an impact in terms of national &amp; state tensions. But the test wants you to know both.</p> |   |

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**FEDERALISM IN THE UNITED STATES**

| POWER HOLDER                                 | TYPE OF POWERS                      | EXAMPLE OF POWERS  |
|--|-------------------------------------|--|
| <b>NATIONAL GOVERNMENT</b>                   | <b>NATIONAL (ENUMERATED) POWERS</b> | <ul style="list-style-type: none"> <li>-coin money</li> <li>-regulate interstate &amp; foreign trade</li> <li>-raise &amp; maintain armed forces</li> <li>-declare war</li> <li>-govern US territories &amp; admit states</li> <li>-conduct foreign relations</li> </ul>   |
| <b>BOTH NATIONAL &amp; STATE GOVERNMENTS</b> | <b>CONCURRENT POWERS</b>            | <ul style="list-style-type: none"> <li>-levy &amp; collect taxes</li> <li>-borrow money</li> <li>-establish courts</li> <li>-define crimes &amp; set punishments</li> <li>-claim private property for public use</li> <li>-make and enforce laws</li> <li>-charter banks and corporations</li> </ul>   |
| <b>STATE GOVERNMENT</b>                      | <b>STATE (RESERVED) POWERS</b>      | <ul style="list-style-type: none"> <li>--regulate trade and business within the State</li> <li>-establish public schools</li> <li>--pass license requirements for professionals</li> <li>-regulate alcoholic beverages</li> <li>-conduct elections</li> <li>-establish local governments</li> <li>-ratify amendments to the Constitution</li> <li>--take measures for public health, safety, and morals</li> <li>--exert powers the Constitution does not delegate to the national government or prohibit the states from using</li> </ul> |

--Now people have disagreed about what some of these powers actually mean. For FRS's on the AP test, just don't pick controversial issues unless prompted to do so. Keep it simple and get the points.

-The National Government powers are broken into 3 categories::

1) **Delegated or Expressed Powers:** Powers that are written in Constitution .

2) **Implied Powers:** Powers that are "reasonably inferred" as stated in the **Elastic Clause** (AKA: **Necessary and Proper Clause**)

3) **Inherent Powers:** Powers do not rely on specific clauses (usually involved in foreign affairs and grow out of the very existence of a government.

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**CONSTITUTIONAL INTERPRETATIONS**

| <b>GROUP</b>                     | <b>WOULD LATER FORM WHICH POLITICAL PARTY</b> | <b>BELIEF ON HOW CONSTITUTION SHOULD BE INTERPRETED</b> | <b>LEADERS</b>            |
|----------------------------------|---|---|---------------------------|
| <b>LOOSE CONSTITUTIONALISTS</b>  | Federalists                                   | Loose or broadly  | Hamilton & Adams          |
| <b>STRICT CONSTITUTIONALISTS</b> | Democratic Republicans                        | Literally or strictly                                   | Jefferson & later Madison |

-George Washington who would warn against political factions as he exited his presidency usually agreed with the federalist.

**CONSTITUTIONAL PROVISION THAT GUIDE FEDERALISM**

| <b>MAIN IDEA</b>               | <b>PROVISION</b>      | <b>DESCRIPTION</b>  |
|--------------------------------|-----------------------|---|
| <b>NATIONAL POWERS ALLOWED</b> | Article I, Section 8  | Enumerate powers of Congress, including the “necessary and proper clause” |
| <b>NATIONAL POWERS DENIED</b>  | Article I, Section 9  | No regulating slave trade before 1808, states to be treated uniformly     |
| <b>STATE POWERS DENIED</b>     | Article I, Section 10 | Treaties and impairing contracts  |
| <b>STATES MUST HELP STATE</b>  | Article IV            | Full Faith and Credit Clause;; privileges and immunities;; extradition    |
| <b>SUPREMACY CLAUSE</b>        | Article VI            | Supremacy of the national government                                      |
| <b>MORE LIBERTY</b>            | 9th Amendment         | People have more rights than listed in the Constitution                   |
| <b>STATES’ RIGHTS</b>          | 10th Amendment        | Powers not delegated to the federal government are reserved by the states |

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**GOV ACTION ON FEDERALISM: BEGINNING-RECONSTRUCTION**

| TYPE OF FEDERALISM  | HISTORICAL FIGURE INVOLVED   | ITEM                                       | DESCRIPTION  |
|---|--|--|--|
| <p><b>FEDERALISM</b><br/>(WHAT DOES IT LOOK LIKE?)</p>  | <p>Thomas Jefferson<br/>against John Adams</p>                           | <p>Kentucky &amp; Virginia Resolutions</p> | <p>Jefferson thought the alien and sedition act violated liberty. The resolutions declared the states' right to nullification (declare null and void) any federal law if a state thought the law violated the Constitution. (This has never been found constitutional)</p> |
|   | <p>Justice John Marshall</p>   | <p><i>McCulloch v. Maryland</i> (1819)</p> | <p>Supreme Court ruled that Congress could create a national bank because of the <b>Necessary and Proper Clause</b> gives them <b>implied powers</b> so they can carry out expressed powers.</p>   |
|   |  | <p><i>Gibbons v. Ogden</i> (1824)</p>      | <p>Congress and New York were both licensing ships to use the Hudson River. The Supreme Court ruled that Congress had the power to regulate commerce and commercial activity.</p>  |
| <p><b>DUAL FEDERALISM:</b><br/>Belief it is best to have separate and equally powerful national and state governments<br/><b>(AKA: Layer Cake)</b></p>  | <p>Justice Roger B. Taney</p>  | <p><i>Dred Scott v. Sanford</i> (1857)</p> | <p>Missouri Compromise was unconstitutional because Congress lacked authority to ban slavery in territories.</p>   |
|   |  | <p><i>Plessy v. Ferguson</i> (1896)</p>    | <p>Even after the Civil War amendments (13--15) gave more rights to African Americans The Supreme Court ruled separate but equal was constitutional. (and up to the states to deal with)</p>   |
|   | <p>Republican (anti--slavery) Congress resisted against State powers</p> | <p>16th Amendment (1913)</p>               | <p>After Supreme Court struck down the income tax act of 1894, Congress proposed the 16th amendment allowing income taxes.</p>   |
|   |  | <p>17th Amendment (1913)</p>               | <p>Took power away from State legislatures by now having citizens from each state vote for their senators.</p>   |
| <p>--You can see before, throughout and after the Civil War. Congress was anti--slavery. The Supreme Court was more pro slavery. There was a conflict for power. We also had a states rights versus national government conflict. Many levels of government are hard to get under control by the same faction or political party or group.<br/> <b>-Selective Exclusiveness:</b> a doctrine asserting that when the commodity requires a national uniform rule, only Congress may regulate.</p> |  |  |  |

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**GOV ACTION ON FEDERALISM: NEW DEAL-GEORGE W. BUSH**

| TYPE OF FEDERALISM   | HISTORICAL FIGURE INVOLVED                              | ITEM  | DESCRIPTION   |
|--|---|---|---|
| <p><b>COOPERATIVE FEDERALISM</b><br/>Intertwined relationship among national, state, and local governments<br/><b>(AKA: Marble Cake)</b></p> | <p>Franklin D. Roosevelt (FDR)</p>                      | <p>New Deal</p>                                       | <p>Grants--in--aid programs to often defined federal/state relationships and made the national government a major player in domestic policy. <b>Categorical Grant:</b> Congress appropriates funds for specific purposes (often States must match some of the money).</p>   |
|  | <p>Lyndon B. Johnson (LBJ)</p>                          | <p>Great Society &amp; War on Poverty</p>             | <p>Southern States were blamed for perpetuating discrimination. So national funds were held unless states would act like the national government wanted. The spending in 1960's on urban renewal, education, and poverty programs had not been seen since the New Deal.</p>   |
| <p><b>NEW FEDERALISM</b><br/>Returning administrative powers to the state governments</p>  | <p>Ronald Reagan<br/>George Bush</p>                    | <p>Reagan Revolution</p>                              | <p>Reagan cut taxes which altered the relationship between the federal and state governments. There was a consolidation of may categorical grants into fewer block grants. <b>Block grants:</b> broad grants to states for specific activities with few strings attached.</p>   |
|  | <p>Ronald Reagan<br/>Bill Clinton<br/>Newt Gingrich</p> | <p>Devolution Revolution</p>                          | <p>--Unfunded Mandates Reform Act: prevented congress for passing costly mandates without a debate on how to fund them and address concerns for state governments. (They were taking 30% of state budgets)<br/>--Block grants for welfare (replaced AFDC Aid to Families with Dependent Children with TANF Temporary Assistance for Needy Families) that gave more control to local government.</p> |
| <p><b>FEDERALISM</b><br/>under Bush Administration</p>   | <p>George W. Bush</p>                                   | <p>No Child Left Behind &amp; his overall program</p> | <p>--<b>Preemption:</b> concept that it is ok for National government to override state or local action because of Supremacy Clause. (Usually democrats do this but this time it was a republican)<br/>--Bush could not follow through on campaign promises because of tax cuts, debt, wars in Iraq &amp; Afghanistan, terrorist attacks, and Hurricanes Katrina and Rita.</p>                      |

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**MAJOR EVENTS IN FEDERALISM (SHORT VERSION)**

| <b>TIME PERIOD</b>          | <b>GENERAL TREND OF POWER</b>          | <b>ERA OF FEDERALISM</b> |
|-----------------------------|--|--------------------------|
| <b>1789-- CIVIL WAR</b>     | National government establishes power. | DUAL FEDERALISM          |
| <b>CIVIL WAR AMENDMENTS</b> | National government gains power.       | DUAL FEDERALISM          |
| <b>POST RECONSTRUCTION</b>  | State governments gain power.          | DUAL FEDERALISM          |
| <b>NEW DEAL</b>             | National government gains power.       | COOPERATIVE FEDERALISM   |
| <b>CIVIL RIGHTS</b>         | National government gains power.       | COOPERATIVE FEDERALISM   |
| <b>DEVOLUTION ERA</b>       | State governments gain power.          | NEW FEDERALISM           |

**RELATIONS AMONG THE STATES**

| <b>REQUIREMENT OF STATES</b>              | <b>CONSTITUTIONAL ARTICLE</b>     | <b>DESCRIPTION</b>  |
|---|-----------------------------------|---|
| <b>FULL FAITH AND CREDIT CLAUSE</b>       | ARTICLE IV                        | Judicial decrees and contracts made in one state will be binding and enforceable in another.<br>(Sorry deadbeat dads, you can't just move and expect to keep your \$\$) |
| <b>PRIVILEGES &amp; IMMUNITIES CLAUSE</b> | ARTICLE IV                        | Citizens of each state are afforded the same rights as citizens of all other states. States cannot give their residents priority. (except college tuition rates, urg)   |
| <b>EXTRADITION CLAUSE</b>                 | ARTICLE IV                        | States must extradite or return criminals. (convicted or those who are to stand trial)  |
| <b>INTERSTATE COMPACTS</b>                | ARTICLE I<br>Section 10, Clause 3 | Contracts between states that carry the force of law.<br>(Driver license compact)   |

-The Constitution also says that any disputes between two states will go directly to the Supreme Court (original jurisdiction).  
 -The Constitution gives the State complete power when creating local governments within the state's' borders.

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**STATE GOVERNMENTS**

| <b>ITEM</b>                              | <b>DESCRIPTION</b>   |
|--|--|
| <b>STATE CONSTITUTIONS</b>               | The state constitutions were written before the Constitutional Convention in 1787. State constitutions are easier to amend.  |
| <b>GOVERNORS</b>                         | <p>--They are the elected chief executive. Like President of the State budget powers, signing legislation, and appointing officials.</p> <p><b>-LINE ITEM VETO:</b> Veto a portion of a spending bill (signs rest)</p> <p><b>-CLEMENCY POWERS FOR BREAKING STATE LAW:</b></p> <p><b>Pardon:</b> Forgive someone entirely for a crime.</p> <p><b>Commute:</b> Reducing the length of a prison sentence</p> <p><b>Reprieve:</b> Postpone a prison sentence.</p> <p><b>Parole:</b> Release a prisoner before sentence is complete with conditions that must be met as part of the release.</p>  |
| <b>STATE LEGISLATURES</b>                | Initially established as the most powerful. One--person, one--vote ruling of Supreme Court has them accurately representing citizens.  |
| <b>STATE COURTS</b>                      | Separate court system to handle state law. <b>Inclusion:</b> state courts are obligated to enforce federal law. Some judge are appointed but many are elected.   |
| <b>ELECTIONS &amp; POLITICAL PARTIES</b> | <b>Nonpartisan elections:</b> State/local officials often downplay all party ties. Diverse candidates have had more success in recent years.   |
| <b>DIRECT DEMOCRACY</b>                  | <p><b>DIRECT INITIATIVE:</b> People sign a petition and the measure goes on the ballot for residents to determine if it will become State law.</p> <p><b>INDIRECT INITIATIVE:</b> People sign a petition, State legislatures has a chance to pass it, or the measure goes on the ballot for residents to determine if it will become State law.</p> <p><b>MANDATORY REFERENDUM:</b> Due to State Constitution or law the State Legislature must put certain measures on the ballot for residents to determine if it will become State law.</p> <p><b>OPTIONAL REFERENDUM:</b> State Legislatures can decide to put a measure on the ballot for the residents to determine if it will become State law.</p> <p><b>POPULAR (DIRECT) REFERENDUM:</b> Voters can sign a petition to take the deciding power on a measure away from the State legislature and put it on the ballot.</p> <p><b>RECALL ELECTION:</b> Voters can petition for an election to remove an office holder before the next scheduled election.</p> |

State Constitutions grant certain types of powers for each state. So not all states have all the same form of local governments and direct democracies. Only 23 States have direct democracies. Only 18 states have recall elections. You really have to look it up per State.



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**LOCAL GOVERNMENTS**

| ITEM                                 | DESCRIPTION  |
|--------------------------------------|--|
| <b>DILLON’S RULE</b>                 | A court ruling that stated local governments do not have any inherent sovereignty. Thus, states can create, regulate, and destroy local governments.   |
| <b>CHARTERS</b>                      | <p>A document that, like a constitution, specifies the basic policies, procedures, and institutions of a municipality.</p> <p>Cities, towns, and village need charters because they emerge as people locate in a particular place (unlike counties and school districts which are arbitrarily made by the state).</p>  |
| <b>TYPES OF LOCAL GOVERNMENTS</b>    | <p>There are 87,000 local governments in the United States that fall within four main categories:</p> <p>--<b>Counties:</b> (also called parishes and boroughs) They have very broad responsibilities, created by the State for welfare &amp; environmental programs, courts, registration of land, births, and deaths.</p> <p>--<b>Towns:</b> Everyone in community is invited to an annual meeting to elect officers, adopt ordinances, and pass a budget.</p> <p>--<b>Municipalities:</b> Villages, towns, and cities are established municipalities and authorized by the State as people congregate and form communities.</p> <p>--<b>Special Districts:</b> are the most numerous. They are created particular policy or service area. School districts is the most common form of special district. Others include library service, sewage, water, and parks.</p>   |
| <b>EXECUTIVES &amp; LEGISLATURES</b> | <p>Town meeting: form of local government in which all eligible voters are invited to attend a meeting at which budgets and ordinances are proposed and voted on.</p> <p>--<b>Mayor:</b> An elected chief executive of a city.</p> <p>--<b>City council:</b> The legislature in a city government.</p> <p>--<b>Manager:</b> A professional executive hired by a city council or county board to manage daily operations and th recommend policy changes.</p> <p>--<b>District--based election:</b> Election in which candidates run for an office that represents only the voters of a specific district within the jurisdiction.</p> <p>--<b>at--large election:</b> Election in which candidates for office must compete throughout the jurisdiction as a whole.</p> <p>--<b>commission:</b> Form of local government in which several officials are elected to top positions that have both legislative and executive responsibilities.</p> <p>--<b>public corporation (authority):</b> Government organization established to provide a particular service or run a particular facility that is independent of other city or state agencies and is to be operated like a business.</p> |

**FEDERALISM****STATE BUDGET**

| <b>SEGMENT OF BUDGET</b> | <b>% OF BUDGET</b> | <b>DESCRIPTION</b>                            |
|--------------------------|--------------------|---|
| <b>SALES TAX</b>         | <b>23%</b>         | Regressive: tax not based on earnings.        |
| <b>FEDERAL AID</b>       | <b>20%</b>         | Grant money from the national government.     |
| <b>INCOME TAX</b>        | <b>19%</b>         | Progressive Tax: tax based on earnings.       |
| <b>INSURANCE TRUST</b>   | <b>17%</b>         | Retirement funds for employees (current/old). |
| <b>USER FEES</b>         | <b>14%</b>         | Example: licenses for hunting & fishing.      |
| <b>OTHER</b>             | <b>3%</b>          | N/A   |
| <b>PROPERTY TAX</b>      | <b>1%</b>          | Varies based on the value of the home.        |

This data came from census bureau and is an average for the year 2006.

**LOCAL BUDGET**

| <b>SEGMENT OF BUDGET</b> | <b>% OF BUDGET</b> | <b>DESCRIPTION</b>                            |
|--------------------------|--------------------|---|
| <b>STATE AID</b>         | <b>31%</b>         | Money given from the State government.        |
| <b>PROPERTY TAX</b>      | <b>26%</b>         | Varies based on the value of the home.        |
| <b>USER FEES</b>         | <b>21%</b>         | Example: licenses for hunting & fishing.      |
| <b>OTHER</b>             | <b>8%</b>          | N/A   |
| <b>SALES TAX</b>         | <b>6%</b>          | Regressive: tax not based on earnings.        |
| <b>INSURANCE TRUST</b>   | <b>3%</b>          | Retirement funds for employees (current/old). |
| <b>FEDERAL AID</b>       | <b>3%</b>          | Grant money from the national government.     |
| <b>INCOME TAX</b>        | <b>2%</b>          | Progressive Tax: tax based on earnings.       |

This data came from census bureau and is an average for the year 2006.

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**GRANTS-IN-AID PROGRAMS**

| ITEM   | DESCRIPTION   | EFFECT ON FEDERALISM  |
|--|---|---|
| <p><b>CATEGORICAL GRANT</b></p>  | <p>Federal grants for specific purposes.<br/>(There are strings attached that usually include the state matching funds)</p> | <p>This type of grant forces states to spend at least a portion of their budget on issues determined by the national government. If they do not match funds they lose on that free money.</p>   |
| <p><b>BLOCK GRANT</b></p>  | <p>Broad grants for general purposes.</p>   | <p>This type of grant gives the state more freedom in spending money as they see fit.</p>   |
| <p><b>MANDATE<br/>(AKA: UNFUNDED MANDATE)</b></p>  | <p>Terms set by the national government that states must whether or not they accept federal grants.</p>                     | <p>This forces states to spend money on national desires regardless of their personal preferences.<br/>(Example: If the federal law forces states to pay for wheelchair access in public buildings. That states have no choice. They have to spend the money on this issue)</p> |
| <p>-<b>Grant-in-aid</b> programs refer to money that the national government gives to the states in the forms of grants.<br/>                     -<b>Conditions of aid:</b> terms set by the national government that states must meet if they are to receive certain federal funds.<br/>                     -States prefer block grants because it gives them more freedom.</p> |   |   |