

## Chapter 4: Federalism

- Bush 43 – limit size & growth of Fed (NAT)
- NAT – test for teachers
- Rep-St power more than NAT growth
- 3 Branches of Government, must have power to do:
  - 1.) legislate
  - 2.) administer
  - 3.) adjudicate
- Leg – “reps make laws for people”
- US Cong – bicameral – House/Senate
- Fed No 10 = republic
- \*\*\*\*Const – Makes Leg. Supreme, Article 1, Section 8
  - Make Laws, collect taxes, declare war, etc.
- Executive Branch – executes the laws, carries out the laws, single executor, selected by intermediary body
- Electoral College – slate of electors, natural born, 35 years old
- Powers: 1.) CINC 2.) grants pardons 3.) makes treaties with senate’s A & C
- Section 3 – periodically tells us how country is doing
- Section 4 – tried for treason, etc.; chose pres. Sys – leader in debt of Reg, party system
- Third power – Judicial – interprets laws, makes laws, Am. Federal Jud. Under Supreme Court left to Congress
- Least dangerous branch Hamilton No. 78
- \*\*\*\*Marbury V Madison 1803
- \*\*\*\*“judicial review” – supreme court rules law unconstitutional
- Constitution – nation’s highest law
- \*\*\*\*Separation of Powers; Checks & Balances
- Separation of Powers – leg, exec, jud powers not in same hands, group, person, etc.
- Montesquieu – spirit of the laws, complementary idea = Checks & Balances
- Gov’t. controls itself and its citizens
- Constitution says: 1.) Article I – bicameral leg. 2.) Article II – pres. Recommends laws and appoints judges 3.) Article III – creates supreme court
- No Fusion of Power
- \*\*\*\*Federalism – relation of NAT gov’t and states
- Drinking Age 21 uniform
- What does Constitution say?
- Local gov’t not mentioned in our constitution – its under states
- \*\*\*\*Powers: 1.) enumerated 2.) necessary & proper 3.) supremacy 4.) Bill of Rights 1-9; 10<sup>th</sup> for states rights 5.) concurrent – both levels may exercise
- Two views of Federalism: 1.) dual = layer cake 2.) cooperative – marble, not quite dominant 1932- present
- EU – confederal system almost desire of some; UN
- Am. Under art of Confed
- EU & UN
- Confed – Federalism – Unitary

- Nissan – Tenn - \$11,000/job
- Mercedes – 200,000 for each expected job
- Fed – close to the people and IG's
- Group power – most on area of environment
- Fed – great flexibility
- Fed Sys – Germany, Canada, Mexico, Australia, Switzerland
- \*\*\*\*Fed – wording originally vague
- Supreme Court role – shifts power
- End Slavery
- Depression
- \*\*\*\*Two Trends of Fed: 1.) Am. Government growing in size 2.) strength of Nat at  
????
- Cons. Think big government causes more problems than it solves
- Growth of Nat Power:
  - 1.) Marshall SC decisions
  - 2.) CW
  - 3.) ND
  - 4.) Civil Rights & Big Government
- J Marshall – Federalist
- \*\*\*\*McCulloch V. Md.
  - 1.) can Congress charter a bank – N & P
  - 2.) Can MD tax that bank – no, power to tax = power to destroy – an infer can't destroy a superior – Const – supremacy clause
- Gibbons V Ogden 1824- New York couldn't create steamboat monopoly on Hudson River.
- Dred Scott V Sanford 1851 – Congress can't outlaw slavery.
- \*\*\*\*CW – Nullification – states can't leave union war
- \*\*\*\*New Deal – more cooperative, overturned laissez faire doctrine.
- Contemporary Federalism
 

Fed – compromise of strong NAT government vs advocates of state power  
Return power to states = devolution
- \*\*\*\*Marbury V Madison – NAT power at expense of state power
- Political problems don't stop at states borders
- Democratic Party – provides help to needy, helping constituents – get incumbents reelected.
- Members of congress – select NAT issues to run on –champion
- \*\*\*\*Long Strategies to influence State policies:
 

Options:

  - 1.) No NAT government influence – dual federalism
  - 2.) Categorical grant – long term NAT goal of econ health – needs massive improvement in HS math ed.  
Best tool – cat grant – detail instruct regs, & compliance requirements for states. Today grants from NAT make up almost ¼ of all state and local spending, influence states by national government.
- 3 Block Grants – Cons & Reps like these because they combine broad prog requirements and regulations with NAT funds
- Largest Block Grant – Clinton's
- 1996 – welfare reform, changed AFDC to Temp Asst. to Needy Families TANF

- Categorical grants still predominant form of fed. Aid. 80%
- 4 Unfunded mandates – fed issues – it is specific policy requirement on states but provides no way to pay for those activities.
- 1995 – Clinton & Rep pass unfunded Mandate Act – reimburse states for these.
- \*\*\*\*Devolution –
- 1980-2001 momentum to giving power to states
- 3 Sources: 1.) states want this 2.) congress wants 3.) supreme court favored it.
- Today it's a contradictory mix, Brandeis – states are labs of democracy
- Since cooperative fed – states favored policies – where power of fed is limited.
- Devolution more block and former categorical grants & unfunded mandates
- NAT def – at home and abroad
- Today NAT holds out for categorical grants
- Amendability – method of amendment, 27 amends.
- Pro: 2/3 of Congress or 2/3 of states request it by convention  
Rat: ¾ of state Legs or ¾ conventions of states
- Amend – can't stop slavery until 1808, can't stop “=” in senate without senate's approval
- Why const. still there? 1.) not detailed 2.) amends meet both sides needs wanted self governance to work
- Const – limits citizens participation to election of House members
- “Not a Rep if you can keep it” Ben
- \*\*\*\*Founders didn't trust “the people”
- Const = Rep, Why first creates a federal sys?
- Direct Democracy = 3 special mechanisms:
  - 1.) initiative – get signatures on petitions, 3-15% usually bypasses Legs = ½ state have it
  - 2.) referendum – election where bills passed by Leg are submitted to voters for their approval
  - 3.) recall – citizens remove elected official before term is up – requires a petition
- Internet ties us to Nation
- Const – only calls for watchful voter!