

Wilson - Ch. 5 - Federalism

Question 1) Which of the following statements, A through D, is false?

- A) "Devolution" is the process of transferring responsibility for policymaking from the national to subnational governments.

Explanation: This process is currently going on in both the United States and the United Kingdom. An important example in the U.S. is the 1996 welfare reform act passed by Congress, which gives to each state the right to run welfare programs with a lot of federal money but without much federal regulation.

- B) Most countries have major subnational geographic divisions. In the U.S., we call our major subnational geographic divisions "states."

Explanation: In Canada, France, and many other countries the subnational divisions are called "provinces;" in Germany they are called "landers;" in Switzerland they are called "cantons."

- C) The defining feature of any confederal political system is that control of all important governmental powers is retained by each individual subnational government and the central or national government is therefore weak.

Explanation: In a confederal system, the central government has no powers of its own. Its powers were previously and voluntarily delegated by the subnational governments, which retain the right to veto or rescind any and all powers delegated to the national government.

- D) Two successful experiments in confederalism in U.S. history were the Articles of Confederation (1781-89) and the Confederate States of America (1861-65).

Explanation: Both were examples of confederal systems, but both were unsuccessful in meeting large-scale problems. The Articles of Confederation was replaced by the U.S. Constitution in 1789 and the weak central government of the C.S.A. was unable to unify the 11 states of the South in their failed defense against "northern aggression." For fear of having a central government too weak to meet domestic or foreign crises, Switzerland is the only country in the world today that utilizes a confederal system; although Belgium has many characteristics of a confederal system.

- E) None of the above statements, A through D, is false.

Question 2) Which of the following statements, A through D, is false?

- A) The defining feature of any unitary political system is that control of all important governmental powers is retained by the national government and the subnational governments are therefore weak.

Explanation: In a unitary system, the subnational governments have no powers of their own. Their powers were previously and voluntarily delegated by the central government, which retains the right to veto or rescind any and all powers delegated to the subnational governments.

- B) Contemporary examples of unitary political systems include the United Kingdom, France, and Germany.

Switzerland and the Federal German Republic are the only major western European democracies that do NOT have a unitary system.

Explanation: Switzerland has a confederal system.

As one of the post-WWII western allies who occupied Germany and supervised the writing of their constitution, the U.S. insisted that the Germans adopt a federal system, like ours.

Outside of the Western Hemisphere, unitary systems are much more common than federal systems.

- C) The defining feature of any federal political system is that control of important governmental powers is divided so that both the national and subnational governments exercise important powers of their own.

Explanation: In the U.S., state governments have primary responsibility for public order, public morality, public health, public education, public welfare, public transportation, land use, suffrage, and public elections.

In all federal systems, including the U.S., the national government has primary or exclusive responsibility for national security, diplomacy, coining money, and regulation of both domestic interstate and foreign trade.

- D) Contemporary examples of federal political systems include the U.S., Russia, Canada, and India.

Explanation: Many geographically large and culturally diverse democracies have chosen a federal political system because it combines subnational authority to craft diverse solutions to diverse local problems with national authority to craft uniform solutions to nationwide problems.

E) None of the above statements, A through D, is false.

Question 3) Which of the following statements, A through D, is false?

A) During the formative years of the new republic, the U.S. Supreme Court's Chief Justice John Marshall was an early opponent of the national-supremacy interpretation of federalism.

Explanation: Quite the contrary, Marshall was a staunch and brilliant advocate of the Hamiltonian national-supremacy position. In a series of court decisions, he and the Court vigorously defended the national supremacy view.

B) An important U.S. Supreme Court decision involving the interpretation of federalism was handed down in 1819, in a case known as *McCulloch v. Maryland*.

Explanation: Under Marshall, the Court strengthened national supremacy in two ways. First, Marshall gave a very broad interpretation of Congress's authority to claim implied powers under the "necessary-and-proper clause" – essentially arguing that Congress could do anything not prohibited by the Constitution.

Second, the Court ruled that states (in this case, Maryland) could not levy taxes on the federal government and its institutions (i.e., branches of the federally chartered Bank of the U.S. in that state).

C) "Nullification" was the pre-Civil-War doctrine that asserted that any state legislature had the right to declare an act of Congress, executive order of the president, or decision of any federal court null and void – in that state – if, in the opinion of that state legislature, the federal law violated the Constitution.

Explanation: The idea was first proposed by Jefferson and Madison in 1798, during the John Adams administration. The Federalist-dominated Congress had passed a law that made it a crime for newspapers to publish articles critical of the federal government. John C. Calhoun of South Carolina later argued that the Southern states had the right to nullify federal efforts to restrict slavery.

D) The Civil War and later decisions of the U.S. Supreme Court blocked all further attempts to successfully exercise the nullification doctrine.

Explanation: No state has successfully declared unconstitutional any act of Congress, or executive order of a president, or decision of any federal court. Some have tried (e.g., during the period of "massive resistance" to racial desegregation in the 1950s and 1960s), but none have succeeded.

E) None of the above statements, A through D, is false.

Question 4) Which of the following statements, A through D, is false?

A) After the Civil War, the debate over federalism shifted to competing interpretations of the power of Congress to regulate business under the provisions of the "commerce clause."

Explanation: This new interest in resolving which level of government had the right to regulate interstate and intrastate commerce grew out of the boom-and-bust cycles of economic activity during the long post-Civil-War industrial revolution.

B) From the 1870s until the great depression of the 1930s, the U.S. Supreme Court generally advocated the doctrine of "dual federalism."

Explanation: This doctrine held that the national government and the state governments had mutually exclusive areas of authority, especially over commerce. The federal government could regulate only interstate commerce; the state governments only intrastate commerce.

Up until the mid-1930s, economic conservatives held a majority of seats on the U.S. Supreme Court. They tended to very narrowly define the scope of interstate commerce and hence ruled unconstitutional numerous attempts by President Franklin Roosevelt and the Democratic-controlled Congress to greatly expand "New Deal" federal programs under the commerce-clause powers.

C) From the mid-1930s until the 1980s, the U.S. Supreme Court largely abandoned the doctrine of dual-federalism, replacing it with a broader interpretation of the commerce-clause powers of Congress.

Explanation: During this era, the Court allowed Congress to hugely expand federal programs under a broad interpretation of the commerce-clause powers. It was also during this era that the Court was dominated by justices nominated by

Democratic presidents Roosevelt, Truman, Kennedy, and Johnson.

- D) Since the 1980s, the U.S. Supreme Court has once again started to impose a narrower interpretation of the commerce clause on Congress.

In the last decade, the Court has struck down attempts by Congress to regulate state governments' handling of both radioactive waste and background checks on the purchasers of handguns.

Explanation:

A major reason for the change is that economic conservative justices nominated by Republican presidents Nixon, Reagan, and the two Bushes once more constitute a significant voting bloc on the Court (although not yet a consistent majority).

- E) None of the above statements, A through D, is false.

Question 5) Which of the following statements, A through D, is false?

- A) Because of the significant growth in federal authority over economic and social activities during the 20th century, the U.S. has changed from a federal to a unitary political system.

Explanation: Not so. The broad reach of powers reserved to the states by the 10th Amendment has NOT been repealed by the expanded role of the federal government. We also should remember that, like the federal government, the states greatly expanded their budgets and programs during the past century.

- B) The individual U.S. states still exercise predominant, if not exclusive, control over a wide range of public policies.

Explanation: These are generally known as 10th-Amendment or reserved powers. These state powers are also sometimes referred to as the "police powers;" however, that is far too narrow a characterization of the scope of state power.

- C) Not only do state and (by delegation) local governments in the U.S. have primary responsibility for public order, but also public morality, health, safety, education, transportation, land use, welfare, suffrage, and elections.

Explanation: Especially during the 1930s and 1960s, the federal government expanded its role in many of these areas, e.g., the Social Security Act of 1935, the Civil Rights Act of 1964 (jobs and education), the Voting Rights Act of 1965, and the Open-Housing Act of 1968.

Presidents Franklin Roosevelt and Lyndon Johnson and the U.S. Supreme Court under Chief Justice Earl Warren were principal instigators of this expansion. Nevertheless, states still exercise an always important and often predominant role in each and every one of these public policy areas.

- D) A major political explanation for the continued strong role of the state government in the U.S. federal system lies in the state and locally centered nature of the U.S. Congress.

Explanation: With few exceptions, members of Congress view themselves as representatives of localities to Washington and not representatives to the localities from Washington.

Those that become captured by a "within-the-beltway" mentality tend to fairly soon lose reelection.

- E) None of the above statements, A through D, is false.

Question 6) Which of the following statements, A through D, is false?

- A) The first grants-in-aid from the national government began under the Articles of Confederation even before the Constitution was adopted.

Explanation: These grants-in-aid were in the form of "land grants" – gifts of public land from the national government to an individual, corporation, local or state government to aid in the accomplishment of some public purpose.

Such grants-in-aid to the states expanded under the new Constitution. For example, under the Morrill Act of 1862, states were encouraged to sell such lands to help fund state universities.

- B) In the 19th century, land grants from the federal government were given to the states to support the building of wagon roads, canals, railroads, and flood-control projects.

Explanation: Cash grants from the federal government to the states began almost as early as land grants. However, Cash grants remained few in number and small in cost until the 1960s during the "Great Society" programs of President Lyndon Johnson.

- C) Today, the four largest cash-grant federal-aid programs fund state-administered programs in health, income security,

education, and transportation.

Explanation: As you can see in Figure 5.2, p. 82, over 2 out of every 3 federal grant dollars go to state or local health and income security programs.

- D) A major disadvantage of federal grants to the state government officials was that although they could take credit for "bringing home the bacon" to their constituents, the state officials also had to take the heat for raising taxes to pay for the programs.

Explanation: No, it was federal taxes that paid for these grants-in-aid. Thus, it was and is common to see arch-conservative state governors and legislators denounce the federal government for imposing high taxes and wasting the tax-payers' money, while boasting to the voters at election time about all the projects, programs, and services that the state was providing to them (with federal aid).

- E) None of the above statements, A through D, is false.

Question 7) Which of the following statements, A through D, is false?

- A) A categorical (or project) grant is one limited to a specific purpose with many federal restrictions on its use.

Explanation: Governors and mayors complain that these categorical (or project) grants are often too narrowly defined so that it is difficult or impossible to adapt the grants to diverse state and local needs.

- B) A block grant consolidates several categorical (or project) grants into a single block grant devoted to some general purpose whose use is left largely to state or local discretion.

Explanation: Block grants are sometimes called "special revenue sharing" or "broad-based aid." They expanded during the Nixon administration in the late 1960s.

However, most federal grants-in-aid are still categorical rather than block.

- C) The Reagan administration succeeded in greatly shrinking the total size of federal grants-in-aid to state and local governments.

Explanation: Not so. Reagan was able to only slow (not reverse) the growth of federal grant-in-aid spending. He also failed to eliminate the two cabinet departments that as a presidential candidate he had pledged to axe – the departments of education and energy. On both scores, he was blocked by Democratic majorities in both houses of Congress.

- D) As federal aid failed to grow rapidly during the 1980s and 1990s, states turned to other ways of raising money without raising taxes.

Explanation: About 3/4ths of the states and D.C. now have state lotteries. This has created widespread controversies about the moral, social, economic, and political dysfunctionality of these revenue sources.

Because of the economic recession that began in 2001, many states (including some with Republican governors and legislative majorities) have been forced to raise taxes to meet revenue shortfalls.

- E) None of the above statements, A through D, is false.

Question 8) Which of the following statements, A through D, is false?

- A) There is a great deal of debate about the distributional formulas that often control the distribution of federal aid to states and regions.

Explanation: These formulas take into account such factors as population, income, unemployment, education and housing quality, etc.

- B) The results of the U.S. Census, taken every ten years, can greatly influence the distribution of federal grants-in-aid to regions, states, and localities.

Explanation: There are more than one hundred federal programs that distribute money on the basis of population. Census results also determine the apportionment of U.S. House seats across the states as well as state legislative seats within each state. For all of these reasons, how effective the Census Bureau is in locating each U.S. household and getting residents to cooperate in completing census forms has a monumental impact on federal, state, and local policies.

- C) The more important federal money becomes to the states, the less likely states are to compete among themselves for a larger share of it.

Explanation: Not so. This state-against-state lobbying in Washington has always been a part of U.S. politics, but it has been

especially intense since the 1960s.

D) Rivalry among the states is also sectional in nature.

Explanation: In the early colonial days, the sectional rivalry was between the Tide-water and Frontier sections of the coastal colonies. By the constitutional convention, the sectional rivalry had shifted to North vs. South. During the pre- and post-Civil-War eras, the nation's expansion westward had added a third section to the rivalry. In the contemporary, post-industrial era the sectional rivalry is now often defined as between the "Rust-belt" or declining industrial states of the Northeast and Midwest vs. the economically growing states of the "Sunbelt."

E) None of the above statements, A through D, is false.

Question 9) Which of the following statements, A through D, is false?

A) Although the federal government pays for most of the cost of constructing interstate highways, state and local governments decide where those highways will be built.

Explanation: Each state is required to provide "matching funds" for interstate highway construction in that state, but this usually amounts to only 5 percent of the total cost of the project. And, while the federal government provides 95 percent of the money, state and local governments decide where the interstate highway will go within their state.

B) Federalism means that on many civil and criminal matters, citizens living in different parts of the country will be treated differently.

Explanation: States' rights were not eliminated by the South's defeat in the Civil War. States continue to reserve to themselves (or the localities within them) important powers over public order, morality, health, safety, education, transportation, land use, elections, and suffrage.

C) Federalism means that on many civil and criminal matters, citizens living in different parts of the country will be treated uniformly.

Think of it this way: federalism incorporates both 1) the local and regional diversity found in confederal systems with 2) the national uniformity characteristic of unitary systems. Some problems (e.g., public education and morality) are assigned to the state governments to resolve in diverse ways. Other problems (e.g., issuing currency and regulating foreign trade) are assigned to the national government to resolve in uniform ways.

Explanation: States' rights do not nullify federal authority. The federal Congress, president, and courts are Constitutionally granted many enumerated, implied, and inherent powers.

But, neither does federal authority eliminate all important state's rights. States exercise many significant powers that are not delegated to the federal government nor Constitutionally prohibited to them.

D) When we complain about government dragging its feet, we should remember that much of that foot dragging occurs because, since the earliest days of the republic, we, the people, have insisted that power be shared by many branches and levels of government.

Explanation: The Framers of the Constitution responded to this widespread desire to disburse governmental power by giving us a presidential system with separation of powers across branches and a federal system with division of powers across levels.

E) None of the above statements, A through D, is false.