



AP U.S. Government and Politics

Unit 1 Notes: Federalism

1. 3 Ways to organize a government

- A. Unitary- A way of organizing a nation so that all power resides in the central government. Ex: Great Britain, France, Japan, most countries
- B. Confederal- A way of organizing a nation so that power resides in the state and local government. Ex: U.S. prior to 1789, Russian Federation after fall of S.U.
- C. Federalism- A way of organizing a nation so that two or more levels of government have authority over the same land and people. A system of shared power between units of government. Ex: U.S., Mexico, Canada, Australia, India, Brazil, Germany, Switzerland

The Flow of Power in Three Systems of Government

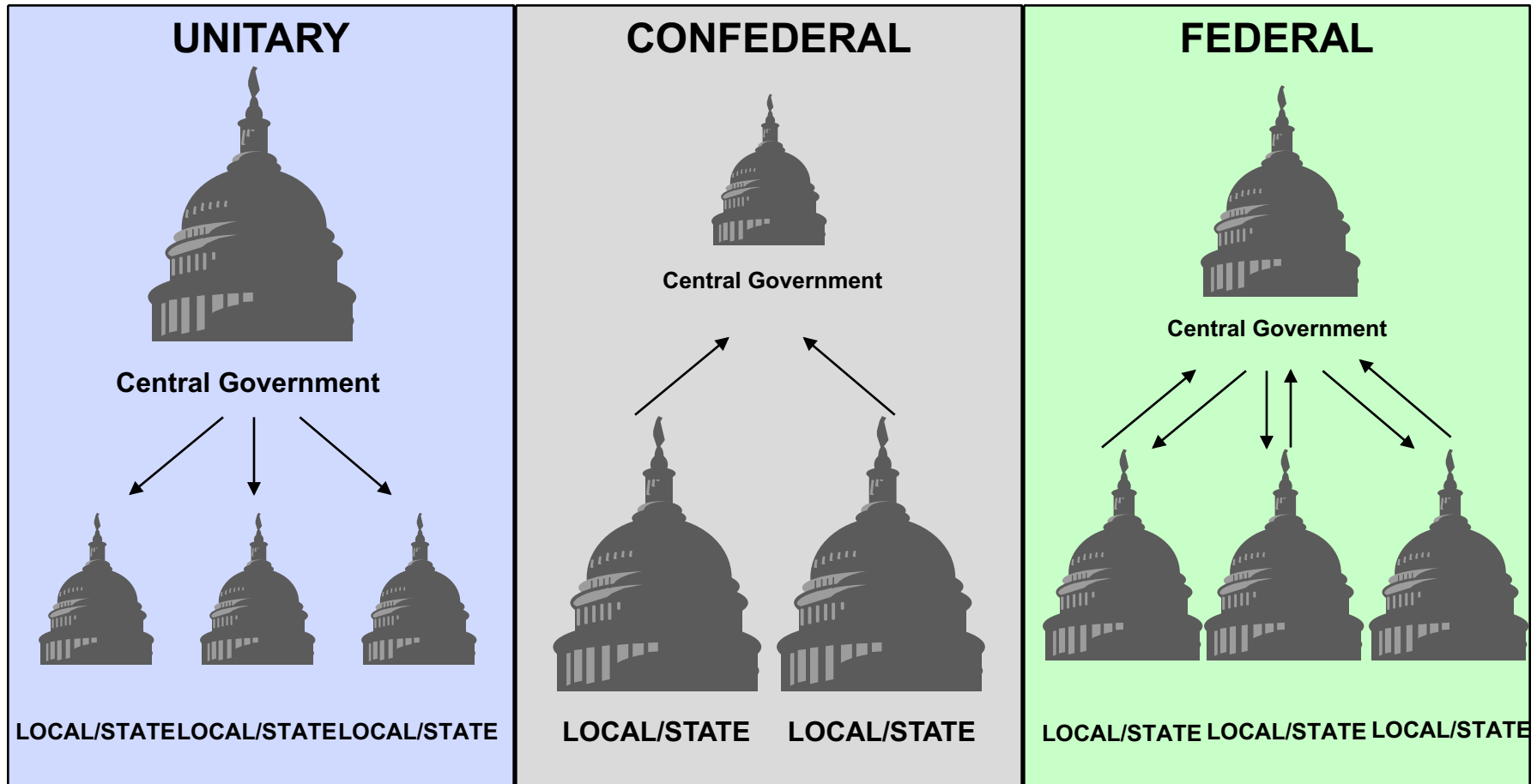



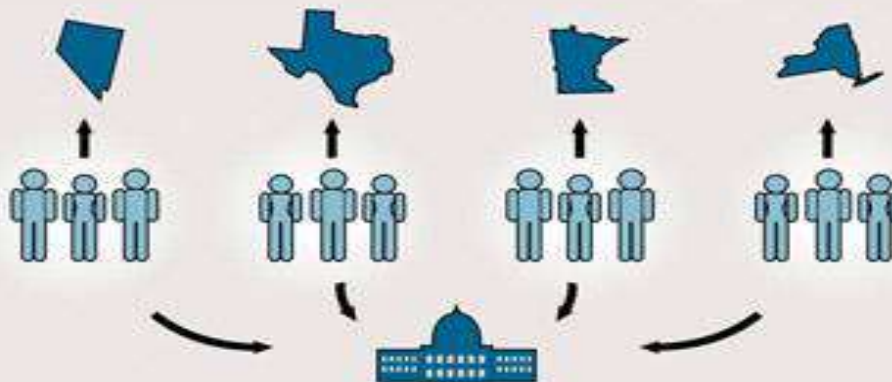


Figure 3.2 The Federal, Confederation, and Unitary Systems of Government

 States  People  National Government

Federal System

Federal government and states derive authority from the people



Unitary System

Local and regional governments derive authority from the central government



Confederation

Central government derives authority from states

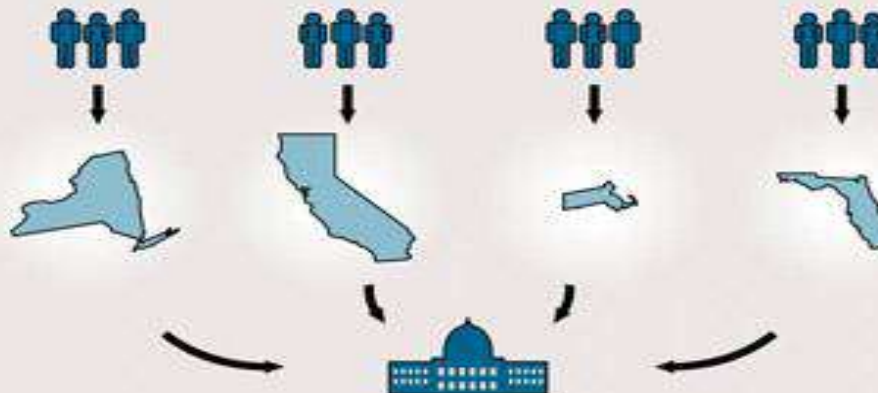
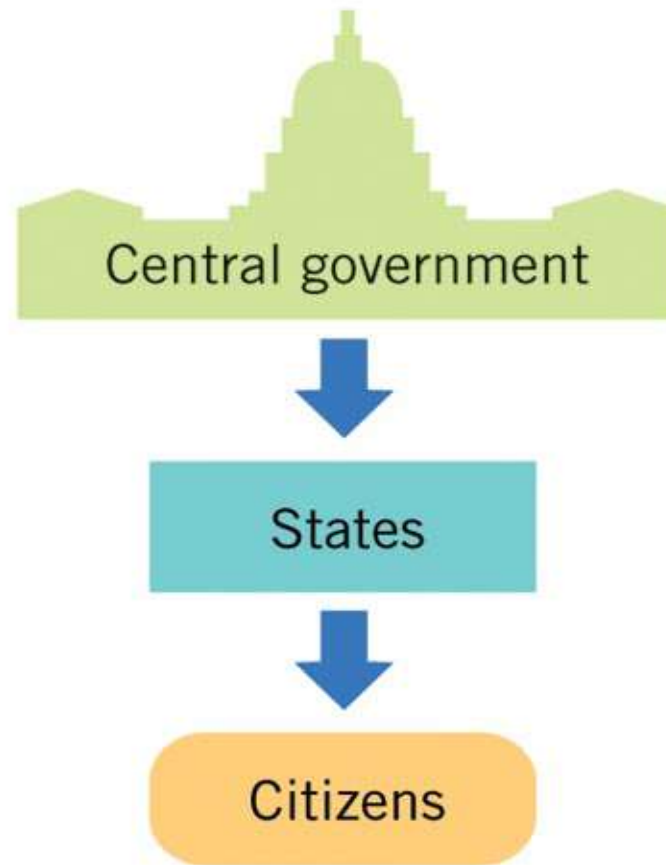


Figure 3.1: Lines of Power in Three Systems of Government

UNITARY SYSTEM



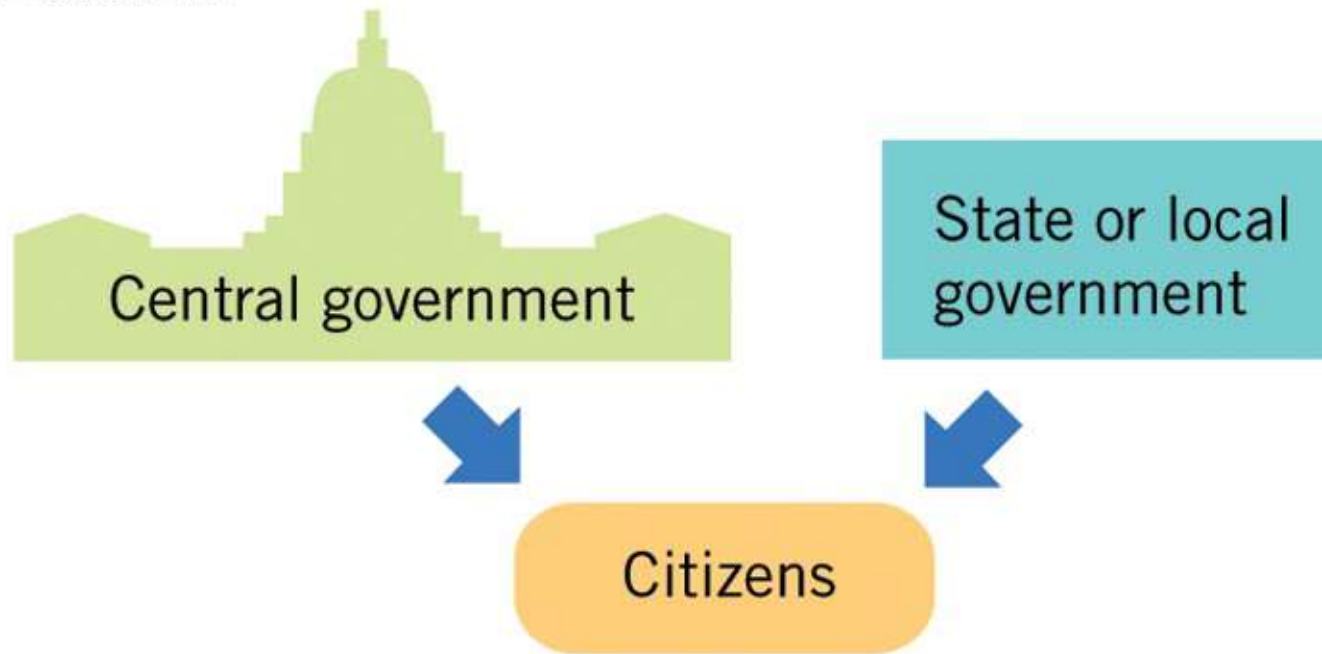
Power centralized.

State or regional governments derive authority from central government.

Examples: United Kingdom, France.

Figure 3.1: Lines of Power in Three Systems of Government

FEDERAL SYSTEM



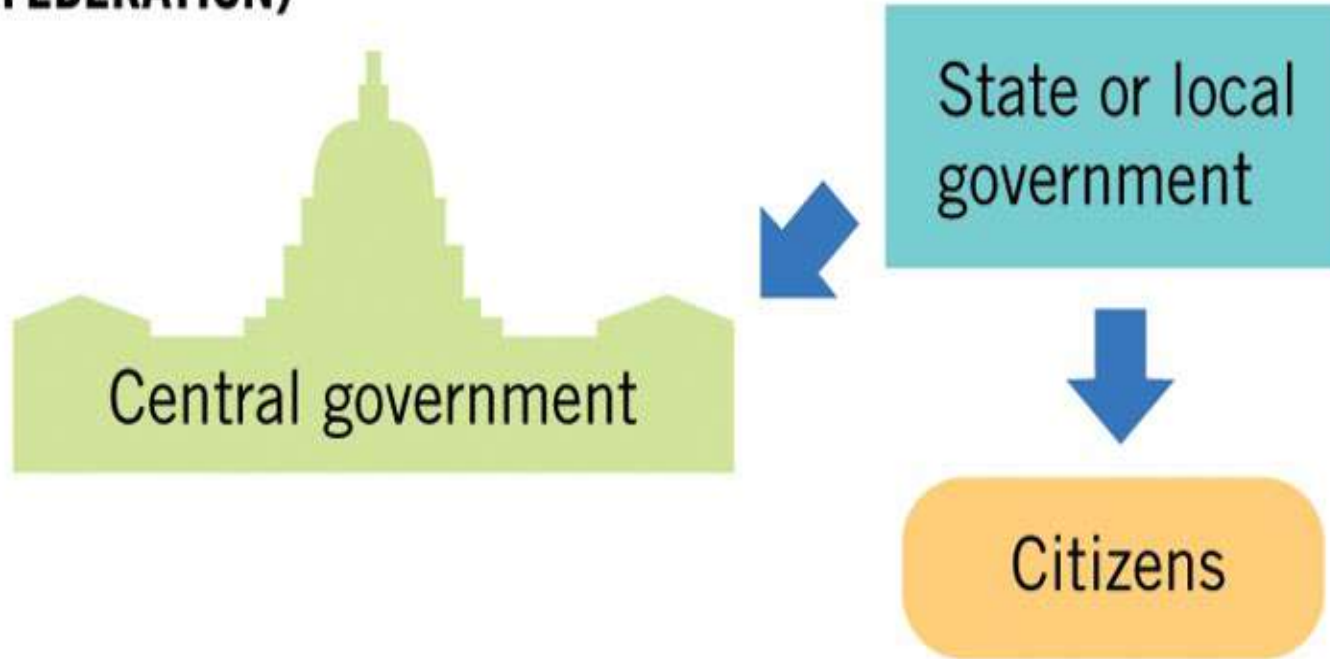
Power divided between central and state or local governments. Both the government and constituent governments act directly upon the citizens.

Both must agree to constitutional change.

Examples: Canada, United States since adoption of Constitution.

Figure 3.1: Lines of Power in Three Systems of Government

**CONFEDERAL SYSTEM
(or CONFEDERATION)**



Power held by independent states.

Central government is a creature of the constituent governments.

Example: United States under the Articles of Confederation.

Defining Federalism

Table 3.1 Authority Relations in Three Systems of Government

	UNITARY	CONFEDERATE	FEDERAL
Central government	<ul style="list-style-type: none">• holds primary authority• regulates activities of states	<ul style="list-style-type: none">• limited powers to coordinate state activities	<ul style="list-style-type: none">• shares power with states
State government	<ul style="list-style-type: none">• little or no powers• duties regulated by central government	<ul style="list-style-type: none">• sovereign• allocate some duties to central government	<ul style="list-style-type: none">• shares power with central government
Citizens	<ul style="list-style-type: none">• vote for central government officials	<ul style="list-style-type: none">• vote for state government officials	<ul style="list-style-type: none">• vote for both state and central government officials



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Unit 1 Notes: Federalism

. Features of Federalism

A. Decentralizes our politics-

1. Allows many different access points, increases political activity
2. Makes it easier for pluralist politics to take place



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. Features of Federalism

B. Decentralizes our policies-

1. Causes tension between states and national government over who controls what.

2. Allows states to be policy innovators and incubators, programs can be tried out at the state level before making it onto the national level. Ex:

3. Increases power of judiciary- somebody has to referee the disputes

The American Federal System -- The Division of Powers

SELECTED CONSTITUTIONAL POWERS

National Government

EXPRESSED

- To coin money
- To conduct foreign relations
- To regulate interstate commerce
- To levy and collect taxes
- To raise and support the military
- To establish post offices
- To establish courts inferior to the Supreme Court
- To admit new states

IMPLIED

“To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.”

(Article 1, Section 8, Clause 18)

National and State Governments

CONCURRENT

- To levy and collect taxes
- To borrow money
- To make and enforce laws
- To establish courts
- To provide for the general welfare
- To charter banks and corporations

State Governments

RESERVED TO THE STATES

- To regulate intrastate commerce
- To conduct elections
- To provide for public health, safety, and morals
- To establish local governments
- To ratify amendments to the federal constitution
- To establish a state militia

The American Federal System -- The Division of Powers

SELECTED POWERS DENIED BY THE CONSTITUTION

National Government

- To tax articles exported from any state
- To violate the Bill of Rights
- To change state boundaries
- To suspend the right of *habeas corpus*
- To make ex post facto laws
- To subject officeholder to a religious test

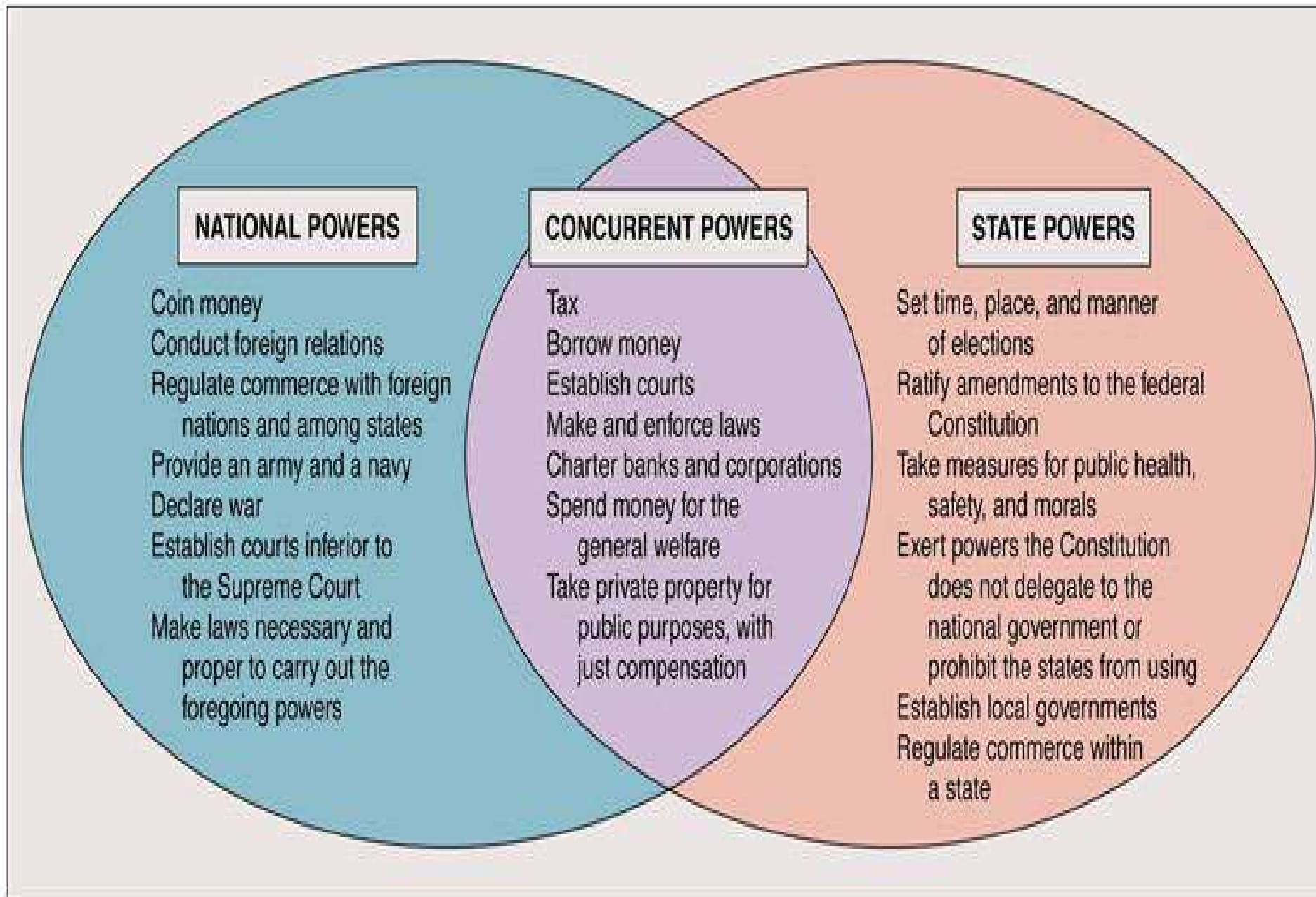
National and State Governments

- To grant titles of nobility
- To permit slavery
- To deny citizens the right to vote because of race, color, or previous seritude
- To deny citizens the right to vote because of gender

State Governments

- To tax imports or exports
- To coin money
- To enter into treaties
- To impair obligations of contracts
- To abridge the privileges or immunities of citizens or deny due process and equal protection of the laws

Figure 3.3 The Distribution of Governmental Power in the Federal System





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Unit 1 Notes: Federalism

. 3. Types of Federalism

A. Dual/ Layer Cake- Distinct separation of powers between national and state government. All powers not delegated to the national government by the Constitution belong to the states (states' rights). National and state governments have specific, enumerated powers spelled out in the Constitution. Strong support for 10th Amendment



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Unit 1 Notes: Federalism

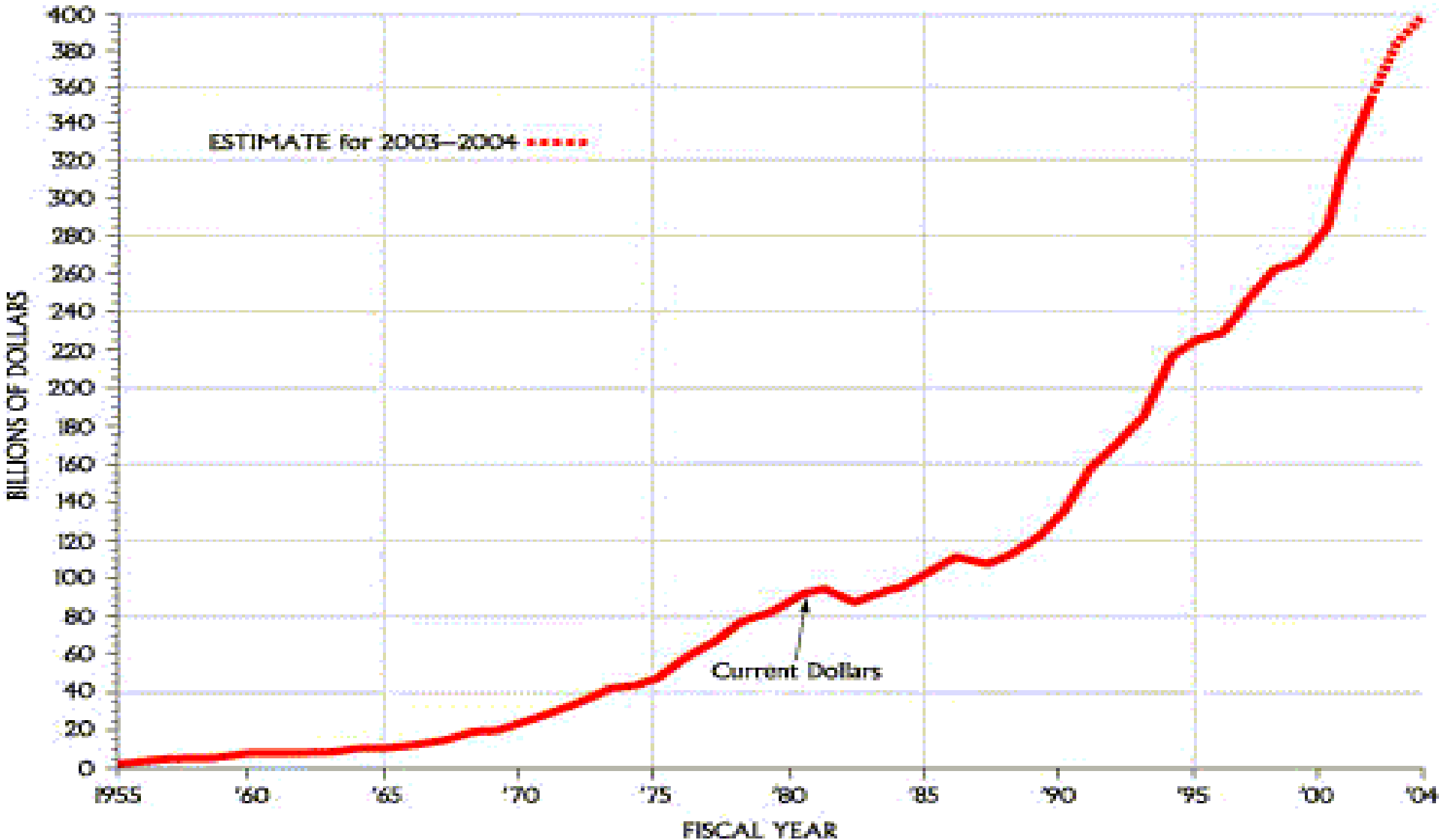
. 3. Types of Federalism

B. Cooperative/ Marble Cake- Strong support for the elastic/ “necessary and proper” clause (Article I, Sec. 8), i.e. implied powers. Powers of national and state governments are intermingled.

C. Picket Fence- Slats are interest/ functions, 3 rails represent national, state, and local governments. All 3 rails touch each interest but at different levels

Intergovernmental Relations Today

- Federal Grants to State and Local Governments (Figure 3.1)





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Unit 1 Notes: Federalism

4. Supremacy of National Law

A. McCulloch v. Maryland (1819)

1. Congress establishes 2nd Bank of U.S. (precursor to Federal Reserve)
2. States view this as too much control of economy by national government
3. Maryland puts tax on bank, bank refuses to pay, McCulloch the clerk is sued for refusal
4. Maryland courts uphold law, bank appeals to Supreme Court



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Unit 1 Notes: Federalism

4. Supremacy of National Law

A. McCulloch v. Maryland (1819)

5. Does Congress have the power to create a national bank?

a. NO! say the states; nothing in Constitution gives Congress that power

b. YES! says the bank, Constitution should be interpreted broadly

c. YES! says the court under John Marshall

1. National law is supreme over state law

2. Implied powers/ the elastic (necessary and proper) clause allow for bank



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Unit 1 Notes: Federalism

4. Supremacy of National Law

B. Gibbons v. Ogden (1824)

1. Commerce Clause- power to regulate interstate commerce

2. Court defines commerce clause very broadly, greatly increasing national government's power to ENCOURAGE business

3. Not until 1937 did Court say Congress could REGULATE interstate commerce in wake of Schechter Poultry v. U.S. (1935) and FDR's court packing scheme.



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4. Supremacy of National Law

C. Civil War and 14th Amendment

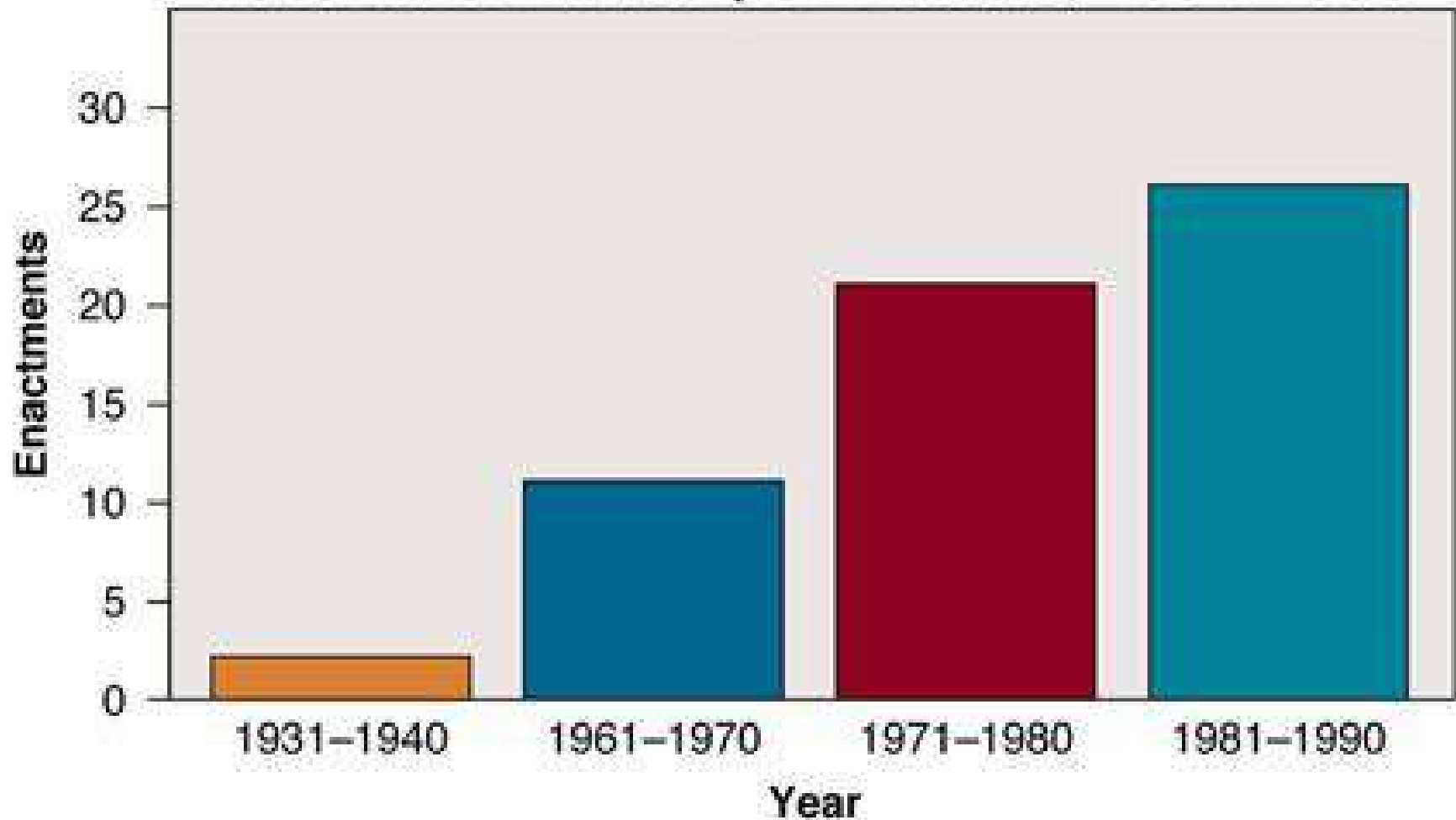
1. Expansion of the power of the national government
2. War ends idea of nullification- states declaring national government's action null and void
3. Civil rights movement of 50's and 60's and Warren court applied Bill of Rights protections to the states

TABLE 3.1

The Federal System: Specialization
of Governmental Functions in the
Traditional System (1789–1937)

NATIONAL GOVERNMENT POLICIES (DOMESTIC)	STATE GOVERNMENT POLICIES	LOCAL GOVERNMENT POLICIES
Internal improvements Subsidies Tariffs Public lands disposal Patents Currency	Property laws (including slavery) Estate and inheritance laws Commerce laws Banking and credit laws Corporate laws Insurance laws Family laws Morality laws Public health laws Education laws General penal laws Eminent domain laws Construction codes Land-use laws Water and mineral laws Criminal procedure laws Electoral and political parties laws Local government laws Civil service laws Occupations and profes- sions laws	Adaptation of state laws to local conditions (“variances”) Public works Contracts for public works Licensing of public accommodations Assessable improvements Basic public services

Figure 3.4 The Growth of Regulatory Federalism: Enactments Added per Decade, 1931-1990



SOURCE: ACIR, *Regulatory Federalism*, Appendix Table 1.
Reprinted in Timothy J. Conlan and David R. Beam,
"Federal Mandates: The Record of Reform and Future Products,"
Intergovernmental Perspective (Fall 1992):9.



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Unit 1 Notes: Federalism

4. Supremacy of National Law

D. 1990's Rulings

1. Courts taking a more skeptical eye towards using the commerce clause so broadly

a. U.S. v. Lopez (1995)- Congress can't ban guns in a school zone

b. Mack v. U.S. (1997)- Congress can't force local authorities to do "Brady" Law background checks.



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Unit 1 Notes: Federalism

5. Relations between States

A. Full Faith and Credit

1. States honor laws of other states, i.e., reciprocity; 1996 Hawaii allows same-sex marriages; Congress passes Defense of Marriage Act

B. Extradition- States must return a person charged with a crime to the state that has charged them



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5. Relations between States

C. Privileges and Immunities

1. Citizens of any state receive all of the privileges and immunities as do the residents of that state they happen to be in.
2. Many exceptions- out of state tuition, voting, bed/ rental taxes



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Unit 1 Notes: Federalism

6. Fiscal Federalism

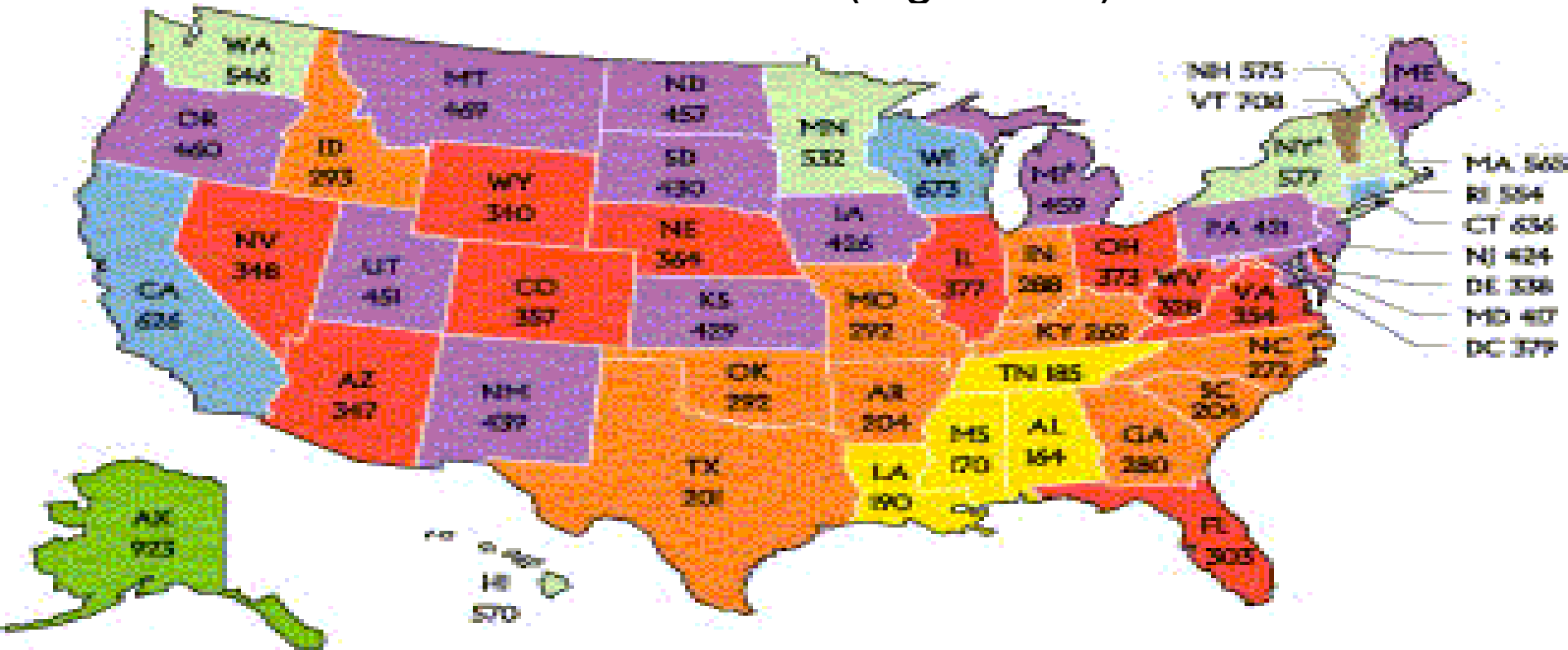
A. Grants (\$!) by the national government to the state and local governments; used a a carrot and stick OR as a hammer to get states to do things

3 main standards

1. Shared costs
2. Federal Guidelines
3. Shared administration

Understanding Federalism

- State Welfare Benefits (Figure 3.3)



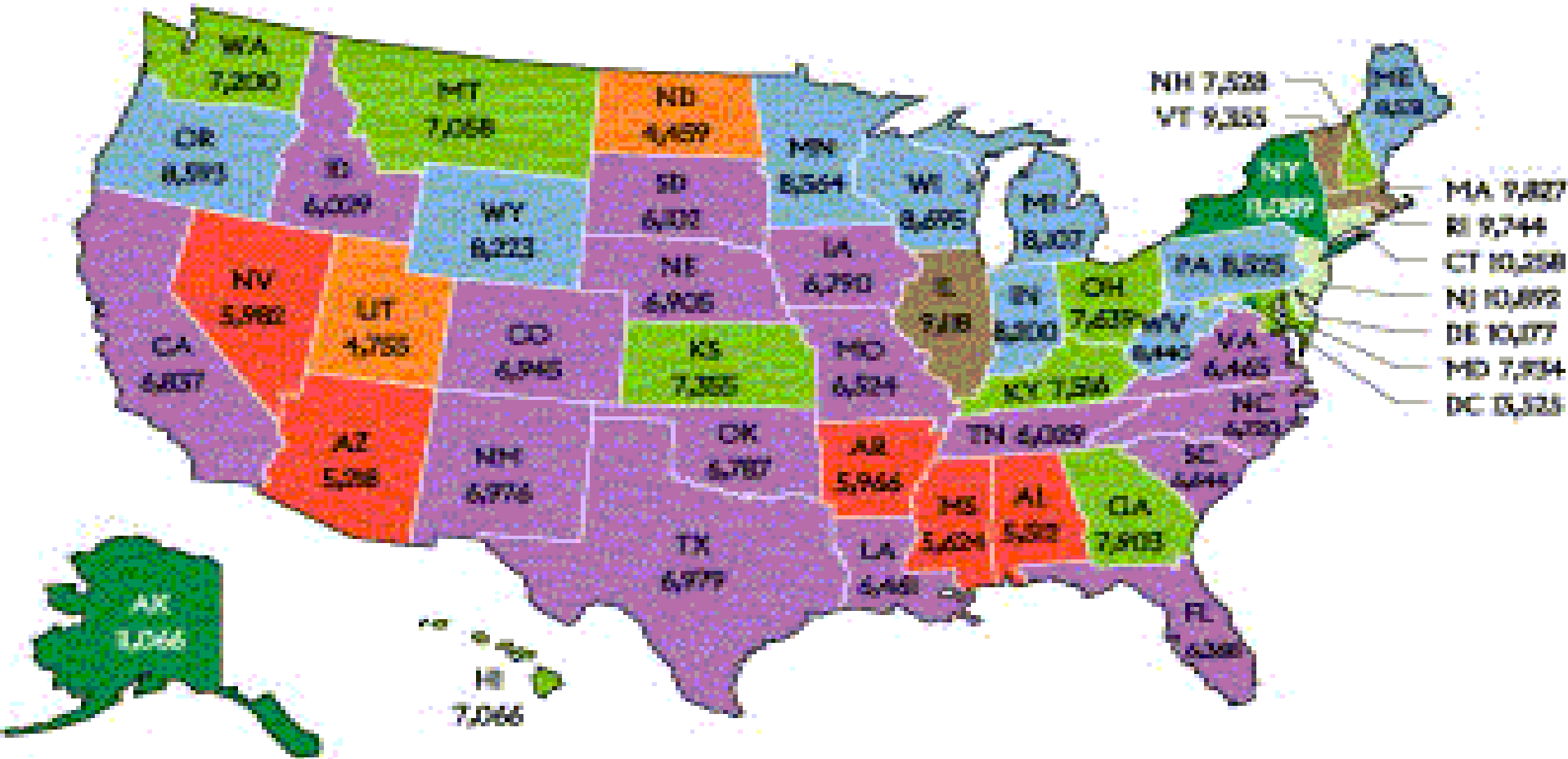
Monthly Welfare Grant for a Family of 3, 2000



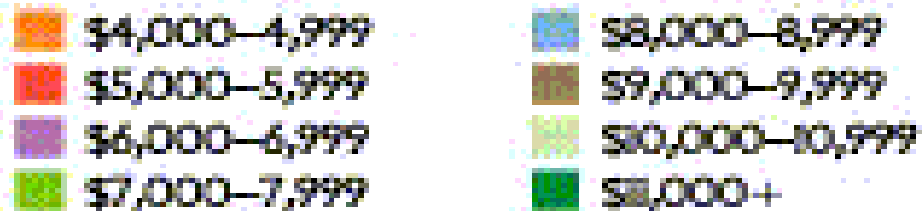
There is no state in the \$800–899 range.

Understanding Federalism

- Spending on Public Education (Figure 3.4)

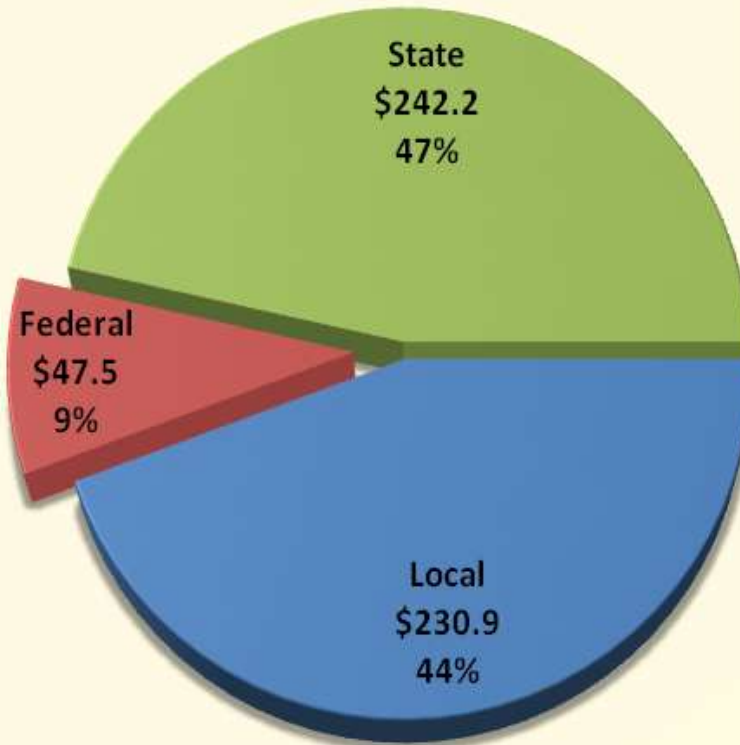


Spending Per Pupil



Understanding Federalism

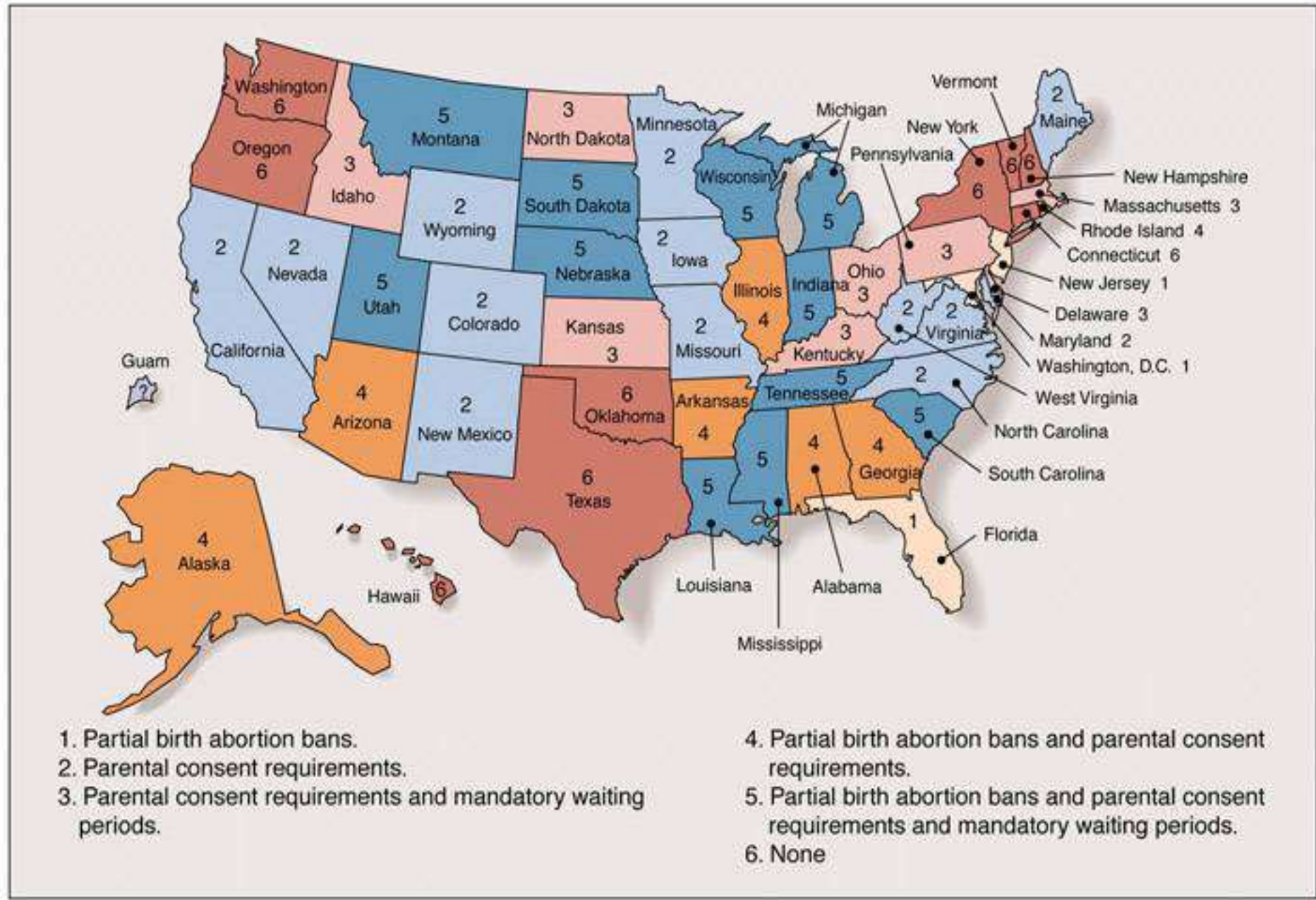
**Funding Sources for U.S. Public Elementary and Secondary Schools
(billions of dollars)
2006**



**Total Spending
\$520.6 Billion**

*Source: U.S. Department of Education, National Center for Education Statistics
"National Public Education Financial Survey" fiscal year 2006, Version 1a*

Figure 3.5 State-by-State Selected Abortion Restrictions, 1998



SOURCE: www.naral.org/publications/whod98summary. From USA Today, July 1, 1991, p. 2A. Reprinted by permission.

Variations in Government Aid Across the Nation

As millions of people seek aid, they are finding a complex system that reaches some and rejects others for unpredictable reasons. For six programs, The Times examined the share of needy people receiving benefits.

Welfare

States bear the costs of expanded welfare rolls. Poor Southern states have historically been sparing. Louisiana covers about 5 percent of poor families with children.

HIGHEST AND LOWEST



TOP 10 STATES



BOTTOM 10 STATES



Unemployment

Benefits reach fewer workers where wages are low or unions are weak, as they are in much of the South.

HIGHEST AND LOWEST



TOP 10 STATES



BOTTOM 10 STATES



Housing assistance

Construction peaked decades ago, which means less subsidized housing in states like Arizona and Florida with recent population growth.

HIGHEST AND LOWEST



TOP 10 STATES



BOTTOM 10 STATES



Food stamps

With the federal government footing the bill, some poor states, including Tenn. and W. Va., sign many people up. Long distances and calls for self-reliance may reduce usage in the West.

HIGHEST AND LOWEST



TOP 10 STATES



BOTTOM 10 STATES



Health insurance for poor adults

Northeastern states, like Massachusetts, have expanded coverage for poor adults, though costs are high and states pay a substantial share.

HIGHEST AND LOWEST



TOP 10 STATES



BOTTOM 10 STATES



Health insurance for poor children

Children cost less to cover than adults, and the federal government pays a greater share. No state covers fewer than half of its low-income uninsured children.

HIGHEST AND LOWEST



TOP 10 STATES



BOTTOM 10 STATES





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Unit 1 Notes: Federalism

6. Fiscal Federalism

B. Types of grants

1. Categorical- used for a specific purpose

a. project grant- competitive

b. formula grant- based on some formula;

Medicaid, WIC

2. Block- used to support broad programs

a. States have more discretion

TABLE 3.3

Historical Trend of Federal Grants-in-Aid

FISCAL YEAR	AMOUNT OF GRANTS-IN-AID (IN BILLIONS)	GRANTS-IN-AID AS A PERCENTAGE OF			
		TOTAL FEDERAL OUTLAYS	FEDERAL DOMESTIC PROGRAMS*	STATE AND LOCAL EXPENDITURES	GROSS DOMESTIC PRODUCT
1950	\$2.3	5.3	11.6	8.2	0.8
1955	3.2	4.7	17.2	9.7	0.8
1960	7.0	8.0	18.0	19.0	1.0
1965	10.9	9.0	18.0	20.0	2.0
1970	24.1	12.0	23.0	24.0	2.0
1975	49.8	15.0	22.0	27.0	3.0
1980	91.4	15.0	22.0	31.0	3.0
1985	105.9	11.0	18.0	25.0	3.0
1990	135.3	11.0	17.0	21.0	2.0
1995	225.0	15.0	22.0	25.0	3.0
2000	284.7	15.9	22.0	24.7	2.9

Federal Grants-in-Aid

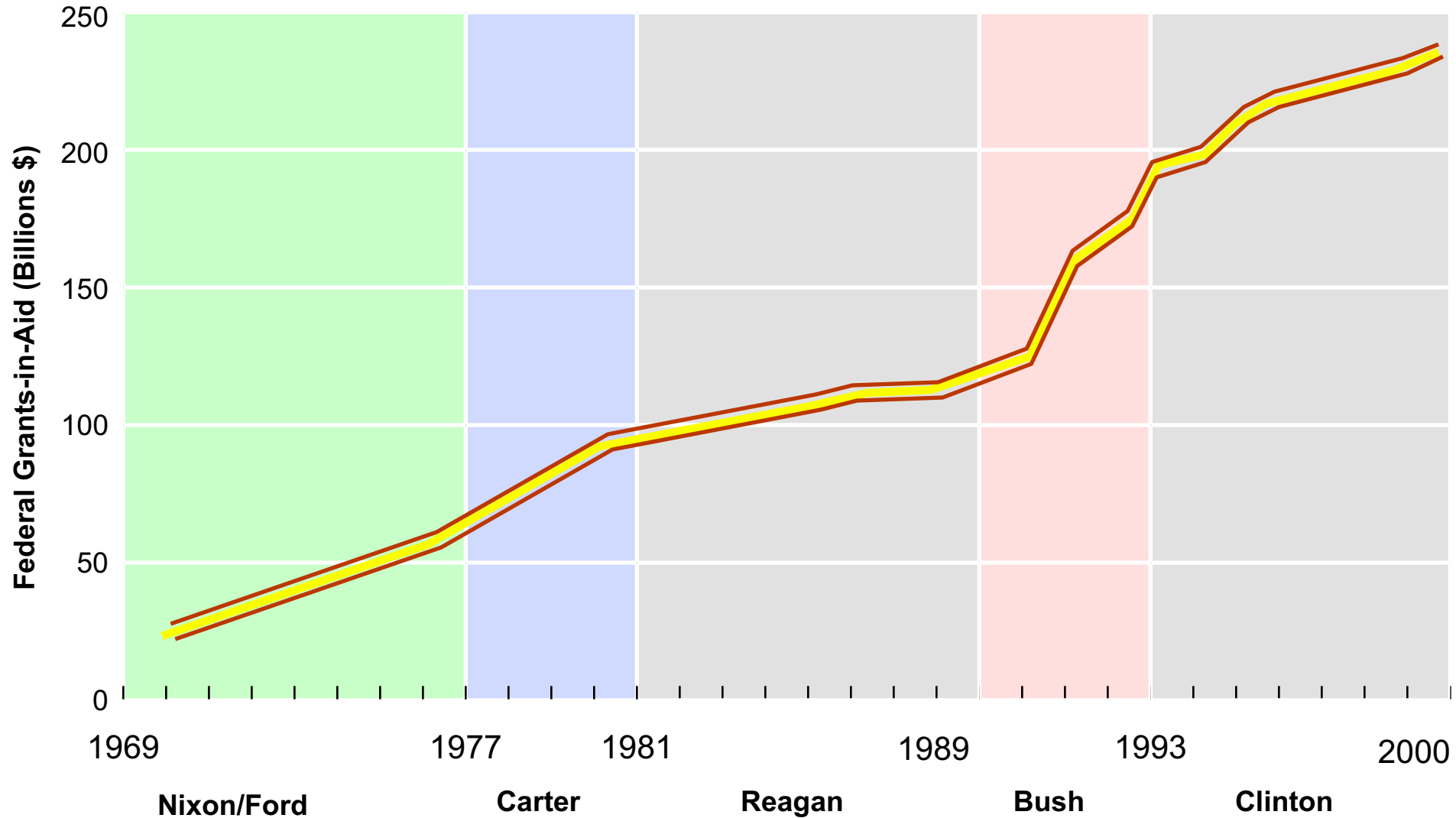
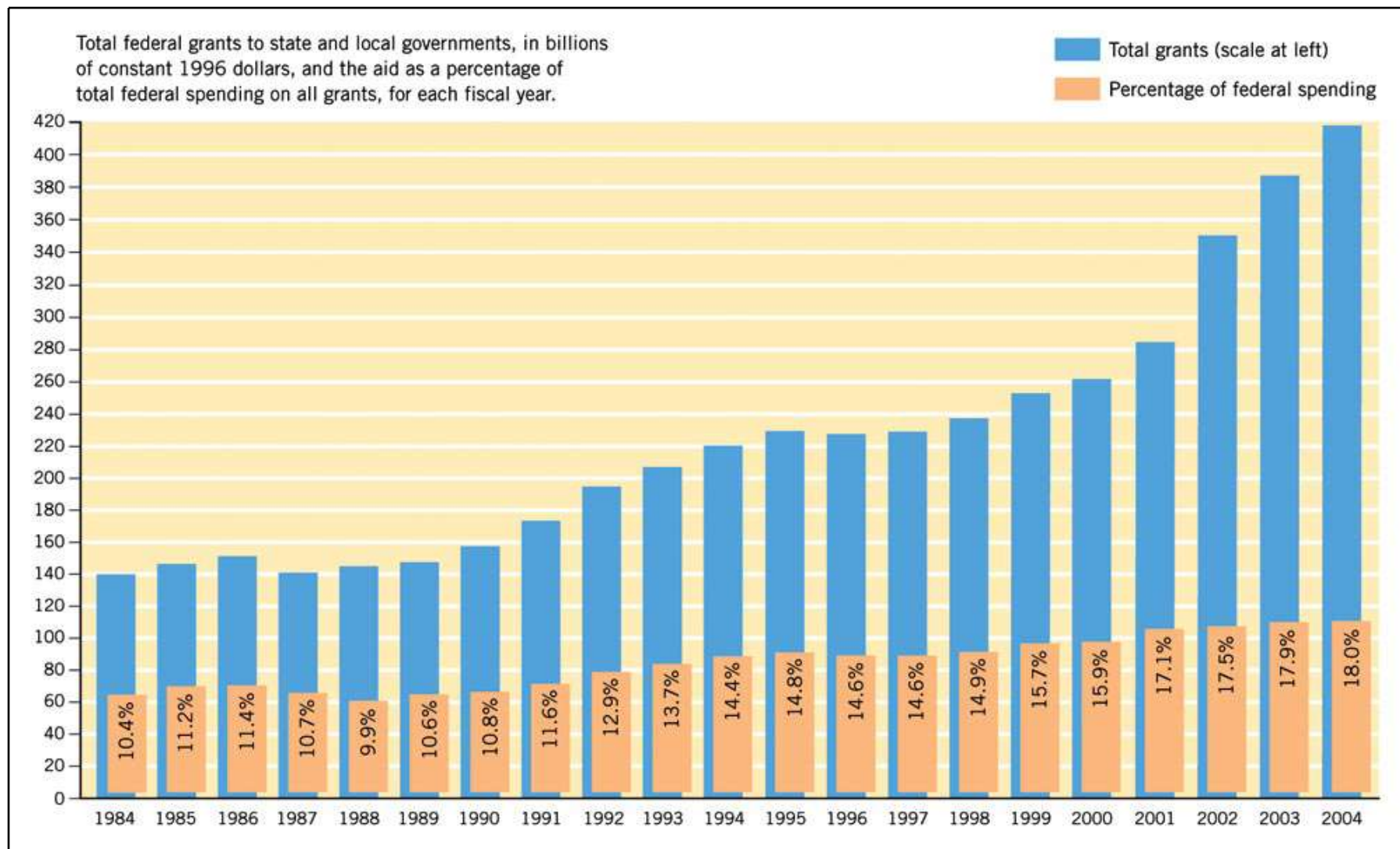


Figure 3.3: Federal Grants to State and Local Governments, 1984-2004



Budget of the U.S. Government, Fiscal Year 2002, Historical Tables, table 6.1, and Budget of the U.S. Government, Fiscal Year 2005, table 12.1.

FIGURE 3.1

The Rise and Decline of Federal Aid

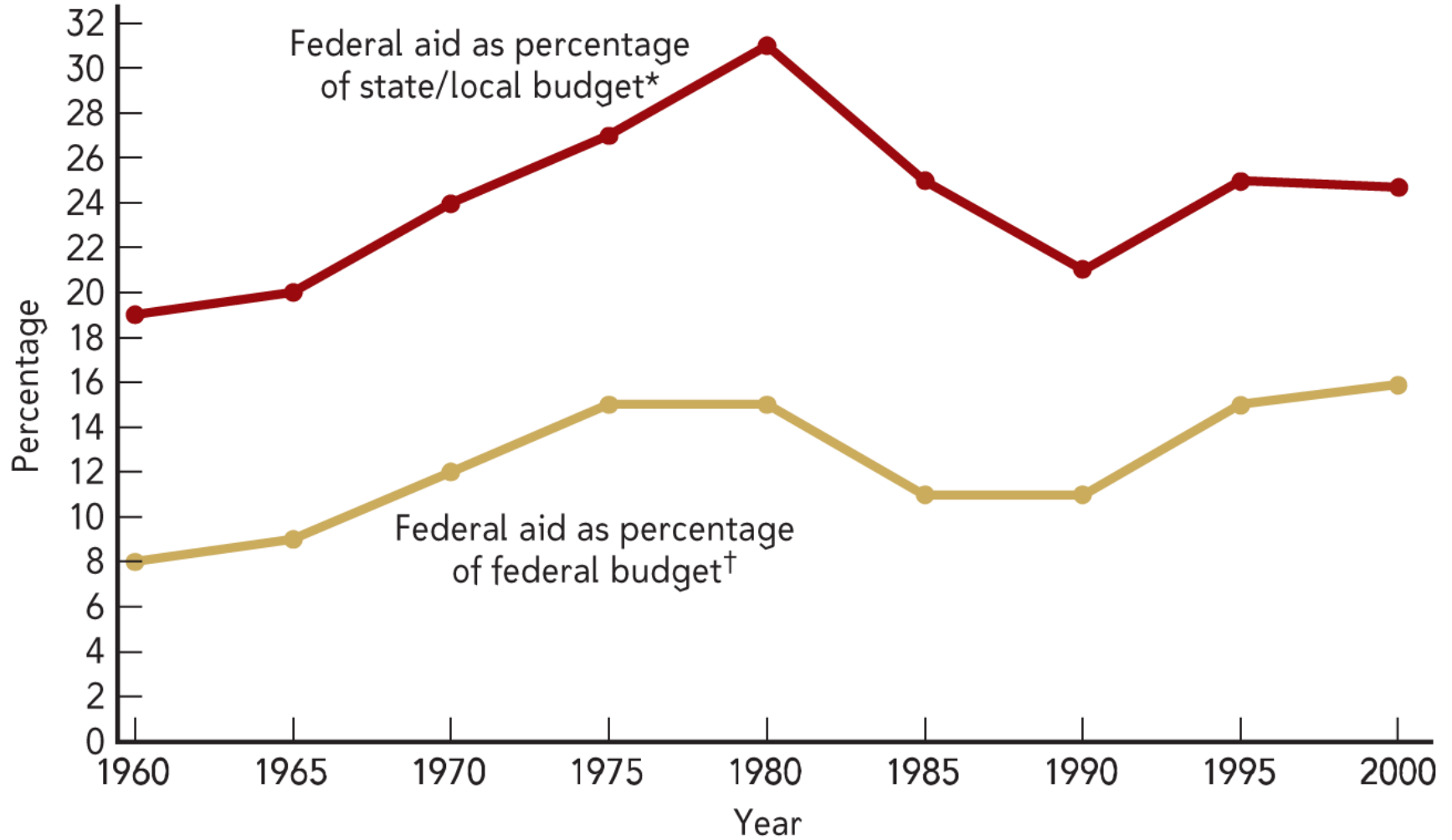


TABLE 3.4

Federal Aid as a Percentage of
General Annual Expenditure

CITY	1977	1995	CITY	1977	1995
Chicago	20	8	Houston	13	5
Cleveland	29	10	Indianapolis	21	6
Denver	14	1	Los Angeles	22	12
Detroit	31	12	San Antonio	28	4
Honolulu	30	8	Seattle	23	3



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Unit 1 Notes: Federalism

6. Fiscal Federalism

- C. Nixon's "New Federalism"- Revenue sharing
 - a. Grants used for just about anything
 - b. small impact, cut by Reagan

D. Reagan's "New Federalism"

- 1. Shifting responsibilities back to states, states fought this
- 2. Budget cuts left little money to give states to administer these programs



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6. Fiscal Federalism

D+. “Devolution Revolution”- 90’s version of New Federalism

Ex: Welfare and Medicaid funded by Feds, administered by states; let’s states experiment (workfare requirements, AHCCS HMO), be more efficient

E. Universality of Grants

1. Something for everybody;

Ex: Chapter 1 Education Program to give extra help to poor kids; 95% of all school districts receive money



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Unit 1 Notes: Federalism

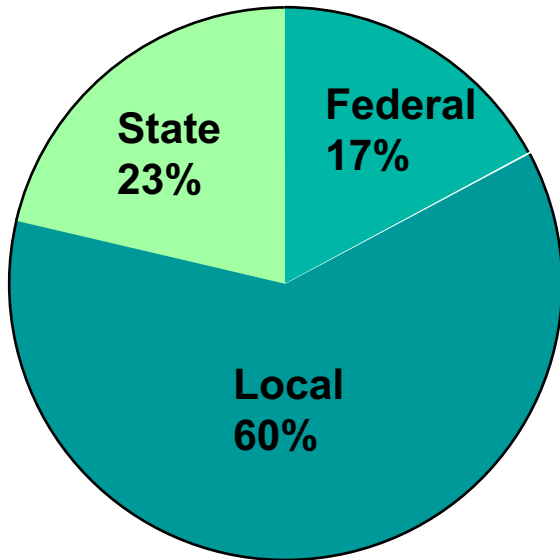
6. Fiscal Federalism

F. Unfunded mandates

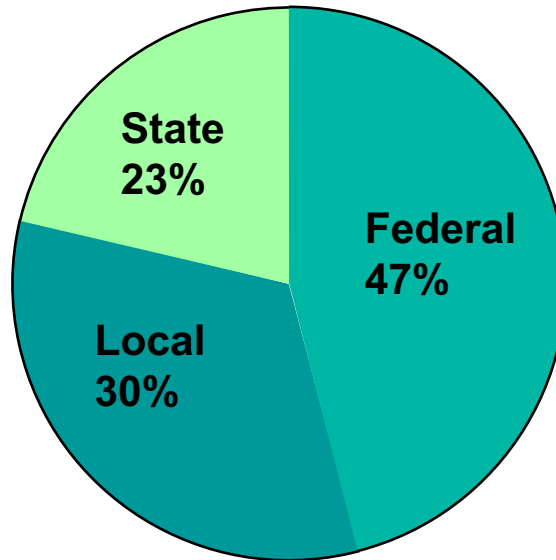
1. Congress passes law requiring states administer programs but then appropriates little or no money

Ex: Americans with Disabilities Act (1990), Special Education, Clean Air Act (1970), Medicaid

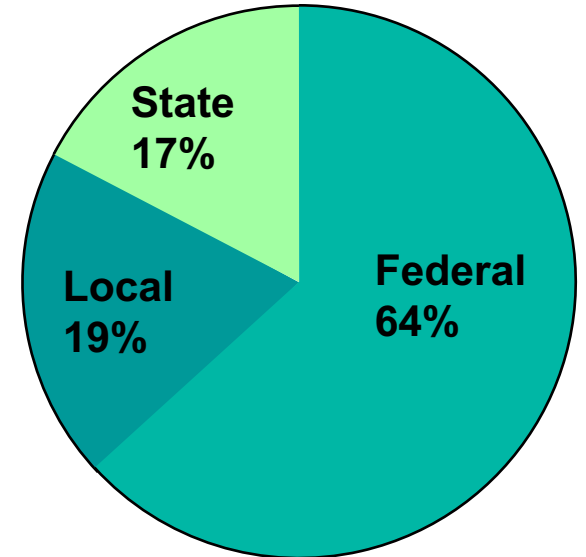
The Shift Toward Central Government Spending



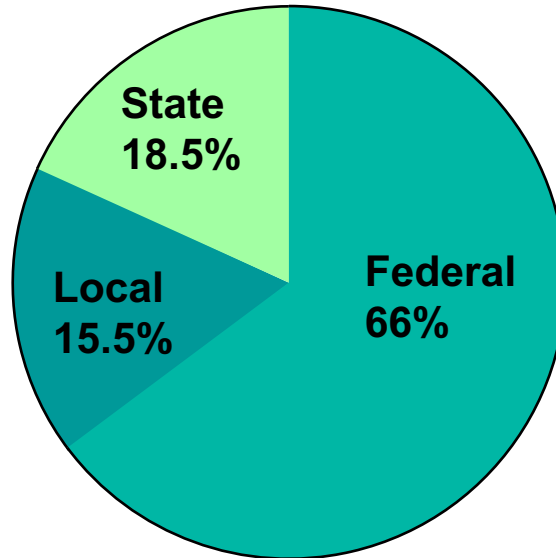
1929



1939



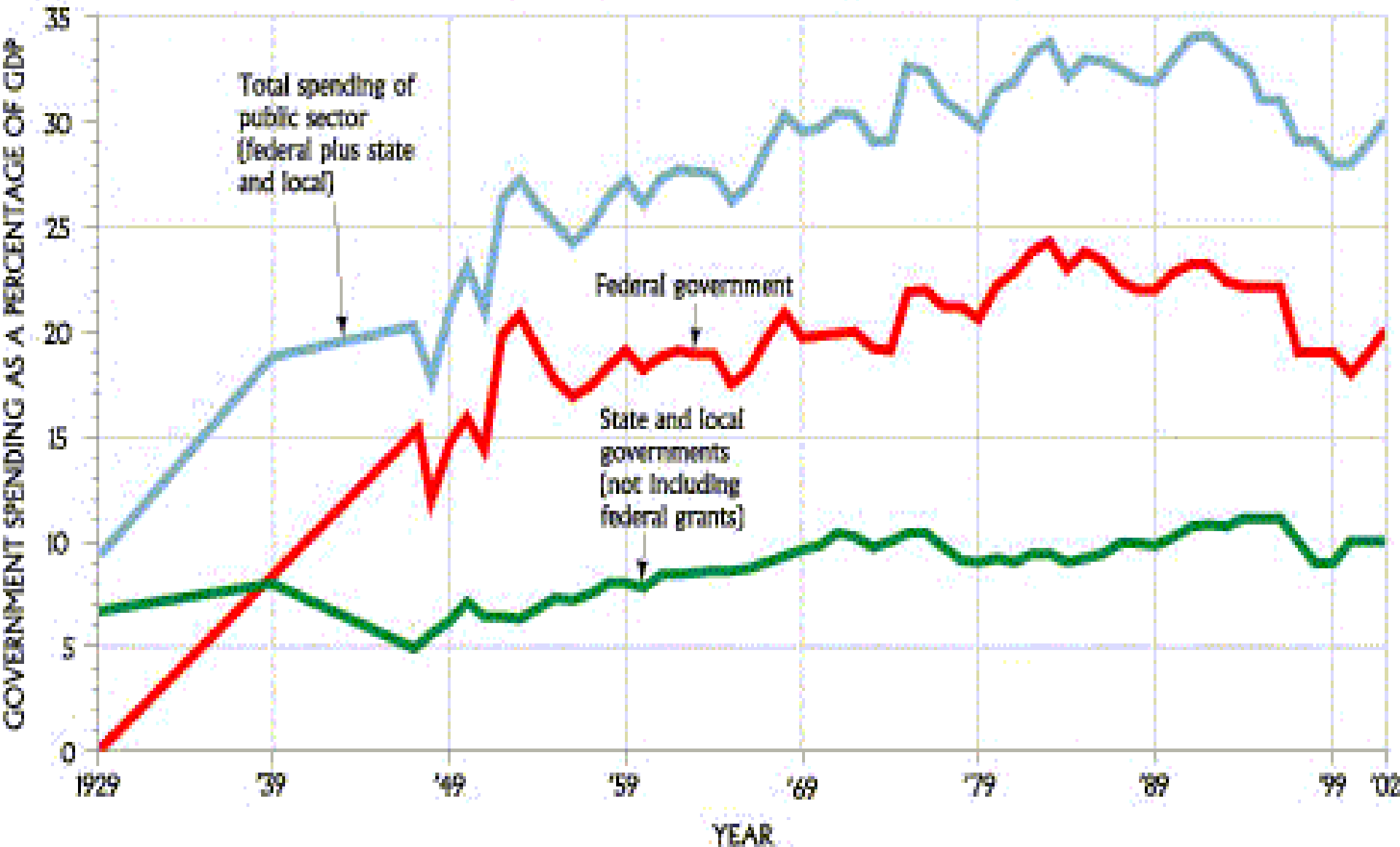
1960



1999

Understanding Federalism

- The Public Sector and the Federal System (Figure 3.5)





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Unit 1 Notes: Federalism

7. Advantages

- A. Allows many different access points to government, lets local issues be dealt with at that level**
- B. Increases participation**
- C. Helps develop political leadership- local training ground**
- D. Allows states to experiment**
- E. Reduces conflict at national level- issues dealt with before they reach there**



AP U.S. Government and Politics

Unit 1 Notes: Federalism

8. Disadvantages

A. Unequal distribution of resources by states on the same issue EX: Education, Welfare

B. Discourage states from providing needed services- EX: Welfare

C. Local Interests able to put off national support of something EX: Civil Rights

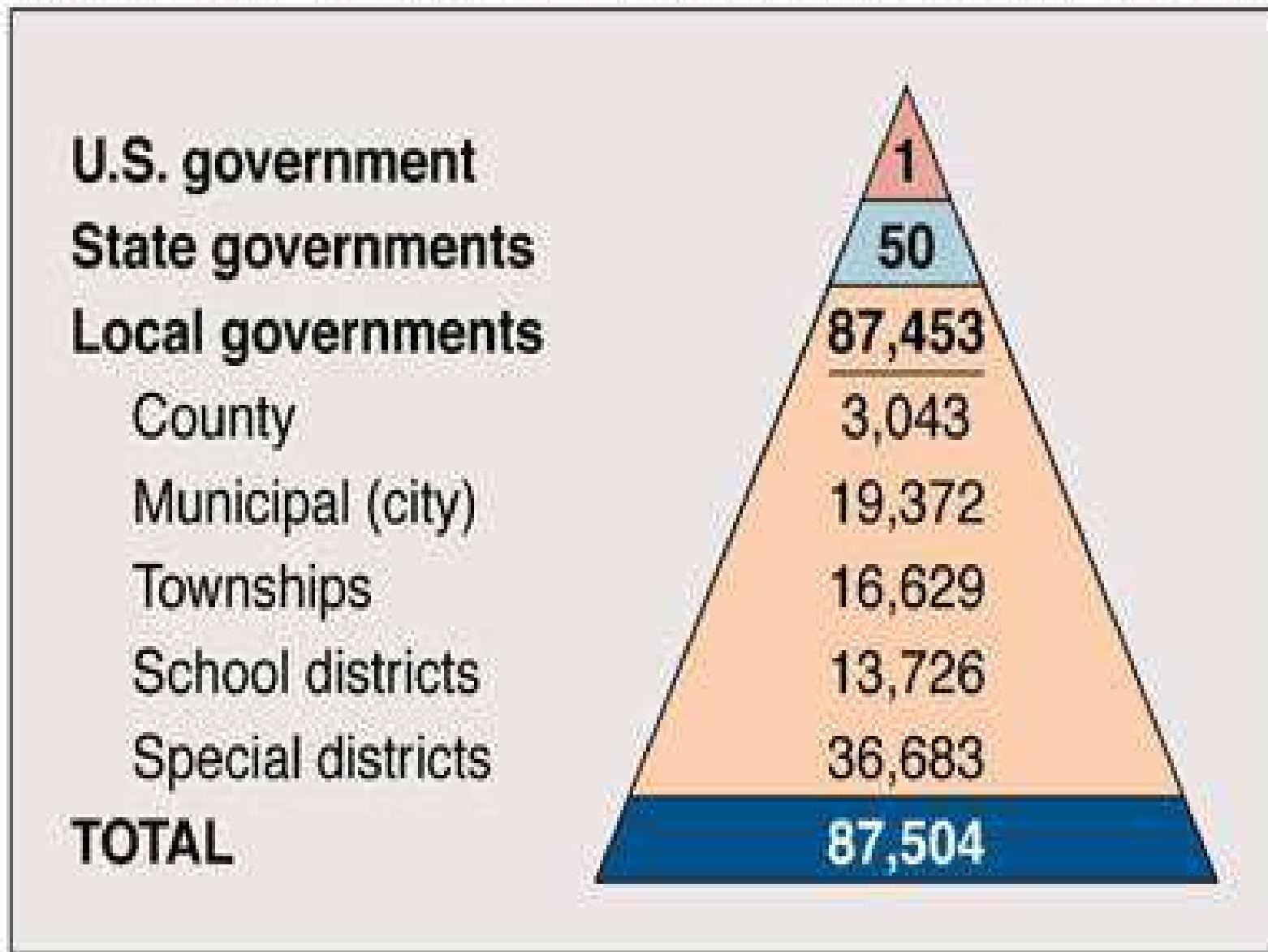
D. Too many governments (87,000 in U.S.)- confusing for people, low voter turnout

The Number of Governments in the United States Today

With more than 87,000 separate governmental units in the United States today, it is no wonder that intergovernmental relations in the United States are so complicated. Actually, the number of school districts has decreased over time, but the number of special districts created for single purposes, such as flood control, has increased from only about 8,000 during World War II to about 36,000 today.

Federal Government		1
State Governments		50
Local Governments		87,453
Counties	3,043	
Municipalities (mainly cities or towns)	19,372	
Townships (less extensive powers)	16,629	
Special Districts (water, sewer, and so on)	34,683	
School Districts	13,726	
TOTAL		87,504

Figure 3.1 Number of Governments in the U.S. in 1997



SOURCE: U.S. Bureau of the Census, <http://www.census.gov/govs/www/gid.html>