Federalism

A system of shared power between two or more levels of government
Not…

• A unitary government
  – All power in central government
  – Example?

• A confederation
  – Most power is in the hands of components
  – Example?
Draw a picture of

• Unitary government

• Confederation

• Federalism
Strong National Government vs. States’ Rights

• Federal Government: _________ Clause
  – The Constitution
  – Laws of the National Government
  – Treaties

VS.

• States Government: _________ Amendment
  – All jurisdiction over anything not specifically assigned by the Constitution
Strong National Government vs. States’ Rights

• Federal Government: Supremacy Clause
  – The Constitution
  – Laws of the National Government
  – Treaties

VS.

• States Government: Tenth Amendment
  – All jurisdiction over anything not specifically assigned by the Constitution
Growing Power of Federal Government

• Four Key Events Leading to the Growth
  – Elaboration of doctrine of implied powers
    • Supreme Court Case: ______________
  – The definition of the commerce clause
    • Supreme Court Case: __________________
      – Congress has certain implied powers beyond enumerated powers
  – Civil War
    • State vs federal government
  – Civil Rights
    • Supreme Court Case: ___________________
Growing Power of Federal Government

- Four Key Events Leading to the Growth
  - Elaboration of doctrine of implied powers
    - Supreme Court Case: McCullouch vs. Maryland
  - The definition of the commerce clause
    - Supreme Court: Gibbons vs. Ogden
      - Congress has certain implied powers beyond enumerated powers
  - Civil War
    - State vs federal government
  - Civil Rights
    - Brown v. Board of Education
What did McCulloch vs. Maryland decide?

Use these words:

Bank
Maryland
Implied
Elastic
State’s Influence on National Government and Vice Versa

A. States Influence National Law
   1. New idea comes from state and becomes national law.
   2. States have maintained power and federal government has created new type of power.
      a. Constitutional Amendments
      b. legislative mandates
      c. judicial interpretation
Obligations of national government to the states

A. Guarantee each state a republican form of government

B. Protect each state against invasion of domestic violence

C. Grant new states the same rights as other states
Obligations of State Governments

A. _______________ clause- each state honor the public acts, records and legal proceedings of other states
   1. Birth certificates, marriages, debts, etc.
      a. Marriage- How does the Defense of Marriage Act get in the way of this?

B. _______________ clause- each state must grant to citizens of other states the same rights and privileges to their own citizens
   1. States cannot unreasonably discriminate against citizens of other states

C. _______________ - Governors must return suspects to the state in which they allegedly committed their crimes

D. Interstate compacts require consent of Congress
Obligations of State Governments

A. Full faith and credit clause- each state honor the public acts, records and legal proceedings of other states
   1. Birth certificates, marriages, debts, etc.
      a. Marriage- How does the Defense of Marriage Act get in the way of this?

B. Privileges and Immunities clause- each state must grant to citizens of other states the same rights and privileges to their own citizens
   1. States cannot unreasonably discriminate against citizens of other states

C. Extradition- Governors must return suspects to the state in which they allegedly committed their crimes

D. Interstate compacts require consent of Congress
The Constitution and Federalism

• Which part of the Constitution ignites the debate about federalism?
The Constitution and Federalism

• Which part of the Constitution ignites the debate about federalism?

• Article 1, Section 8, which enumerates the power allotted to Congress and includes the necessary-and-proper clause, and the Tenth Amendment.
Growth of Federal Government

A. National government uses state/local government to administer programs that are federally funded

1. Purpose of federal grants
   a. Reduces growth of federal bureaucracy—simply provides money to states and has states run programs
   b. Supplies state and local governments with needed revenue
c. Establishes minimum federal standards in important areas
   - air quality, water quality

d. Equalizes resources among rich and poor states
Types of Grants

What is the difference among **Categorical**, Project, and Block grants?
Categorical

1. For specific programs
   a. roads, airports, housing, etc.

2. National government agrees to pay a portion of the costs of these, and states pick up the balance
   a. sometimes called formula grants

3. States don’t have to accept these, but if they do they must comply with federal standards
Project

1. States apply for grants for specific projects
2. “Grantsmanship” state competition for grants has led to development of the fine art of “grant writing”

TJC awarded $12 million grant to lead project from U.S. Department of Labor

Submitted by Stephanie Frazier, KLTV Community Web Producer
Thursday, September 20th, 2012, 11:59am

Topics: Business, News, Schools

From Tyler Junior College:

Tyler Junior College is among 27 recipients who will share $500 million in grants to community colleges and universities around the country for the development and expansion of innovative training programs.

Announced Wednesday by the U.S. Department of Labor, the grants are part of the Trade Adjustment Assistance Community College and Career Training initiative which promotes skills development and employment opportunities in fields such as advanced manufacturing, transportation and health care, as well as science, technology, engineering and math careers through partnerships between training providers and local employers.
Block Grant

1. Granted to support a collection of general programs
   a. e.g. urban development, transportation)
      - More state leeway
   b. Related to the 104th and 105th Republican Congress and devolution of power back to states.