

**AMERICAN GOVERNMENT**  
**AND POLITICS TODAY** 2015-2016 EDITION



# Chapter Three

## Federalism

# Learning Outcomes

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- 3.1 Define federalism and contrast the federal system of government with the unitary and confederal systems in explaining where governmental power lies.
- 3.2 Identify two advantages and two disadvantages of the U.S. federal system.
- 3.3 Locate the sources of federalism in the U.S. Constitution; using the terms vertical control and horizontal control, explain how the founders intended federalism and separation of powers to limit the expansion of national power.
- 3.4 Explain the historical evolution of federalism as a result of the Marshall Court, the Civil War, the New Deal, civil rights, and federal grant-making.
- 3.5 Evaluate immigration policy as a challenge to modern federalism.

# Governmental Units in the United States

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With more than 89,000 separate governmental units in the United States today, it is no wonder that intergovernmental relations in this country 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 more than 37,000 today.

Federal government	1
State governments	50
Local governments	89,476
Counties	3,033
Municipalities (mainly cities or towns)	19,492
Townships (less extensive powers)	16,519
Special districts (water, sewer, and so on)	37,381
School districts	13,051
<b>TOTAL UNITS</b>	<b>89,527</b>

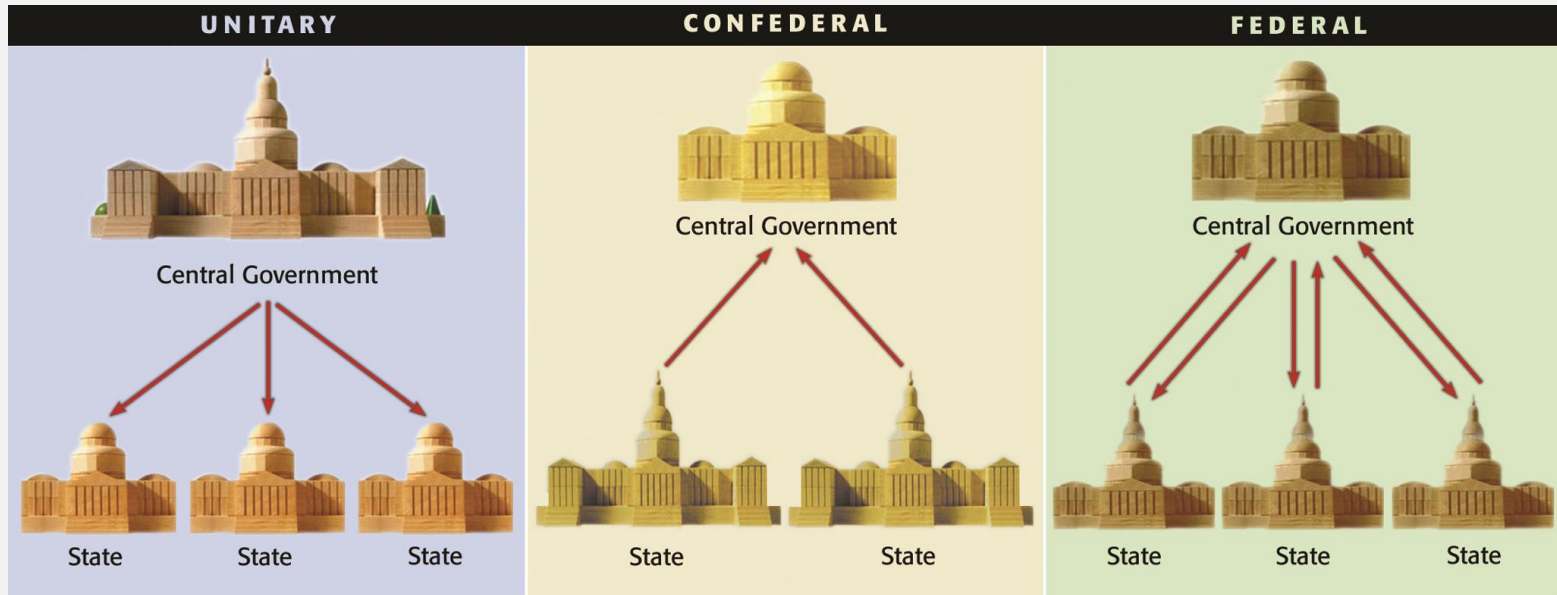
# Three Systems of Government

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- A Unitary System
- A Confederal System
- A Federal System

# The Flow of Power in the Three Systems of Government

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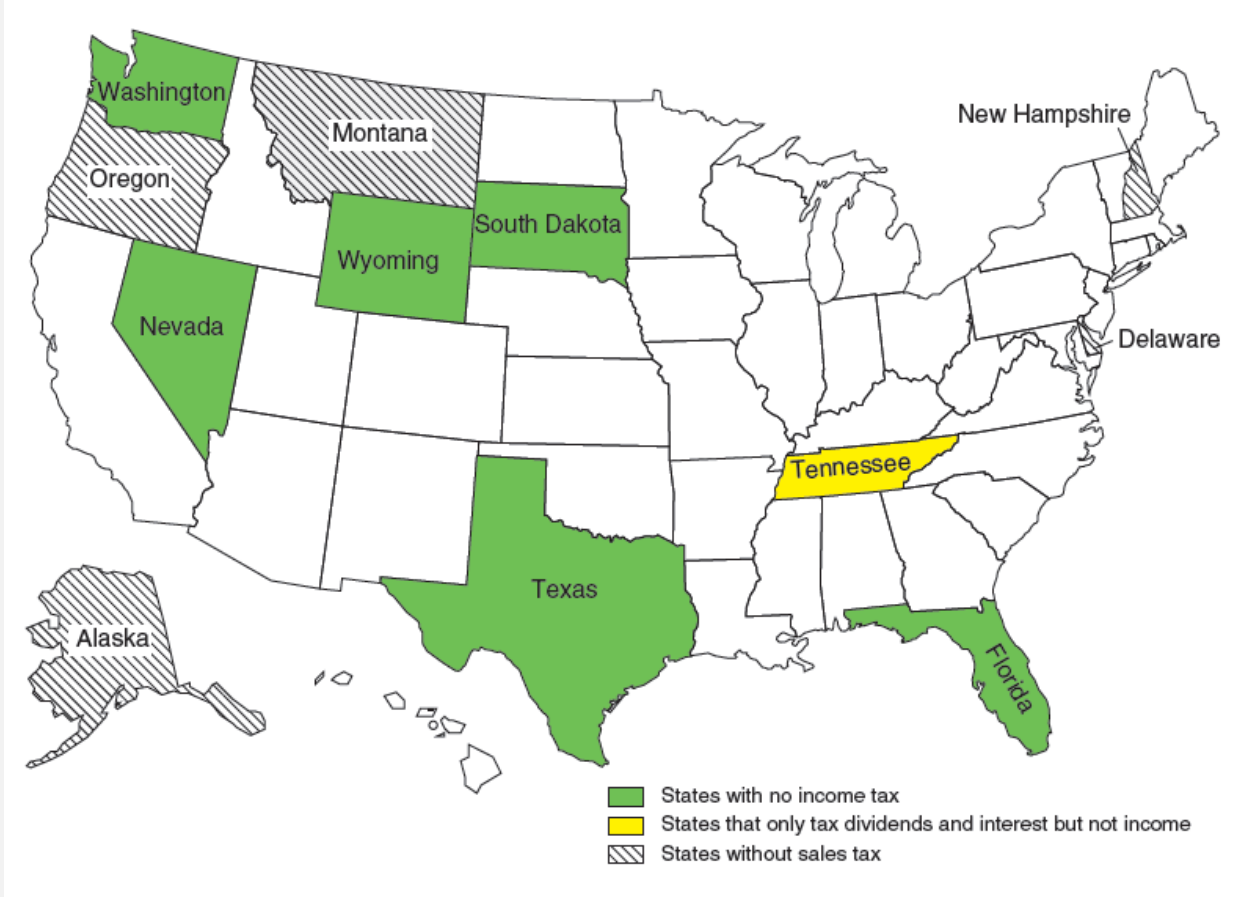
In a unitary system, power flows from the central government to the local and state governments. In a confederal system, power flows in the opposite direction—from the state governments to the central government. In a federal system, the flow of power, in principle, goes both ways.

# Why Federalism?

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- A Practical Constitutional Solution
  - Benefits for the United States
  - Allowance for Many Political Subcultures
  - Arguments against Federalism

# States with No Income Tax and No Sales Tax



# Why Federalism?

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Joe Amon/The Denver Post/Getty Images



# The Constitutional Basis for American Federalism

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- Powers of the National Government
  - The Necessary and Proper Clause
    - Elastic clause
  - Inherent Powers
- Powers of the State Governments
  - Police power

# The Constitutional Basis for American Federalism

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- Concurrent Powers
  - Taxing
- Prohibited Powers
- The Supremacy Clause
  - *McCulloch v. Maryland*

# The Constitutional Basis for American Federalism

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- Vertical and Horizontal Checks and Balances
  - Horizontal control
    - Government branches on same level
  - Vertical control
    - Federalism

# The Constitutional Basis for American Federalism

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- Interstate Relations
  - The Full Faith and Credit Clause
  - Privileges and Immunities
  - Interstate Extradition
    - Interstate compacts

# Defining Constitutional Powers – The Early Years

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- *McCulloch v. Maryland (1819)*
  - The Constitutional Questions
  - Marshall's Decision
- *Gibbons v. Ogden (1824)*
  - The Background of the Case
  - Marshall's Ruling

# States' Rights and the Resort to Civil War

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- The Shift Back to States' Rights
  - Jacksonian era (1829-1837)
  - Regulation of commerce major issue
  - 1861: Confederate States of America form

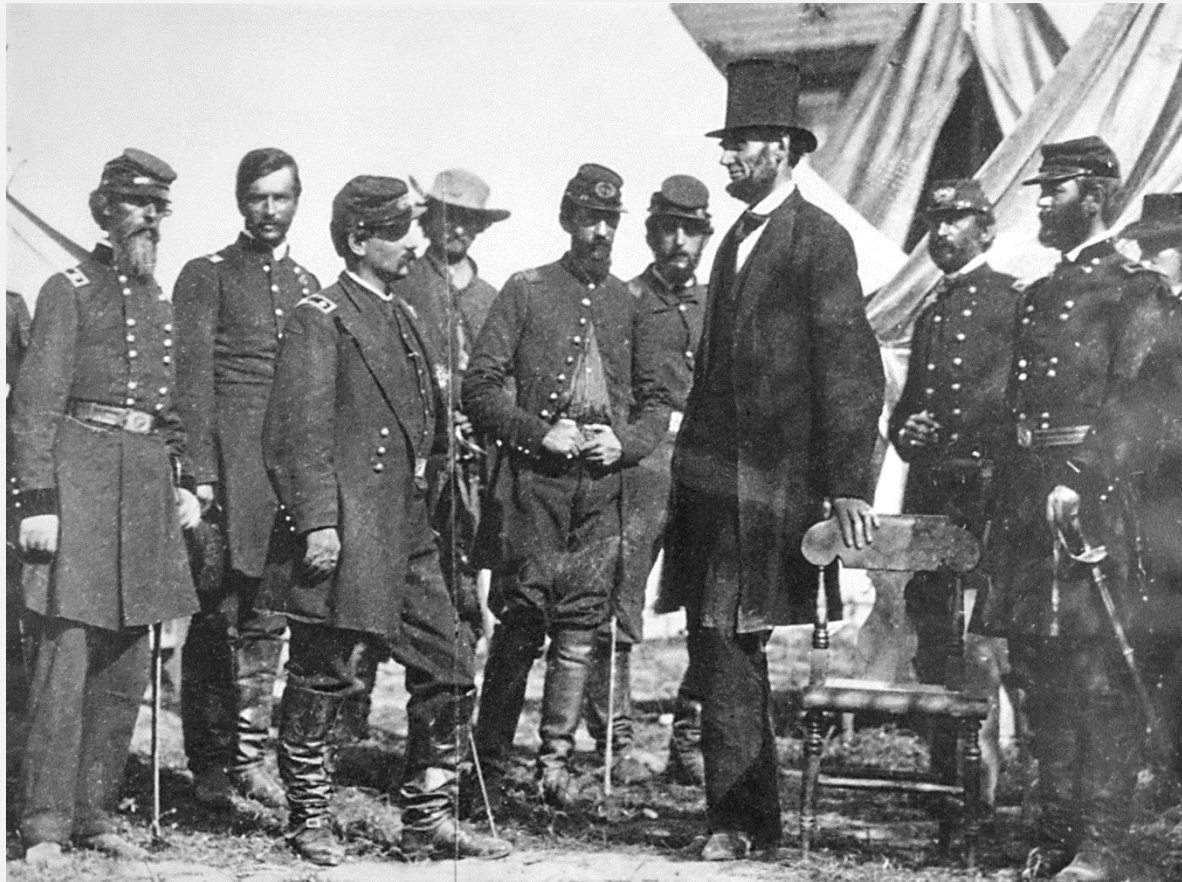
# States' Rights and the Resort to Civil War

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- War and the Growth of the National Government
  - The War Effort
    - Expands federal government and its power
  - The Civil War Amendments
    - Thirteenth Amendment
    - Fourteenth Amendment
    - Fifteenth Amendment

# States' Rights and the Resort to Civil War

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# The Continuing Dispute over the Division of Power

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- Dual Federalism and the Retreat of National Authority
  - A Return to Normal Conditions
  - The Role of the Supreme Court
    - Increases constitutional authority

# The Continuing Dispute over the Division of Power

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- The New Deal and Cooperative Federalism
  - The “New Deal”
    - Regulates economic activity
    - National Recovery Administration
  - The End of Dual Federalism
  - Cooperative Federalism

# The Continuing Dispute over the Division of Power

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*How did the Great Depression change the political beliefs of many ordinary Americans?*

# The Continuing Dispute over the Division of Power

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- Methods of Implementing Cooperative Federalism
  - Categorical Grants
  - Feeling the Pressure—The Strings Attached to Federal Grants
  - Block Grants
  - Federal Mandates

# The Politics of Federalism

- What Has National Authority Accomplished?
  - Civil Rights and the War on Poverty
  - Why Would the States Favor the Status Quo?
    - Allows variation on issues
    - Competition among states
    - Local economic interests

# The Politics of Federalism

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# The Politics of Federalism

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- Federalism Becomes a Partisan Issue
  - The “New Federalism”
  - New Judicial Federalism
  - Federalism in the Twenty-First Century
    - Welfare reform
    - Education reform
    - Affordable Care Act

# Federalism and the Supreme Court Today

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- Reining In the Commerce Power
  - *United States v. Lopez*
  - *United States v. Morrison*
  - Affordable Care Act



# Federalism and the Supreme Court Today

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- State Sovereignty and the Eleventh Amendment
- The Tenth Amendment Issues
- Other Federalism Cases
  - Supreme Court not consistent in support of states' rights
  - Legalization of marijuana, right to life issues, immigration

# The Supreme Court Changes the Law of the Land on Same-Sex Marriage

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**Click picture to view video**



# Video Discussion Questions

1. Does this ruling void all legislation prohibiting same-sex marriage?
2. Describe how federalism plays a role in recognizing and regulating marriage.
3. How can this ruling be seen as a victory for states' rights? For federal supremacy?