

# **Chapter 3**

## **FEDERALISM: STATES IN THE UNION**

### **CHAPTER REVIEW**

#### **Learning Objectives**

After studying Chapter 3, you should be able to do the following:

1. Understand the idea of federalism and differentiate it from confederate and unitary forms of government.
2. Explain the historical role of the states in the American constitutional system as it relates to the national government.
3. Compare and contrast the legal, fiscal, and political relationships among levels of government in the United States.
4. Explain why the national government and state and local governments conflict or cooperate over matters of public policy.

#### **Chapter Outline and Summary**

- I. Introduction
  - A. The principal characteristic of a federal system is the sharing of power.
  - B. Federalism is a complex, adaptable system of relationships in which states have begun to assume a more energetic and vigorous role in domestic policy.
  - C. Common things such as drivers' tests, marriage licenses, tax returns, and public schooling, illustrate the crucial role of state governments.

## II. The Idea of Federalism

- A. Federalism is a system of government in which national and state governments share power within the same political system.
- B. Both national and state governments have jurisdiction over individuals in a federal system.
- C. The federal system is a compromise between a strong central government and a league of separate states.

## III. Confederate, Unitary, and Federal Forms of Government

### A. Introduction and Definitions

- 1. A confederation is a loose collection of states in which principal power lies at the level of the individual state rather than at the level of the central or national government.
  - a. Confederations are founded on the political idea of diversity and local control, allowing states to pursue diverse approaches to policy.
  - b. Historically, the United States under the Articles of Confederation was an example of a confederation.
- 2. A unitary system of government is one in which principal power within the political system lies at the level of a national or central government rather than at the level of a smaller unit.
  - a. Unitary structures rest on the value of unity and assume that there is a national interest in meeting needs and problems in a particular way.
  - b. The government of France and each of the 50 American states are unitary systems.

### B. A Comparative Perspective on Federalism

- 1. Several diverse countries in the world have federal constitutional systems.
- 2. Common to all federal systems is the attempt to pull together disparate groups (based on culture, language, geography, or religion) while acknowledging their separate identities.
- 3. The relative power of the central government and constituent groups varies among federal systems.
- 4. Some of the world's great political conflicts stem from the struggle to define the balance between national purposes and group needs in a federal system. French-speaking Quebec in Canada and the former Soviet republics are two examples.

#### IV. States in the Constitutional System

- A. The 50 American states are integral parts of our social and political consciousness and play a crucial role in the American political system. For example, they administer social welfare policies, amend the Constitution, and shape electoral contests.
- B. Express and Implied Powers
  - 1. Express powers are specifically enumerated as belonging to Congress and the president. Examples include the power to regulate interstate commerce, coin money, and declare war.
  - 2. Implied powers permit Congress to make laws that are “necessary and proper” to execute the express powers.
    - a. *McCulloch v. Maryland* (1819) first interpreted the “necessary and proper” clause to allow implied powers to the national government.
    - b. *McCulloch* also implied the principle of national supremacy.
- C. Reserved Powers: What Do the States Do?
  - 1. According to the Tenth Amendment powers not delegated to the United States nor prohibited to the states, are reserved to the states.
  - 2. The following “police” responsibilities for the health, safety, and welfare of citizens are among powers reserved for the states:
    - a. Responsibility for preventing and prosecuting criminal activities
    - b. Regulating a variety of matters having to do with public safety, business, and commerce
    - c. Providing for the universal education of its citizens
- D. Local Government: A Political Landscape of Contrasts
  - 1. One of the reserved powers of the states is control over the structure and powers of local governments.
    - a. Traditionally, state legislatures have kept local governments on a tight rein.
    - b. In the late nineteenth century many local governments were granted home rule, which is the power to determine (within limits) their powers and functions.
  - 2. The structure of local governments may take the form of mayor-council, council-manager, or commissions.
  - 3. Although local governments are primarily concerned with the unglamorous services essential to civilized life, occasionally their decisions cause a local crisis or controversy, invoking intense citizen interest.

## V. Government Relationships in the Federal System

### A. Models of Federalism

1. Dual federalism posits the view that national and state governments are separate and independent from each other, with each level exercising its own powers in its own jurisdiction.
2. Marble cake federalism posits the view that across a wide range of public policies, despite occasional conflict, all levels of government are intertwined and work closely with one another.

### B. Legal Relationships

1. The Supreme Court has played a major role in settling conflicts between different levels of government.
2. The Court has generally supported the national government and national constitutional values in resolving conflicts with the states, particularly in the following areas:
  - a. Regulation of interstate commerce
  - b. Interpretation of the due process clause of the Fourteenth Amendment
  - c. Interpretation of the equal protection clause of the Fourteenth Amendment

### C. Fiscal Relationships

1. A categorical grant-in-aid is a transfer of cash from the national government to state or local governments for some specific purpose.
2. A block grant is a transfer of cash from the national to state and local governments for use in some broad policy area allowing greater discretion in its use.

### D. Political Relationships

1. Political relationships in the federal system may derive from local or state officeholders as a group making demands on the national government.
2. Many of the political relationships in the federal system derive from differences among states and localities as they compete with each other to press their individual interests. Examples include:
  - a. The long history of slavery and discrimination in the South
  - b. Environmental policy
  - c. Defense contracts

### E. Federalism in the Twenty-First Century

1. The national government has become more dominant over the past two centuries.
2. The states have recently become public policy innovators, particularly in the areas of education, welfare, and the environment.

3. Although the states are doing more, the national government has cut funds and increased the number of regulations applying to state and local governments.

## VI. Summary

### **Key Terms, Concepts, and Personalities**

After studying Chapter 3, you should be able to identify and describe the significance of the following:

Federalism  
Confederation  
unitary system  
electoral college  
delegated powers  
express powers  
implied powers  
interstate compact  
“necessary and proper” clause  
*McCulloch v. Maryland* (1819)  
reserved powers  
Tenth Amendment  
home rule  
mayor-council form  
council-manager form  
commission  
dual federalism  
marble cake federalism  
regulation of interstate commerce  
due process clause  
equal protection clause  
Sixteenth Amendment  
categorical grant-in-aid  
block grant  
revenue sharing  
Kentucky and Virginia Resolutions  
New Federalism

# TESTING YOUR UNDERSTANDING

## Completion

1. Federalism is the product and symbol of the continuing ideological struggle between the values of \_\_\_\_\_ and \_\_\_\_\_.
2. The 50 American states are themselves \_\_\_\_\_ governments because the principal power within each state lies with the state government.
3. \_\_\_\_\_ powers are specifically enumerated in the Constitution as belonging to Congress.
4. The Supreme Court case of \_\_\_\_\_ v. \_\_\_\_\_ interpreted the “necessary and proper” clause as allowing expansive power to the national government.
5. The power to administer public education is an example of a \_\_\_\_\_ power.
6. A model of federalism that views national and state governments as separate and independent from each other is called \_\_\_\_\_.
7. The single most important characteristic of contemporary federalism has become cooperative \_\_\_\_\_.
8. The most predominant form of national aid to the states takes the form of \_\_\_\_\_.

## Compare and Contrast

1. Confederate, unitary, and federal forms of government
2. Concurrent, delegated, and reserved powers
3. Express and implied powers
4. Mayor-councils, managers, and commissions
5. Dual federalism and marble cake federalism

6. Due process clause and equal protection clause
7. Categorical grant-in-aid and block grant

### **True/False**

1. The federal system is a compromise between a strong central government and a league of separate states. T F
2. A major fault of the Articles of Confederation was the absence of a central foreign and military policy. T F
3. States act in some measure as administrative units to carry out national social welfare programs. T F
4. *McCulloch v. Maryland* established the right of states to determine what is “necessary and proper” to carry out public policies. T F
5. Among the powers reserved for the states is the responsibility for preventing and prosecuting criminal activities. T F
6. Studies have shown that citizen interest in the affairs of local government is almost nonexistent. T F
7. Through a process of cooperative agreements, the states have the power to regulate interstate commerce. T F

### **Multiple-Choice**

1. Federalism is the product and symbol of the continuing ideological struggle between the values of \_\_\_\_\_.
  - a. freedom and equality
  - b. unity and diversity
  - c. justice and protection
  - d. individualism and nationalism

2. The government of France is a \_\_\_\_\_.
  - a. confederate system
  - b. unitary system
  - c. federal system
  - d. decentralized system
3. In creating a federal system, what was the most important consideration of the framers of the Constitution in the move to a national government?
  - a. economic policy
  - b. foreign policy
  - c. military policy
  - d. all of the above
4. Where are Federal systems found?
  - a. Africa
  - b. South Asia
  - c. North America
  - d. All of the above
5. Which of the following does the Quebec province in Canada illustrate?
  - a. political conflict in a federal system
  - b. a federal system based on religion
  - c. the disintegration of a federal system
  - d. none of the above
6. The states play a crucial role in all of the following activities *except* \_\_\_\_\_.
  - a. administering social welfare policies
  - b. regulating interstate commerce
  - c. amending the Constitution
  - d. shaping electoral contests at the national level
7. The number of electoral votes for each state is equal to the number of \_\_\_\_\_.
  - a. counties in each state
  - b. voting-age citizens in each state
  - c. its members in the House of Representatives
  - d. its members in the House and Senate combined
8. The Supreme Court case of *McCulloch v. Maryland* confirmed the national governments
  - a. delegated powers
  - b. express powers
  - c. implied powers
  - d. reserved powers

9. The right of reserved powers was guaranteed in the \_\_\_\_\_.  
a. Tenth Amendment  
b. Eighteenth Amendment  
c. Twenty-first Amendment  
d. Supreme Court case of *McCulloch v. Maryland*

10. According to the text, in which of the following areas is the most visible and pervasive role of the state?  
a. interstate commerce  
b. education  
c. health  
d. business regulation

11. Home rule \_\_\_\_\_.  
a. granted greater power to county governments  
b. established the system of general purpose local governments  
c. created a surge in the number of local governments  
d. gave local governments the power, within limits, to determine their own powers and functions

12. When local law enforcement authorities call on the FBI to help them solve a crime, the kind of federalism illustrated is \_\_\_\_\_.  
a. dual federalism  
b. layer cake federalism  
c. marble cake federalism  
d. chocolate cake federalism

13. The ability of the national government to forbid sponsored prayers in public schools stems from the Supreme Court's interpretation of the \_\_\_\_\_.  
a. due process clause  
b. necessary and proper clause  
c. interstate commerce clause  
d. elastic clause

14. Political conflicts between national and state and local governments derive from \_\_\_\_\_.  
a. scarce resources  
b. the search for the balance between state and national power  
c. the social and economic differences among the states  
d. all of the above

## **Essay**

1. Explain the differences between confederate, unitary, and federal forms of government. Illustrate the differences with examples.
2. Describe the various ways in which the states play a crucial role in the American political system.
3. Answer the questions posed in the text: “What do the states do? What policy areas are left primarily to the states?”
4. In what ways is money “a kind of glue that binds the different levels of government?” Describe the historical evolution of fiscal relationships between the national and state and local governments.
5. What are the bases for political competition between the states? Using examples, describe how this competition has created tension in the federal system.

## **Research Topics and Practical Application**

1. Make a list of all the governmental units that have direct jurisdiction over your hometown residence. Explain the ways in which you are affected by each governmental unit. Describe any controversies that have occurred between any of these governmental units in recent years. You may have to consult a local library for information on these.
2. The flip side of state and local competition for economic investment and development is the concept of NIMBY, or “not in my back yard.” Investigate this phenomenon. Besides the storage of nuclear waste, what other projects might states and localities resist? Why might people not want a particular economic development project located nearby? Find examples of this phenomenon and document them according to the issues, individuals, and levels of government involved. What was the outcome of the examples you examined?