Federalism

Basic Definition: A system that creates a division of governing power and authority between the natl. (federal) govt. and regional (state) govts.

Interpretations of American Federalism

(1) Nation-Centered Federalism:
- Ultimate SOVEREIGNTY and supremacy lies with the federal govt.
- States have the AUTONOMY and enough freedom to create laws that are applicable to and within their own state populations – SO LONG as those state laws do not conflict with or violate FEDERAL laws; again, the federal govt. does have ultimate supremacy and rule over the states.
- Constitutional Evidence and support for Nation-Centered Federalism:
  (A) The “Elastic” Clause (aka, “Necessary and Proper” Clause)
    – Article I
  (B) The “Supremacy” Clause – Article VI

(2) State-Centered Federalism

- Based on the concept of DUAL SOVEREIGNTY
- The Federal Govt. is supreme and sovereign in its law-making realm and domain – international/foreign affairs, military/natl. defense/war policy, immigration policy, regulating interstate commerce, foreign trade/import/export policy, etc.
- However, the states are EQUALLY SOVEREIGN in their own areas of law making authority – Essentially, all those areas that the federal govt. is not given
- Constitutional Evidence and Support for State-Centered Federalism:
  (A) 10th Amendment – RESERVED powers for states

Policy Applications (Models) in American Federalism

(1) Cooperative Federalism

- AKA, “Marble-Cake” Federalism
- Based on a MIXING and INTEGRATION between federal, state and local govt. levels
- There exists a greater level of COOPERATION, COORDINATION AND COLLABORATION between the federal, state and local govts.
- Federal, state and local agencies will share resources, administrative offices in an effort to coordinate and establish public policy or a govt. program
- Essentially, there is a great level of INTERVENTION by the federal govt. in the affairs of states.
- Federal agencies will give instructions and directives down to state and local agencies; the federal govt. essentially acts as the "point man" in the cooperative federalist relationship
- Originated with FDR's Depression-era "New Deal" programs; followed by LBJ's "Great Society" programs of mid-1960's
- Reasoning behind Coop. Fed.: The problems that states and localities face (industrial pollution, crime, poverty, illiteracy, urban decay, racism, AIDS, etc.) are not just problems particular states experience. These are NATIONAL problems that, therefore, require a NATIONAL or FEDERAL solution
- Liberals support Coop. Fed. due to the EQUALITY it provides to ALL people and ALL states – regardless of size or wealth

Examples of Cooperative Federalism

(1) Entitlement Programs

- Federal programs that provide benefits to certain segments of the population
- Budgetary spending is based proportionally on the percent of the population that is in need of such benefits
- Federal agencies coordinate with state and local agencies in distributing benefits to those ENTITLED and ELIGIBLE for these programs
- The Federal Govt. determines the eligibility standards

(2) Federal Mandates

- Laws that are created and passed by the federal govt., but are enforced and implemented by state govts.

- Instead of Congress (legislative branch) passing a law and federal bureaucracies (executive branch) enforcing and applying that law, STATE executive branch agencies enforce the law

- States must comply and adhere to these federal laws or see their federal funding cut.