

Federalism

Our Federalism

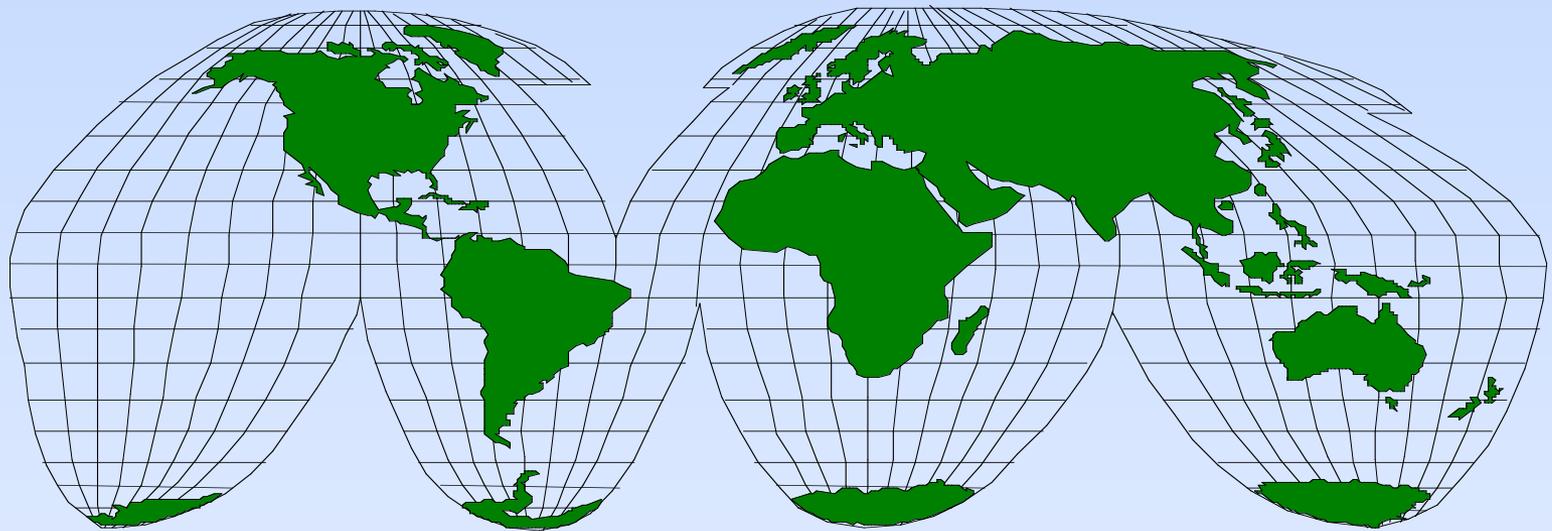
- ❁ Washington DC/ “The Feds” / National Government/ “G men/women” / “Up on the Hill/ White House, etc.
- ❁ States- Sacramento
- ❁ Neither level can independently change the basic division of power
- ❁ Each Government operates through its own agencies and has its own set of officials

How different are State systems?

- ❁ Gambling is legal in Nevada
- ❁ Can't buy a mixed drink in Utah
- ❁ State operated busses pick up all children public and private school in New Jersey
- ❁ Nebraska has a one house legislature
- ❁ North Carolina's Governor has no veto
- ❁ North Dakota requires no voter registration

Three Geographic Forms of Government

Where is the power?



Why do we like Federalism?

- _ It's wasteful and inefficient
- _ Checks Tyranny- think 1776, and factions
- _ Unity with Individuality- we're big
- _ Experimentation
- _ Local government is good

How are Powers Divided?

The Federal Government
has Delegated Powers

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graph TD; A[The Federal Government has Delegated Powers] --> B[EXPRESSED POWERS  
Written into the Constitution.]; A --> C[IMPLIED POWERS  
Such as the "necessary and proper" powers]; A --> D[INHERENT POWERS  
All governments must have these];
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Constitution.

IMPLIED POWERS
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“necessary and
proper” powers

**INHERENT
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All governments
must have these

Some of these powers are **EXCLUSIVE** powers

National Supremacy

- _ McCulloch v. Maryland - 1819
- _ Necessary and Proper (Elastic Clause)

The Supreme Law of the Land

- ❁ Supremacy Clause

- ❁ A ladder of laws

 - ❁ THE CONSTITUTION

 - ❁ Acts of Congress & Treaties

 - ❁ State Constitutions

 - ❁ State Statutes

 - ❁ City, County, Local Charters and ordinances

National Obligations to States

- ❁ A Republican Form

- ❁ Protection

 - ❁ invasion

 - ❁ Violence

- ❁ Admission of New States

 - ❁ Rules

Cooperative Federalism

Funding- Grants

Categorical Grants

Lots of strings attached

Trillions spent

Block Grants

Fewer strings

Project Grants

For experiments and special Projects

Unfunded Mandates- Do it or lose the dough

Uncooperative Federalism

Interstate Relations

❁ Interstate Compacts

- ❁ Treaties between states
- ❁ with consent of Congress

❁ Full Faith and Credit - State to State

- ❁ Every state must accept all state's civil laws
- ❁ records (deeds, registrations, wills etc.)
- ❁ Judicial Proceedings -judgment, decrees

❁ Exceptions

- ❁ Criminal Law
- ❁ Divorce (quickie divorces)

❁ Extradition

❁ Privileges and Immunities

- ❁ non-discrimination
- ❁ reside, trade, rent, own, marry, etc.

❁ Reasonable Discrimination

- ❁ residency (waiting periods)
- ❁ licenses
- ❁ voting
- ❁ tuition