

### **Section 3: Developing Federalism**

#### **Slide 1:**

1. Two views on how federalism should operate
2. **States' right:** favors state and local action in dealing with problems
3. **Nationalist:** favors national action in dealing with problems

#### **Slide 2:**

1. States' rights view argue states created federal gov't with certain limited powers
2. Believe state govts are closer to the people and can better reflect their wishes than the national gov't
3. Any doubts about whether a power belonged to the states or the federal gov't should be in favor of the state
4. Supreme Court agrees as most of its history has been supporting states' rights

#### **Slide 3:**

1. Nationalist deny national gov't is an agent of the states arguing the people, not the states, created both the national and state gov'ts.
2. Believe the national government should be expanded as necessary to carry out the people's will
3. Nationalist position was first set out in 1819 during the McCulloch v. Maryland case before really gaining ground during the New Deal

#### **Slide 4:**

- Growth in the power of the national gov't has shifted the balance in the federal system at the expense of the states
- Key reason why is the adaptability of the Constitution
- Three provisions have been used to expand power
  1. War powers
  2. Commerce power
  3. Taxing power

#### **Slide 5:**

1. National gov't has the authority to wage war
2. National government can claim it needs to be active in education and economy to ensure nation is strong enough to defend itself.
3. With U.S. as a superpower some argue there must be a strong national gov't

#### **Slide 6:**

1. Supreme Court expanded the constitutional power of the national gov't to regulate commerce
2. Commerce means almost any activity connected with producing, buying, selling, and transporting goods

3. Congress used commerce clause for the authority behind the Civil Rights Act of 1964
4. Claiming that if restaurants and hotels discriminate against African Americans or any group of Americans, it restricts commerce

**Slide 7:**

- Congress doesn't have constitutional authority to pass laws to promote general welfare, but it can raise taxes and spend money for that purpose
- Sixteenth Amendment gives Congress power to levy an income tax (Major source of revenue for the national government)
- Congress uses taxing power to increase the national government's authority in two ways
  1. Taxes are sometimes used to regulate businesses (Congress taxes a dangerous product)
  2. Use taxes to influence states to adopt certain programs (Highway money and drinking age)

**Slide 8:**

Congress developed two ways to influence the policies of state and local gov'ts

1. Providing federal grants of money
  2. Mandating (requiring) state and local gov'ts to follow certain policies
- Main way national gov't provides money to the states is through federal grants (sums of money)
  - Federal grant money could go towards airport runways or to build new roads

**Slide 9:**

1. Federal government collects money from citizens in all 50 states
2. Money is then allocated through grants to people in many states
3. Grants help reduce inequalities among wealthy and less wealthy states

**Slide 10:**

1. Deciding who gets the money can be political
2. Federal aid comes with certain conditions and control

**Slide 11:**

1. The 1990 Nutrition Labeling and Education Act prohibited (stopped) states from setting their own food labeling standards (even if higher than the national standards)
2. This is known as **preemption**: federal gov'ts ability to take over a state government function
3. Preemption can limit state and local authority either by restraining their power or by mandating them to do certain things

**Slide 12:**

1. Americans with Disabilities Act required state and local gov'ts to build ramps and alter curbs on sidewalks

2. Preemption laws dealt with civil rights of women and African Americans, set environmental standards and required the nation's schools to meet testing standards in math and reading

**Slide 13:**

1. Advocates of states' rights dislike preemption saying it takes away state and local authority to make their own laws, policies, and set priorities
2. Sometimes preemption law provides no federal funds to carry out a policy
3. Congress is not required to pay for new mandates and can pass the burden of paying onto the states

**Slide 14:**

1. The federal-state relationship is a dynamic one that is affected by the sitting president and Congress
2. Ronald Reagan supported "new federalism" which worked to return more power and responsibility to state and local gov'ts
3. George H.W. Bush also supported this