

Guide to Federalism

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Harvard Model
Congress Asia

INTRODUCTION

The official name of the US government—“The United States of America”—explains an important principle in how the government functions. Before declaring independence from Britain in 1776, America consisted of thirteen **colonies**, each of which governed itself and reported directly back to London. Thus, when the states declared independence, they proclaimed themselves “Free and independent states”—not one state, but several. And when the **drafters** of the **Constitution** met in Philadelphia, they were selected by state governments, and sent to represent state interests.

The Constitution reflects this early emphasis on the importance of states as units of government in that it explicitly divides power between states and the federal (national) government. This division of powers is referred to as *federalism*, more formally defined as a system of government in which **sovereignty** is constitutionally divided between a central governing authority and constituent political units. Since the acceptance of the Constitution, the basic structure of the American government has not changed, although the federal government has grown increasingly powerful. Nevertheless, states remain important for understanding American government.

HISTORY

American federalism emerged as a historical accident, a product of the distinctive nature of the 13 original colonies. During the decade between the Declaration of Independence and the formation of the Constitution, the states were united under a **confederation**, a loose grouping with little centralized authority. For political leaders of a state which had just declared independence against a “**tyrannical**” monarchy, this organization made sense: preservation of each state’s liberty was the immediate goal. Yet the initial confederation failed to govern effectively, and it soon became apparent that a new system was necessary.

Thus, in the summer of 1787, the new nation’s leaders assembled to devise a government that would protect liberty and yet be capable of effectively governing a growing nation. Their proposal, embodied in the Constitution, has served as the basis of the government of the

Colonies—*a territory separated from, but ruled by, another power.*

Drafters—*the people who wrote the Constitution.*

Constitution—*the founding document that describes how the U.S. government functions.*

Sovereignty—*possessing authority of government.*

Confederation— Under this government, known by its founding document, the Articles of Confederation, the central government had little authority, not even the power to tax. It can be loosely compared to the present-day European Union—some policies are created at the center, but fundamental power lies with the individual states. The Articles of Confederation was the governing document from 1777 to 1788.

Tyrannical— describing something or someone who *abuses his or its power.*



United States for over two hundred years. The drafters of the Constitution were concerned with establishing a system of government that guaranteed liberty, which meant their system must ensure that government could not exercise power **arbitrarily**. As discussed in the [Guide to the Constitution](#), they did this in part by dividing up political power between various units of government; chief among these divisions was splitting power between the states and the federal government.

This original federalist plan, though still mainly intact, has gone through a few **amendments** to the Constitution and many changes in **interpretation**. The federal system was primarily advanced by the 10th amendment to the constitution, which reads, “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.” In other words, according to this amendment, any power that the Constitution does not clearly assign to the federal government is a power given to state governments. Nevertheless, the trend since then until relatively recently has been to increase the power of the federal government at the expense of the states.

Arbitrarily—*subject to an individual’s will, without any restrictions.*

Amendments—*formal changes to the Constitution.*

Interpretation—*the way the Constitution is understood and implemented.*

THE POWERS OF THE FEDERAL GOVERNMENT

The Federal Government, or the national government, of the United States is the overarching power that gives direction, strength, and unity to the United States. The Constitution gives the federal government the power to collect taxes, borrow money, and regulate commerce with foreign nations and between the states; establish uniform rules on citizenship; create a standard **currency**; and to declare war, and raise and support an army and navy. The federal government also has the authority to admit new states and to **ratify** treaties with other countries.

The only powers explicitly given to the federal government alone are powers that can only realistically be exercised by a unified national authority. In all other arenas, the federal government’s policies are limited by the necessary **interplay** between states and Washington, DC.

Currency—*a form of money; the dollar.*

Ratify—*formally accept and approve.*

Interplay—*interaction and compromise.*

THE STATE GOVERNMENTS

Though it may seem like the federal government has a near **monopoly** of governmental power, this is certainly not the case. States generally have final responsibility for education, health, transportation, and other infrastructure, although over the past 75 years, the federal govern-

Monopoly—*something that possesses another thing in its entirety.*



ment has increased its power in these areas. The Constitution is relatively quiet about the powers of the states. It explicitly prohibits them from entering into agreements with foreign countries or creating a currency and acting as if they were their own country, but says relatively little else.

TODAY'S FEDERALISM DEBATE

Much of the federal government's power has come from increasingly broad interpretations of certain constitutional **provisions**. In particular, the Constitution allows the federal government "to regulate commerce among the several states." The Constitution also gives Congress the power "to make all laws which shall be necessary and proper." These clauses, known respectively as the "interstate commerce clause" and the "necessary and proper clause" have been broadly interpreted over the past 75 years to empower the federal government to address issues which had initially been the sole purview of the states. Over the past 30 years, however, some conservatives (generally Republicans) have argued that these clauses should be understood in a more limited sense.

Advocates of 'new federalism', as this movement is called, argue that the drafters of the constitution wanted states to be the principle units of government, and that states should be allowed more power because they are more aware of the interests of the people. In addition, proponents of federalism argue that each state should be allowed to innovate with regard to how they provide services so that they can innovate and, in the words of Supreme Court Justice Louis Brandeis, "serve as a laboratory; and try novel social and economic experiments without risk to the rest of the country."

Opponents of empowering the states at the expense of the federal government argue that allowing the states to fully choose their own policies is inefficient and often promotes inequalities. Some historians have noted, however, that frequently whichever political party controls the federal government tends to not to support federalism, and whichever party is in the **minority** supports it as a means of reducing the influence of the majority party. Still, many staunch Republican voters will be angered if their representatives frequently voted to expand the powers of the federal government at the expense of the states.

Provision—*a sentence that explains a certain power that the government has.*

Minority—*the party that has fewer seats in Congress, and thus does not control the government.*



INTERACTIONS

The bulk of federal and state powers are shared—both Washington and the states provide funding for a wide range of social services, for example. For most of American history, this was not the case. Only since President Franklin Delano Roosevelt's New Deal programs in the 1930s did the federal government take large scale action regarding social issues. Today the federal **bureaucracy** includes departments of Education, Transportation, Health and Human Services, Agriculture, and Labor. The federal government spends well over half of its budget on programs like these that address issues that are simultaneously addressed by the states.

Despite the federal government's enormous interest in these areas of shared responsibility, many of the actual decisions regarding details are made by states. States make most decisions concerning education, transportation, agriculture, and emergency management, for example. Additionally, all states maintain their own police force and prisons. Where the powers of the federal government are constitutionally limited, the powers of the states have very few constitutional limitations besides basic respect for the **Bill of Rights**. Each state has the power to write its own state constitution and determine the exact workings of its government, so long as it respects basic **democratic principles**.

What is more important than these formal constitutional interactions, however, is the way that the states and the federal government have learned to work together. The Federal government supplies as much as nearly a fifth of some state budgets, often asking for that money to be spent in a certain manner. This forces most states to conform to nationwide principles without the necessity of directly regulating state action. In turn, the state governments act as a powerful lobby at the federal level. The members of the United States Congress are often tied back to the governments of the states they represent and **lobby** for the benefit of their home state's government. The governors of the states have also formed an organization known as the National Governor's Association to discuss issues significant to states at the national level, leading to policy initiatives and joint lobbying efforts. The end goal of the federal relationship is to provide the unity necessary to manage one of the world's largest nations while still allowing for the individuality necessary to reflect America's regional diversity.

Bureaucracy—*the agencies that execute the laws.*

Bill of Rights—*the first ten amendments to the constitution, which provide for basic civil liberties. See the [Guide to the Constitution](#) for more information.*

Democratic principles—*The constitution requires each state to adopt a government in which the people elect delegates to represent them.*

Lobby—*to advocate a certain cause or idea.*

