

# AP GOVERNMENT CHAPTER THREE

## ***FEDERALISM***



- The fear was tyranny, so power was divided between the Federal and State Governments.
- 1. A federal system allows both national and state governments to derive power from the people (aka **Dual Federalism**)
- 2. A **Unitary system** has all local and regional governments deriving power from a strong national government and not the people

# Article Four of the Constitution (3 parts)

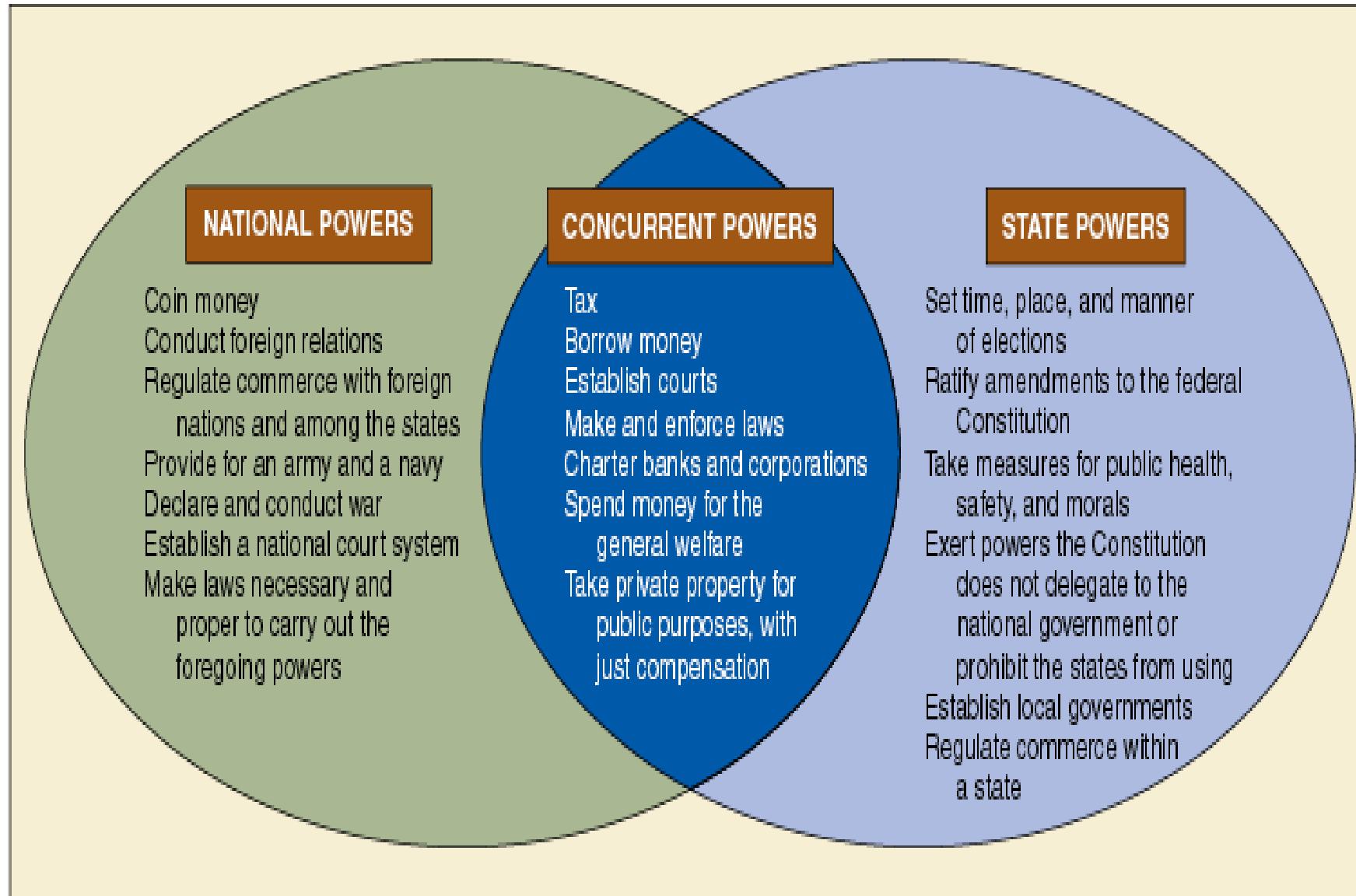
- 1. Full Faith and Credit
  - (respect contracts and judicial orders entered in another state)
- 2. Privileges and Immunities
  - (same rights state to state as provided by the national government)
- 3. Interstate Compacts

# State Powers Under the Constitution

- Article 1
  - Allows states to determine time, place, and manner of elections for House and Senate representatives
- Article II
  - Requires that each state appoint electors to vote for president
- Article IV
  - Privileges and immunities clause
  - Republican form of government
  - Protection against invasion
- Tenth Amendment
  - States' powers described here
  - Reserve or police powers



**FIGURE 3.3** The Distribution of Governmental Power in the Federal System



# Concurrent Powers

Authority possessed by both state and national governments and exercised concurrently (at the same time)

- Power to tax
- Right to borrow money
- Establish courts
- Make and enforce laws to carry out these powers



[This Photo](#) by Unknown Author is licensed under [CC BY-SA-NC](#)



[This Photo](#) by Unknown Author is licensed under [CC BY-SA](#)

# Denied Powers

- States cannot
  - Enter into treaties
  - Coin money
  - Impair obligation of contracts
  - Cannot enter compacts with other states without congressional approval
- Congress cannot
  - Favor one state over another in regulating commerce
  - Cannot lay duties on items exported from any state (No State Tariffs)

# ARTICLE SIX OF THE CONSTITUTION

- 1. ALL NATIONAL DEBTS WILL BE HONORED
- 2. SUPREMECY CLAUSE
  - {constitution is supreme law and national laws pre-empt state laws}



(a)



(b)



## THE KEY 3 COURT CASES

- 1. *Marbury v. Madison (1803)*
- 2. *McCulloch v. Maryland (1819)*
- 3. *Gibbons v. Ogden (1824)*



- Federalist John Marshall expands the power of the Federal Judiciary and the Federal Government
- *United States v. Lopez (1995)*
  - Court restricts power of the United States to pass laws infringing on traditional state police powers

## AMENDMENTS ADD TO FEDERAL GOVERNMENTS POWERS

- 14<sup>TH</sup> Amendment. (Due Process)
- 16<sup>th</sup> Amendment .....(Tax)
- 17<sup>th</sup> Amendment .....(Senators)
- 24<sup>th</sup> Amendment.....(No Poll Tax)

### Article V: Procedures for Amending the *Constitution*

Origination	Origination
Proposed by Congress	Petitioned by 2/3 of States
Approval	Approval
2/3 majority in the House	Congress calls convention to propose amendment
2/3 majority in the Senate	forwarded to states for ratification
3/4 vote of all state legislatures required	3/4 vote of all state legislatures required

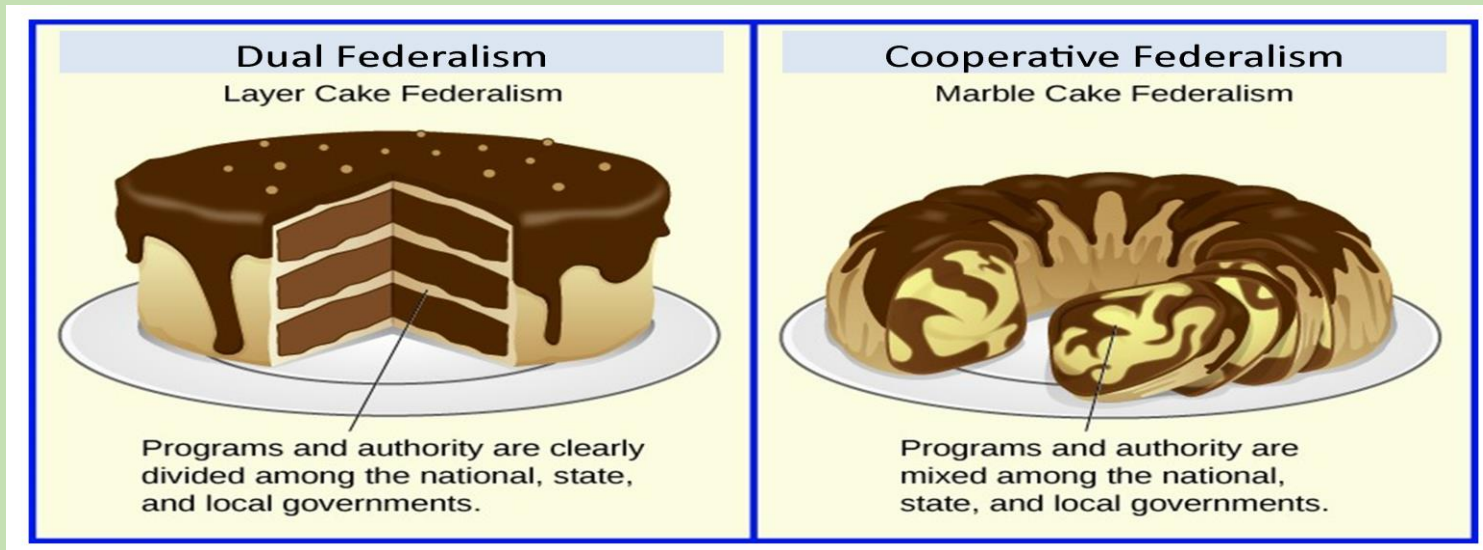
# CIVIL WAR STARTS GROWING FEDERAL POWER

- 1. Greenbacks
- 2. Transcontinental Railroad
- 3. Homestead Act
- 4. Morrill Land Grant (land for colleges)



# FDR EXPANDS POWER OF FEDERAL GOVERNMENT

- 1. New Deal (power to local cities from feds because FDR needs to get around state power groups)
- 2. **Cooperative Federalism** (\$ changes everything...layer cake to marble cake)



The Supreme Court's \_\_\_\_\_ attitude was reflected in the early years of the New Deal when they ruled against FDR's expansion of Federal Government Power

- A. fascist
- B. laissez-faire
- C. lazy
- D. progressive
- E. religious

The Supreme Court's \_\_\_\_\_ attitude was reflected in the early years of the New Deal when they ruled against FDR's expansion of Federal Government Power

- A. fascist
- B. laissez-faire**
- C. lazy
- D. progressive
- E. religious



# LBJ GREAT SOCIETY POLICY EXPANDS FEDERAL GOVERNMENT POWER EVEN MORE

- 1964 Election Mandate Gives Democrats Lots of Power
- War on Poverty
- Earmarks
  - (federal aid goes where federal government thinks it would do most good)
- States losing power to the Fed Government, but they still want the \$



## Ronald Reagan Elected President 1980

- New Federalism: Reduce Federal Government by increasing power of state governments.
- Key word is “**devolution**”
  - **Block grants** give money to states with few strings attached in hopes of decreasing federal bureaucracy





# DIFFERENT VIEWS OF THE FEDERAL GOVERNMENTS' ROLE

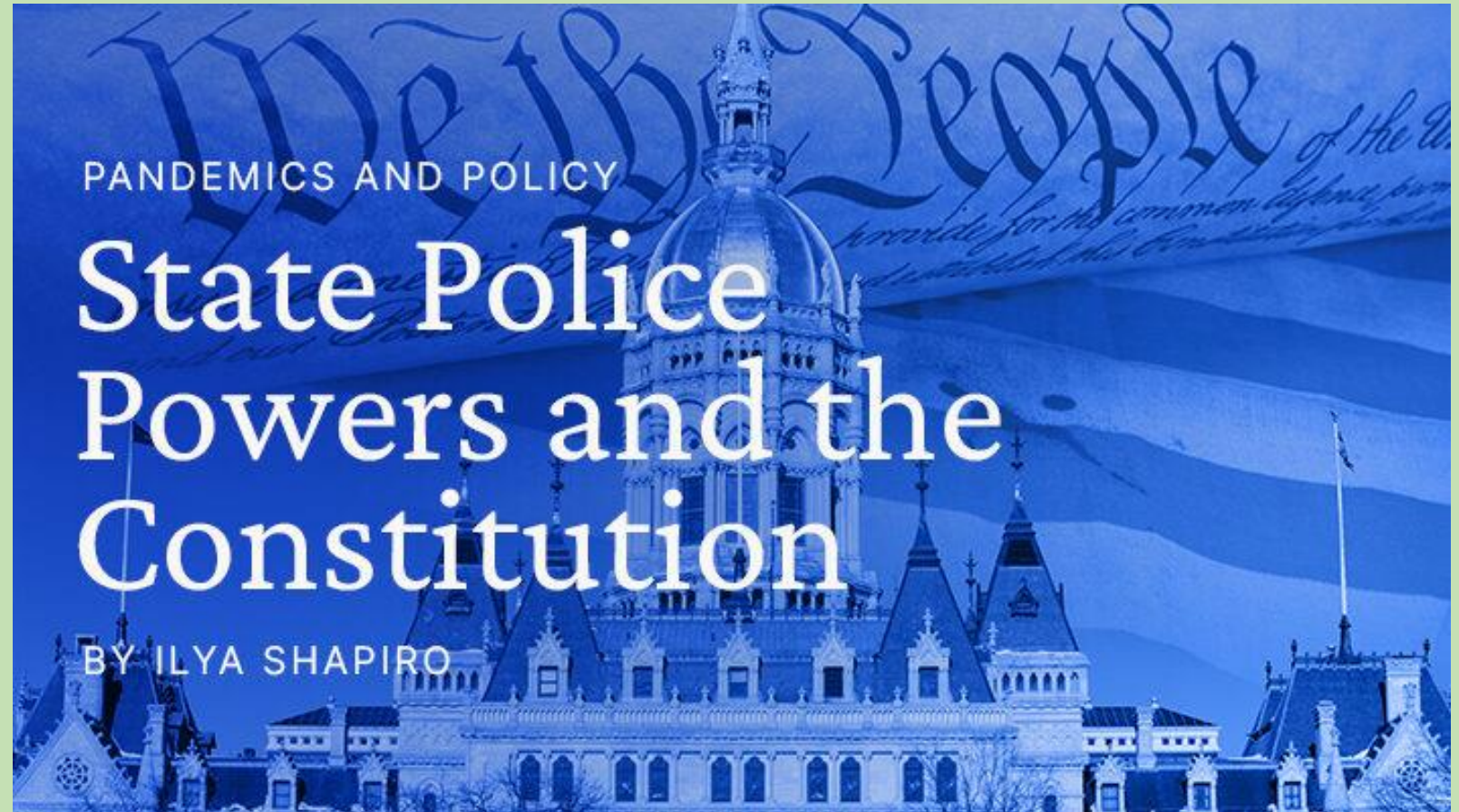


## KEY TERMS TO KNOW

- **Categorical Grants:** \$ from congress for a specific purpose
- **Block Grants:** \$ from congress and states have wide discretion as to how to spend it
- **Unfunded Mandate:** national law passed and enforced but no money comes with it (think NCLB or Disability Laws)
- **Preemption:** federal government overrides state interest or action
- **Sovereign Immunity:** state cannot be sued unless it gives its permission

# CRIMINAL POWERS OF GOVERNOR

- 1. Pardon
- 2. Commute
- 3. Parole
- 4. Extradite



- The principle of “one man-one vote” and Baker v. Carr (1962)
  - All state districts have equal populations
- Gerrymandering and the state legislature
- Line-item veto power of governor over budget
- Rule of Inclusion (state courts enforcing fed laws in times of conflicting statutes)

# STATE LEGISLATURE ISSUES

- 1. Term limits
- 2. Direct Initiative (people do it all)
- 3. Indirect Initiative ( leg. “let's” people vote)
- 4. Recall petitions
- 5. Referendums
- 6. Judicial selections (merit, appointment, vote)
- 7. Gerrymandering

What does the inclusionary principal suggest?

**When state laws conflict with federal laws, states are obliged to enforce the federal law.**

**Another word for this would be Supremacy.**

**Another word for this would be the preemption doctrine.**

**Bottom Line: Texas does not come first,  
The National Government Does**

# Local Governments and Municipalities

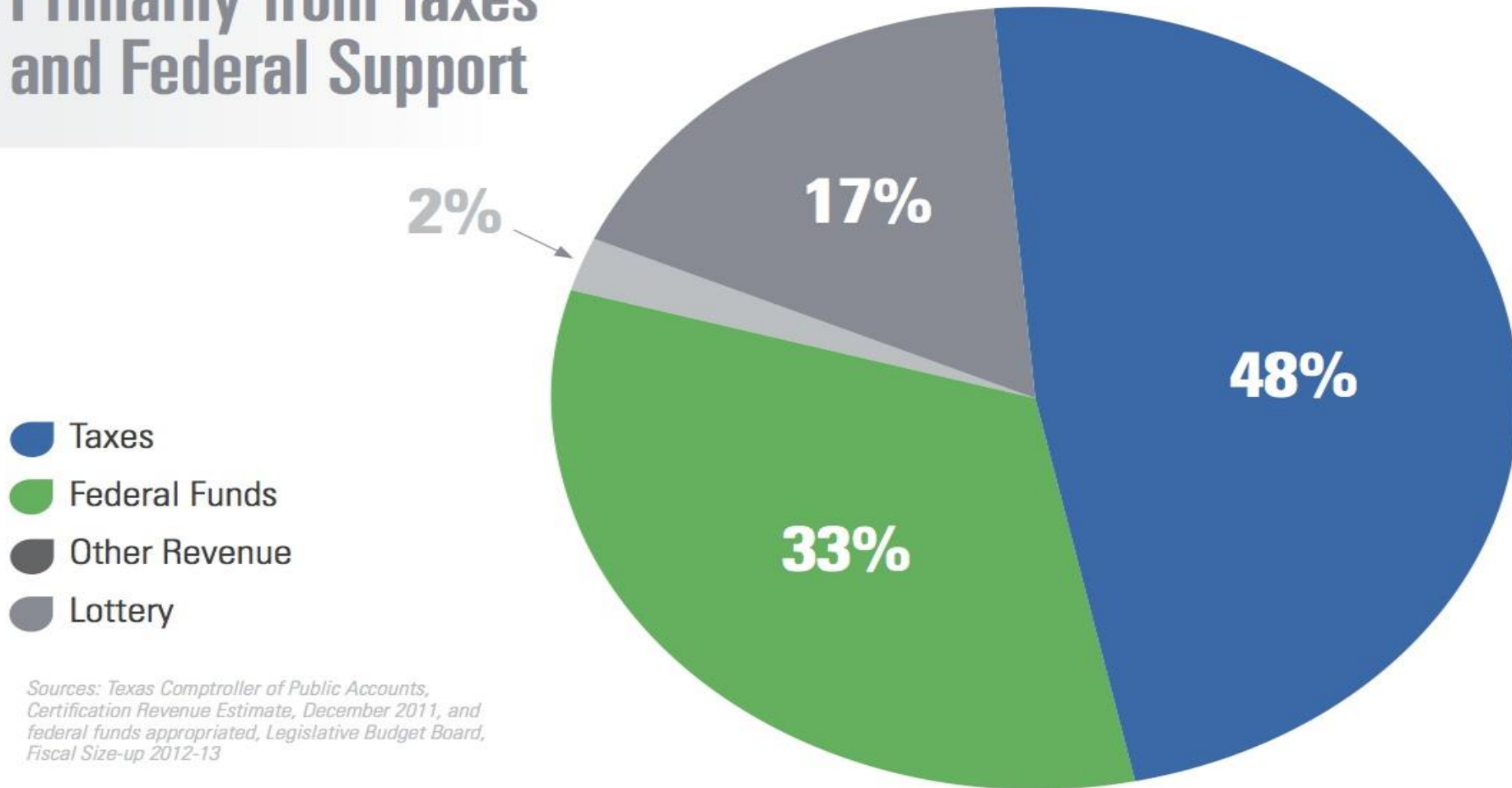
- 1. Dillon's Rule
  - (municipality derives power from state legislatures exclusively)
- 2. Non-Partisan elections (no party on ballot)
- 3. Political Machines
- 4. Municipal Charters
- 5. Counties

# State Monetary Issues

- 1. Must have balanced budgets every year
- 2. Rely primarily on income, property, and sale taxes for revenue
- 3. Growth of lotteries and gambling as revenue sources
- 4. Approx.  $\frac{1}{4}$  of budget revenue from Fed.Govt
- 5. Progressive, Proportional, Regressive Taxes
- 6. Schools and the Finance Issue



# Texas Gets Its Money Primarily from Taxes and Federal Support



*Sources: Texas Comptroller of Public Accounts, Certification Revenue Estimate, December 2011, and federal funds appropriated, Legislative Budget Board, Fiscal Size-up 2012-13*