

The background of the slide features a stylized American flag. The top half is a solid blue field with white stars, and the bottom half is a white field with red stripes. The stars are arranged in a pattern that suggests the stars and stripes of the flag.

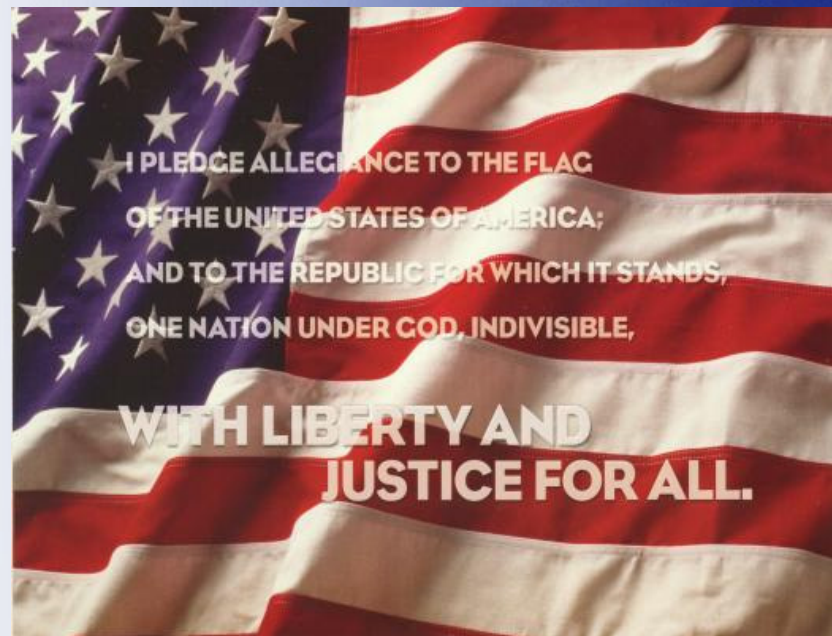
Unit 1 Constitutional Underpinnings

Wilson Ch. 22 and 1-3

Magruder Ch. 1-4

Democracy in the US

- Democracy
- Rule by the people
 - Two types
 - Direct: rule by the people themselves
 - Indirect (Representative): rule by elected representatives
 - Founders' distrust of direct democracy
 - Impracticalities
 - Fleeting passions of the people



Democracy in the US

- Direct:
 - The people directly influence government
 - Difficult to apply once society evolves beyond small village
- Representative:
 - Sometimes referred to as “Elitist” democracy
 - The people cannot be trusted to make “good decisions”

Democracy in the US

- The View of the Framers
 - “Will of the People” not synonymous with the public good
 - Favored representative over direct
 - Government officials should represent the people, not just register their fleeting will
 - Worried about the fleeting passions of the people (manipulation)
 - Viewed representative as less likely to allow the abuse of power



Democracy in the US

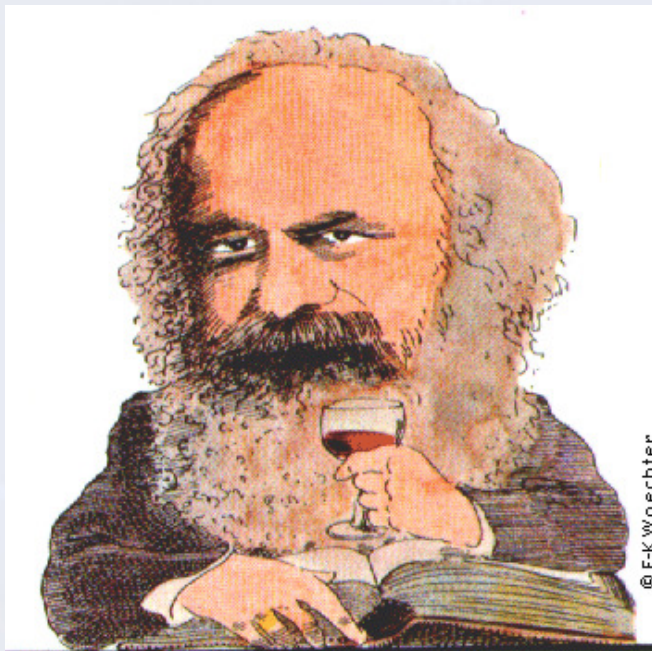
- Republic
 - Same as indirect democracy
 - Governmental policy occurs over time, protecting the people from tyranny
 - Protection of civil rights and liberties is its main objective
 - The people's rights should not hinge on a popular vote
 - Protects the people from self-serving office holders

Democracy in the US

- Distribution of Power
 - Majoritarian Politics
 - Majority rule
 - **Elite Politics**
 - Marxist
 - Power Elite
 - Bureaucracy
 - **Pluralist View**
 - Hyper Pluralist View



Democracy in the US



- Elitist Politics in Action
 - Marxism
 - Karl Marx
 - Social classes compete for power.
 - Whichever class dominates the economy, controls the government

Democracy in the US

- Power Elite Theory
 - C. Wright Mills
 - Government is dominated by a few top leaders who are motivated by greed
 - Make decisions regardless of popular desires



Democracy in the US



- Bureaucracy
 - Max Weber
 - All institutions, governmental and nongovernmental would fall under the control of civil servants
 - Decisions would be more rational but slow to change

Democracy in the US

- **Pluralist**

- There are so many institutions in which power is exercised that no single elite (group) could possibly control all of them.
- Pluralism argues that many groups compete with each other for control over policy.
- Policy is the outcome of political haggling, innumerable compromises, and ever-shifting alliances among groups.

- **Hyper-Pluralism**

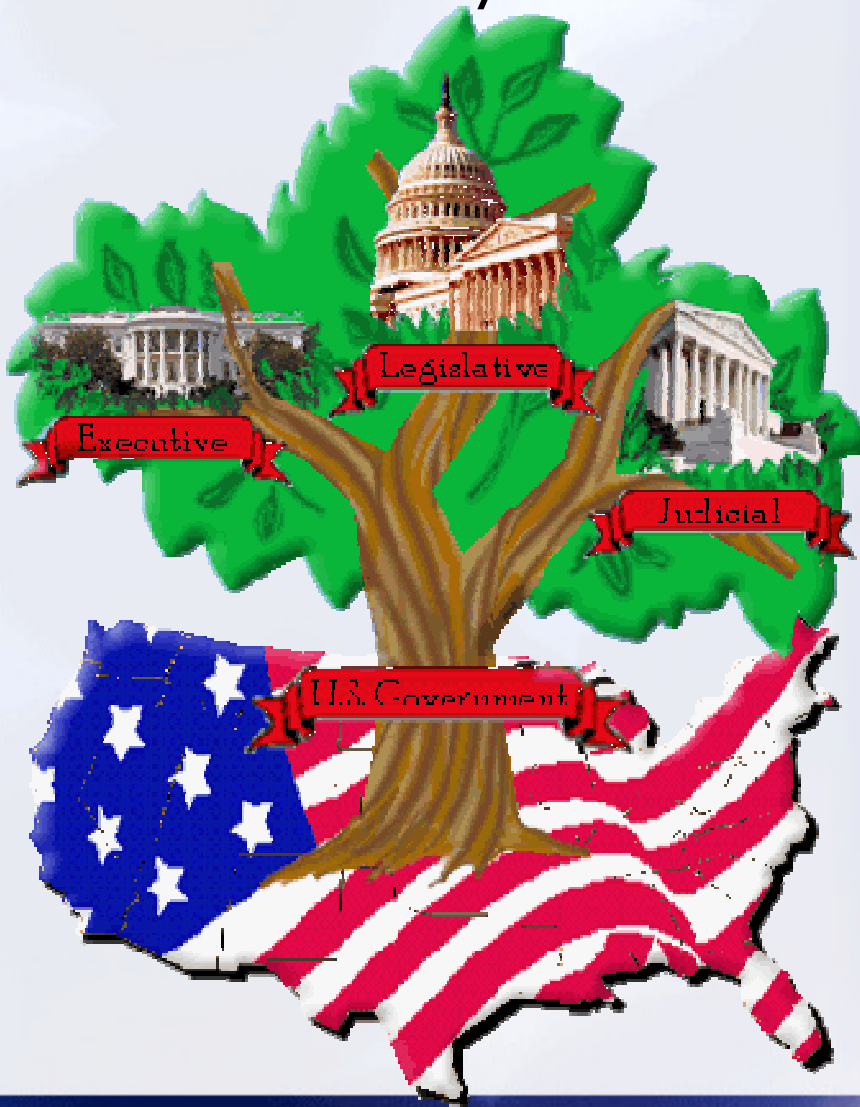
- There are so many groups, and they are so strong, that government has become gridlocked and is unable to act.

Democracy in the US

- Fundamental Democratic processes
 - Popular sovereignty
 - Free and fair elections
 - Respect for the individual
 - Majority rule with minority rights
 - Liberty
 - Freedom of expression
 - Right to assemble and protest
 - Equality
 - Equal protection under the law



Democracy in the US



- Fundamental democratic structures
 - *These topics will be covered in greater detail later.*
 - **Federalism**
 - Separation of powers
 - **Checks and balances**
 - Constitutionalism

Origins of the American Republic

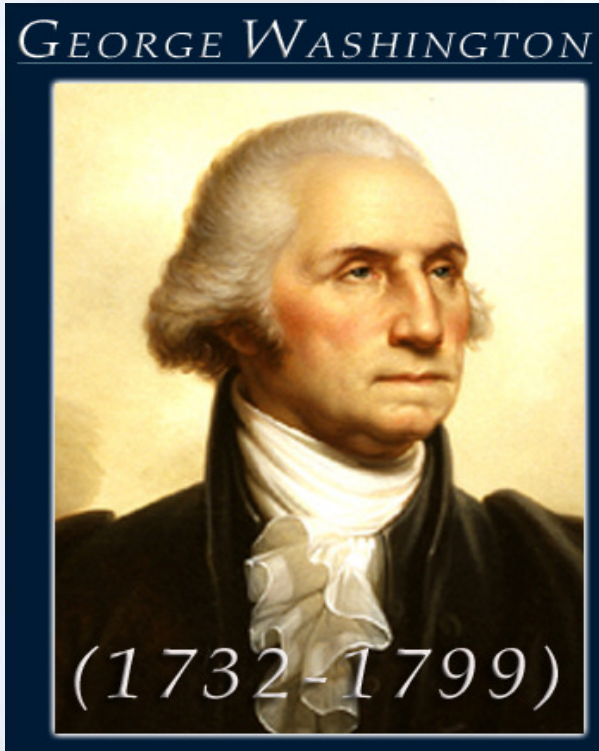
- Sources of the Constitution
 - British customs and traditions
 - Magna Carta
 - English Bill of Rights
 - European philosophers
 - Locke
 - The role of government is to protect mans natural rights; life, liberty, and property
 - Hobbs
 - Man lives in a constant struggle over limited resources
 - In a society, man must accept some limits for the good of the majority
 - Montesquieu
 - Separation of power
 - Rousseau
 - Believed people enter into a “Social Contract” with their government

Origins of the American Republic

- Colonial view of liberty
 - Original view
 - Belief in civil liberties while remaining part of England
 - Abuses by England caused colonists to lose faith in British system
 - Desire to protect liberties
 - Belief in “natural rights”



Origins of the American Republic



- Democratic ideals of the American Revolution
 - A radical change in principles, opinions, and sentiments
 - Human liberty
 - Legislative branch represents the people
 - Only a written constitution can protect the people
 - 1776-1781 No real political power
 - Washington in charge of army with no national government support
 - Country in shambles
 - Britain & Spain hold territory

Origins of the American Republic

- The Articles of Confederation (1781)
 - Articles create a confederation not a country
 - Basic powers of Articles
 - Each state retained sovereignty
 - Could cast one vote in Congress
 - 9 out of 13 votes were needed to pass ANY measure
 - amendments required a unanimous decision
 - Congress could make peace, coin money, run the post office, and appoint key military officers
 - Could not settle states claims, call for taxes, or raise an army
 - Washington & Hamilton worried that the experiment would fail

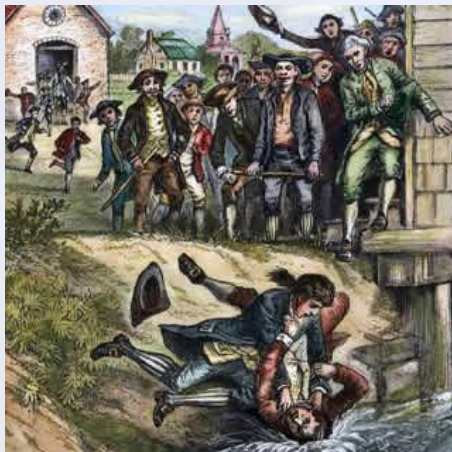
Origins of the American Republic



- Annapolis Convention 1786
 - Failure: few delegates attend

- **Shay's Rebellion**

- Shows weakness of federal government
- People afraid of governmental collapse
- **Demonstrates necessity for a strong federal government**



- *“The tree of liberty must be refreshed from time to time with the blood of patriots and tyrants”*

- Thomas Jefferson

Origins of the American Republic

- The Philadelphia Convention (1787)
 - Delegates meet in Philadelphia
 - Tasked with revision of the Articles of Confederation
 - Viewed the Articles as unfit for revision
 - History shows that weak governments collapse while strong ones become tyrannical
 - The Delegates
 - Well-read, well-bred, well-fed, and well-wed
 - Many famous men were in attendance
 - Heavily influence by Locke
 - Absent: Jefferson, Adams, Henry



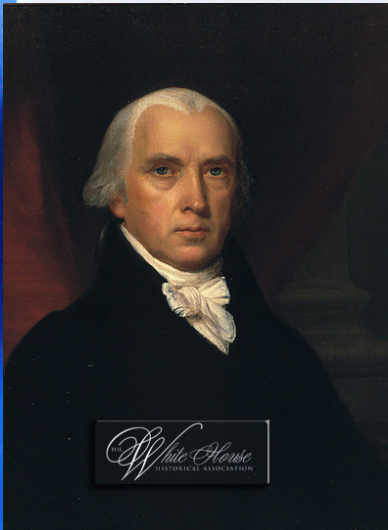
Origins of the American Republic

• Main Participants

- Madison: Father of Constitution
- Washington: Presiding officer
- Franklin: Elder statesman
- Morris: Largely responsible for the wording of Constitution
- Hamilton: Advocate for strong central government

• The Problem at hand:

- How do you devise a government that is strong enough to preserve order, but not so strong that it would threaten liberty?



"If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself".

-James Madison: Federalist Papers

Origins of the American Republic

- Areas where Framers could agree
 - Scrap the Articles of Confederation
 - Establish a republican government
 - Establish a constitutional government
 - Establish a balanced government, where no single interest dominated
 - Suffrage for property owners only
 - Stronger central government than under the Articles
 - **Protection of Property Rights** (this is the job of government)



Origins of the American Republic

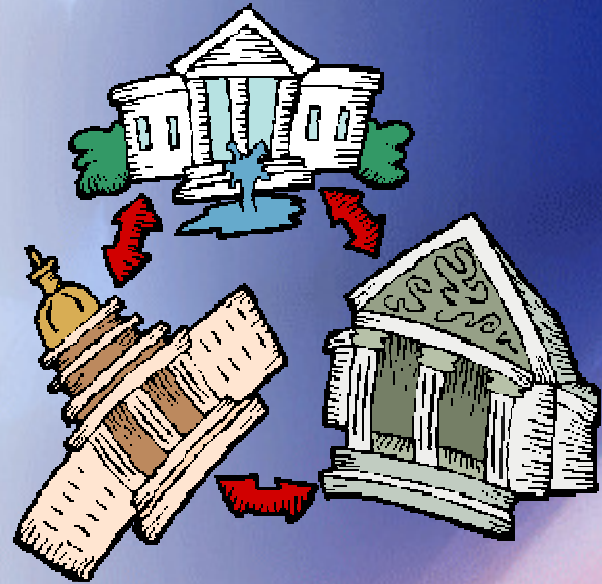
- Areas of disagreement (compromise necessary)
 - The Virginia Plan
 - Called for a strong national union organized into 3 branches
 - Favored by large states as it was based on population
 - Would give large population states more power
 - Fears / Problems
 - The national legislature would have supreme power over issues that were not strictly state issues
 - Had the power to veto any and all state laws
 - Only one house would be elected by the people (too much power in the hands of government)
 - Smaller states would have less power in government

Origins of the American Republic

- The New Jersey Plan
 - Proposed to amend, not replace Articles
 - Favored by small states as it enhanced the power of the national government but left state power unchanged
 - The interests of small states are protect
 - Congress would remain the creature of state governments
 - Provided equal representation in Congress
- Problems
 - National legislature would be the puppet of the states
 - Delegates were thinking in terms of an independent national government

Origins of the American Republic

- **The Connecticut Plan “The Great Compromise”**
 - Bicameral legislature
 - **House of Representatives**
 - Elected by the people
 - Numbers based on state population
 - **Senate**
 - Two senators from each state
 - Chosen by state legislature



Origins of the American Republic



- Representation and taxation of slaves
 - Northern States
 - Wanted slaves to count for tax purposes but not representation
 - Southern States
 - Wanted slaves to count for representation but not taxation
 - 3/5 Compromise
 - 3/5 of slaves would count for both purposes

Origins of the American Republic

- Election of the President
 - Disagreements
 - Life term vs. Annual Election
 - Compromise: 4 year term (no limit)
 - Method of Election
 - Election by Congress
 - Election by state legislatures
 - Direct election (by the people)
 - Compromise: Electoral College System



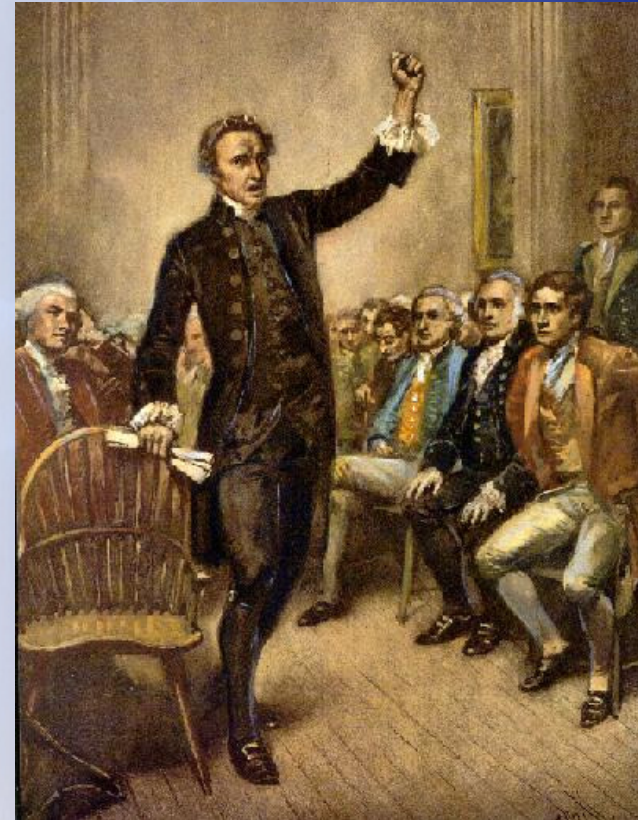
Origins of the American Republic

- Ratification politics
 - Federalists (Nationalists)
 - Supporters
 - Property owners
 - Creditors
 - Merchants
 - View
 - Elites most fit to govern
 - Feared the “excesses” of democracy
 - Favored a strong central government



Origins of the American Republic

- Anti-Federalists (state rights)
 - Supporters
 - Small farmers
 - Frontiersmen
 - Debtors
 - Shopkeepers
 - Views
 - Feared concentration of power in the hands of elites
 - Believed that the government should be closer to the people
 - Feared a strong central government
 - Favored strong state governments



Origins of the American Republic

- The Federalist Advantages
 - Better represented in state legislatures
 - Controlled the press
 - Began ratification procedures quickly before Anti-Federalists could get organized
 - Agreed to a Bill of Rights after ratification of the Constitution
 - **The Federalist Papers**
 - Madison, Hamilton, and Jay
 - Used to rally support for ratification of the Constitution
- Constitution was ratified in 1788 by state convention using popularly elected delegates

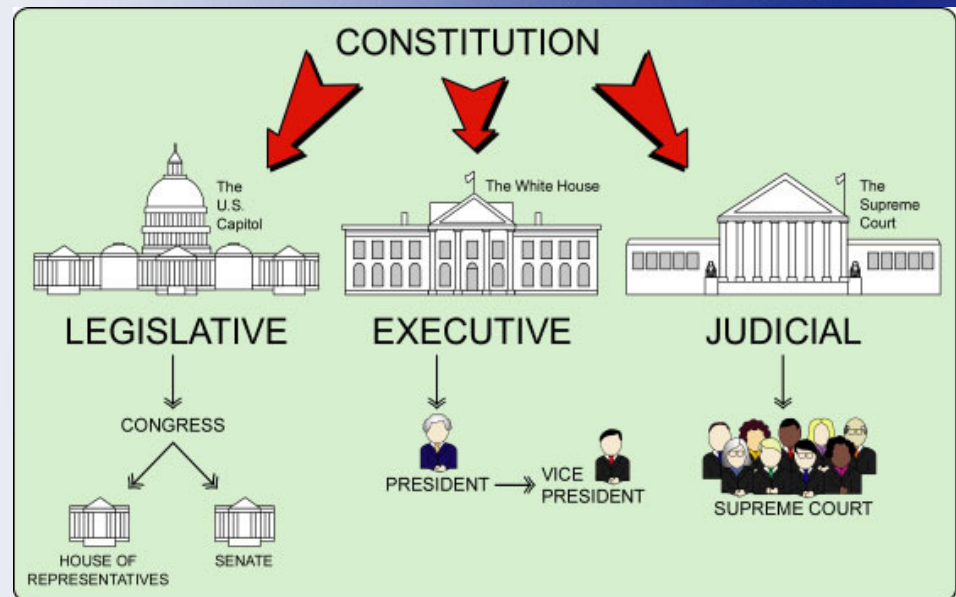
Principles of the Constitution



- Separation of Powers
 - Divided power between legislative, executive, and judicial branches
 - Heavily influenced by Montesquieu
 - Shaped by colonial experiences of abuses of power
 - Worried about branches combining forces with another branch
 - Checks and Balances

Principles of the Constitution

- System of restraints in which each branch can check the other two
 - Reflects the fear of tyranny
- Political independence within each branch
 - No branch is dependent on the others for election and continuance in office
- Staggering of terms within each branch
 - Allows people to retain control over government



Principles of the Constitution

- Modifications of checks and balances
 - Do the following strengthen or weaken democracy?
 - Political Parties
 - **Political parties bring people & govt. together**
 - **Divided government**
 - Changes in voting methods
 - *Split ticket voting*
 - Growth of federal bureaucracy
 - *Once established, govt. agencies are granted broad authority*
 - Changes in technology
 - Emergence of US as world power after WWII

Principles of the Constitution



- The government dilemma
 - How can you make government effective while avoiding tyranny?
- Limits found in the Constitution
 - Govt. only has the powers listed in the Constitution
 - Bill of Rights
 - Safeguard against tyranny
 - **10th Amendment** emphasizes the power of the states over the Feds
 - Free elections

Principles of the Constitution

- Judicial Review
 - Power of the courts to strike down laws or govt. actions
 - Not explicitly provided for in Constitution
 - Established by **Marbury v. Madison, 1803** (see following slide)
 - Effects of Judicial Review: citizens can challenge the constitutionality of laws by filing lawsuits.
 - Litigation has become an important way of making public policy.



Principles of the Constitution

- Marbury v. Madison, 1803
 - Facts of the Case:
 - Federalists lost control of Presidency
 - Jefferson frantically raced to appoint pro-federalist judges but was unable to deliver all appointments
 - New Presidency (Jefferson) refused to issue the remaining appointments
 - William Marbury requested a writ of mandamus (order forcing govt. official to carry-out orders) from the Supreme Court
 - Marshall (Chief Justice) expanded the power of the courts by creating Judicial Review which would allow laws to be challenged on the basis of Constitutionality

Principles of the Constitution

- Why propose an amendment?
 - Dissatisfaction by interest groups with court decisions
 - Desire to push forth an agenda (prevent Gay marriage, balanced budget, etc.)
 - Gridlock in Congress (unhappy with the way things are run)



Principles of the Constitution

- Changing the Constitution informally / without adding amendments
 - Informal Methods
 - Acts of Congress
 - (e.g., Judiciary Act of 1789)
 - Judicial rulings
 - (e.g., Brown v. Board)
 - Presidential actions
 - (e.g., police actions since WWII)
 - Customs and traditions
 - (e.g., Pres. Cabinet, political parties, committee system in Congress, senatorial courtesy)
- “*The Constitution belongs to the living, not the dead*” – Jefferson
 - Jefferson believe each generation might require a new Constitution
 - Informal methods of change have allowed the Constitution to adapt to the changing times

Principles of the Constitution

- Changing the Constitution formally / adding amendments
 - Method reflects a compromise, makes process easier but not easy
- Formal Methods (**process of amending reflects federal system**)
 - How to propose an amendment
 - 2/3 vote from both houses of Congress (all have been done this way)
 - Constitutional convention called by Congress at the request of 2/3 of states (Fears of doing it this way)
 - Never done before
 - Fear of a “runaway” convention that might get out of hand and implement wholesale changes to Const.
 - Disturbing Questions: Will the convention stick only to the matter at hand? Will it take other issues? Who gets to be delegates? How are they selected? How is representation among the states to be determined?

Principles of the Constitution

- Ratification of Changes
 - 2 methods (method determined by Congress)
 - $\frac{3}{4}$ of state legislatures agree
 - All but 1 done this way
 - Most states ratify with simple majority, other require “supermajority” ($\frac{3}{5}$, $\frac{2}{3}$, $\frac{3}{4}$)
 - Ratifying conventions in $\frac{3}{4}$ of states
 - 21st amendment (repeal of prohibition) was done this way
 - The more democratic way: people elect delegates who state their position. Citizens state their opinion by choosing delegates that share their view on the issue.
 - Time Limit
 - Typically 7 years to pass or automatically defeated
 - Exceptions: ERA and 27th amendment

Origins of American Federalism

- **Federalism: constitutional division of power between the national and state governments**
- Reasons for federal system in U.S.
 - Unitary system undesirable - too reminiscent of British rule.
 - **unitary system** A system in which sovereignty is wholly in the hands of the national government, so that sub-national units are dependent on its will.
 - Confederate system undesirable -- too reminiscent of Articles of Confederation.
 - Allows unity, but not uniformity -- allows for differences among states.

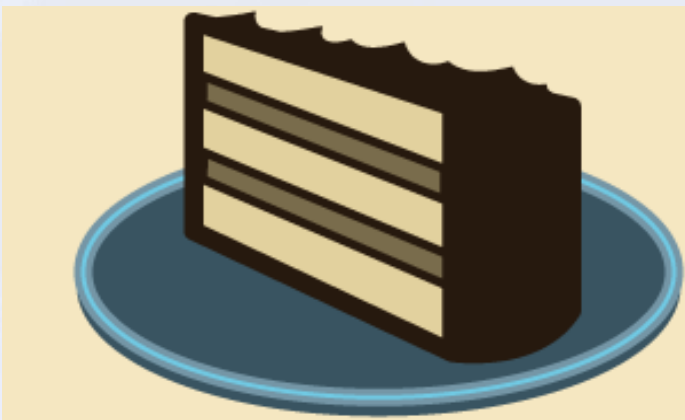
Origins of American Federalism

- More suitable for geographically large nation -- allows for differences.
- More suitable for heterogeneous people -- allows for differences.
- More likely to check tyranny:
 - If tyranny occurred in a few states, fed. govt. could prevent its spread to others. (ex. **Shay's Rebellion**)
 - National govt. has only those powers granted to it -- all others belong to states through **Amendment 10**.

Origins of American Federalism

- Frees national govt. to concentrate on truly national matters.
- Frees states from excessive intrusion on strictly state/local matters (mandates?).
- **Encourages experimentation** -- states as 'laboratories' (e.g. Wisconsin's welfare reform plan)
- **Keeps govt. closer to people. Multiple points of access for citizens.**

Origins of American Federalism

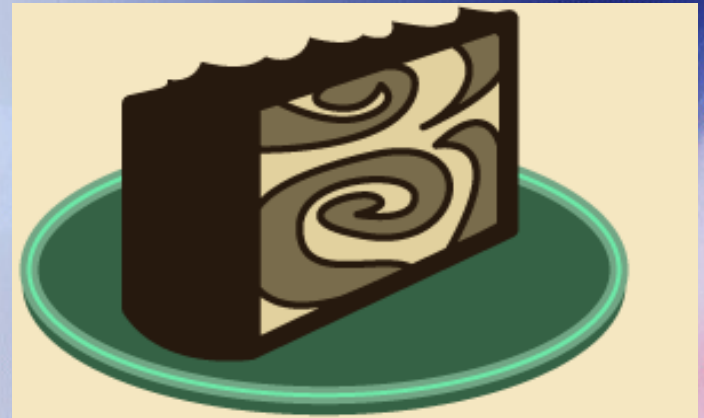


- Historical Developments
 - Dual federalism
 - State governments and national government each remained supreme within their own spheres.
 - Powers and policy assignments of the layers of govt. were distinct, as in a layer cake.
 - Suggested that the powers of the national govt. should be interpreted narrowly.
 - Prevalent through 1937.

Origins of American Federalism

– Cooperative (Marble Cake) Federalism

- Mingling of responsibilities between the state and national govt.
- Sharing of powers and policy assignments, as in a marble cake
- Suggests that powers of the national govt. should be interpreted broadly.
- Prevalent since 1937.



Origins of American Federalism



– New Federalism

- Some authority is being shifted back to the states
- Sometimes referred to as “Devolution Revolution”
- Associated with Nixon & Reagan (a very conservative idea)
- Stems from the idea that the states are better equipped to meet the needs of the people (cuts government beaurocracy)
 - Examples:
 - Welfare Reform Bill (1996)

Structure of American Federalism

- National (federal) powers
 - Delegated (expressed, enumerated): actually stated in the Constitution
 - Implied: not stated explicitly, but suggested implicitly.
 - Importance of **elastic clause**.
 - Inherent: not stated explicitly, but held by the national govt. by virtue of its being a national govt. (Any govt. is entitled to certain foreign policy powers such as diplomatic recognition, acquiring territory, or defending itself.)

Structure of American Federalism

- State (reserved) powers
 - **Amendment 10 states that any powers not granted to the national govt. are reserved for the states.**
 - Examples: **establishing voting requirements**, running elections, licensing professionals, protecting community health, establishing a vehicle code.
- Concurrent powers
 - Granted to Congress, but not denied by Constitution or courts to the states
 - Powers held by both national and state governments.
 - Examples: taxing, borrowing, establishing court system, establishing law enforcement agencies.
 - Questions of fed./state authority are decided by courts.

Structure of American Federalism



- The (national) Supremacy Clause (Art. VI, Clause 2)
 - National government supreme in case of conflict over states rights vs. federal rights
 - It states that federal law takes precedence over all forms of state law. No state may pass a law that conflicts with the Constitution or federal laws.

Structure of American Federalism

- Obligations of the national government to the states
 - National Government promises to:
 - Guarantee each state a republican form of govt.
 - Protect each state against invasion or domestic violence.
 - Grant new states the same rights as other states.



Structure of American Federalism

- Obligations of the state governments
 - State Governments (Art. IV, Sec. 1&2)
 - Full Faith and Credit Clause: each state must honor the laws and legal proceedings of other states, e.g., marriages, debts.
 - Privileges and Immunities Clause: each state must grant to citizens of other states the same rights and privileges that they grant to their own citizens.
 - Extradition: Governors must return suspects to the states in which they allegedly committed their crimes.
 - Interstate Compacts: Agreements between state that alter their power relative to other states, requires consent of Congress.





DECENTRALISM vs. CENTRALISM

STATES' RIGHTS vs. NATIONALIST

Ways of interpreting the Constitution

Decentralism v. Centralism

- Decentralist (states' rights) approach
 - Constitution is a compact created by states.
 - Constitution carefully limits national authority to delegated / enumerated powers.
 - **10th Amendment gives broad powers to states.**
 - When in doubt as to which holds a power, matter should be resolved in favor of states.
 - Implies strict constructionist approach.
 - National govt. has gotten too big and impersonal.
 - State governments are closer to the people.
 - Followers: Calhoun, Goldwater, Reagan, southern conservatives, western conservatives.

Decentralism v. Centralism

- Centralist (nationalist) approach
 - Constitution created by people (“We the people...”)
 - **Elastic, commerce, and taxing/spending clauses give great power to national government**
 - Powers go to states only if they have been surrendered by national government
 - When in doubt, matter should be resolved in favor of national government
 - Implied loose constructionist approach
 - Size of federal bureaucracy has remained relatively constant for last 40 years.
 - While state gov. may be closer to people, some of those state gov. have violated people's basic rights (e.g., South during first 70 years of this century) -- national govt. has been key protector of rights.
 - Followers: Hamilton, Marshall, Webster, TR, FDR, JFK, LBJ.

Decentralism v. Centralism

- The triumph of the nationalist approach
 - ***McCulloch v. Maryland, 1819***
 - Maryland attempted to tax a branch of the Bank of the U.S.
 - It argued that taxing was one of its reserved powers
 - In addition, it argued that the Bank was unconstitutional, anyway
 - **The Court's decision (under Marshall):**
 - **Need for a more flexible interpretation of the Const. so that it would endure ---> Bank was 'necessary and proper' ---> establishment of implied powers.**
 - **“Power to tax involves power to destroy” ---> states clearly not free to destroy the national govt. ---> establishment of national supremacy.**
 - This decision is key to granting the Supreme Court the power to interpret the Constitution

Decentralism v. Centralism

- Sources of national strength / power
 - **Elastic clause** (Necessary & Proper Clause): Congress can pass laws “necessary and proper” to carry out expressed powers
 - *This is probably the most important clause to learn. We will be referring to this clause throughout the year.*
 - War powers
 - **Commerce clause**: Virtually anything in interstate or foreign commerce – Congress can regulate nearly everything.
 - Power to tax and spend for the “common defense and the general welfare” (see next slide)
 - Preemption of state laws by fed. courts if laws in conflict w/ Const. or fed. laws.
 - Imposition of federal mandates (some unfunded) on states

Decentralism v. Centralism

- Tax and Spend Politics
- Congress has the power to tax and spend for the “common defense and the general welfare”
 - While Congress cannot technically legislate on everything, it can spend funds on virtually everything
 - States don’t have to accept federal money, but if they do, they must follow federal guidelines (ex. Federal highway funds can be denied if a states alcohol purchasing age is less than 21. Federal education funds can be denied if states don’t comply with No Child Left Behind Act)
 - Federal “strings” attached to funding are ways in which Federal Government can get its way on things.

Decentralism v. Centralism

- Recent developments in the battle between federal and state rights
 - **New Federalism:** A plan to limit the federal government's role in regulating state governments, in order to give states increased power to decide how they should spend all government revenues
 - Devolution: The transfer of power from the fed to the states (limits may still be placed by federal government)
 - Republican victory in congressional elections of 1994
 - Contract with America and devolution of power back to states:
 - **Unfunded Mandates Reform Act of 1995:** Prohibited future unfunded mandates.
 - Use of block grants to replace categorical grants.
 - 1996 welfare reform bill that ended welfare as fed. entitlement.
 - Repeal of 55 m.p.h. speed limit.

Decentralism v. Centralism



- How the Supreme Court has supported Devolution
 - Struck down Gun Free School Act
 - Struck down part of the Violence Against Women Act
 - Struck down the Religious Freedom Restoration Act
 - Struck down the Brady Act
 - The current make-up of the Supreme Court is fairly conservative. We will discuss the Supreme Court in greater detail later in the year.

Federalism and Federal Grants

- As the federal government has grown more powerful, it has used state and local governments to administer programs that are federally funded.
- Purposes of federal grants
 - Reduces growth of federal bureaucracy
 - The federal government simply provides money to states and has states run the programs (limited by Federal guidelines)
 - Supplies state and local governments with needed revenue
 - Establishes minimum federal standards in important areas (air quality, water quality, etc.)
 - Equalizes resources among rich and poor states

Federalism and Federal Grants

Types of Federal Grants

- Analyze of these types of grants from states' rights (decentralist) and nationalist (centralist) approaches
- **Categorical:**
 - Specific programs.
 - States don't have to accept these, but if they do they must comply w/ fed. standards. Unfunded Mandates, 1984-91
- Project:
 - States apply for grants for specific projects.
 - “Grantsmanship” – The game of applying for grants in order to subsidize state funding

Federalism and Federal Grants

- **Block:**
 - Granted to support a collection of general programs ---> more state leeway in spending of the money
 - Associate these w/ 104th Republican Congress and devolution of power back to states
- Revenue sharing
 - General grant of money to states to spend as they please --- > even more leeway than block grants
 - Associate these w/ Nixon and Reagan -- more New Federalism
 - As budget deficits skyrocketed, these ended – “no more revenue to share”

Federalism and Federal Grants

The Politics of Federal Grants

- Democrats have generally favored greater funding, but with more “strings” associated with **Categorical Grants**.
- Republicans have generally favored less funding, but with fewer “strings” associated with **Block Grants**. Welfare is an example of this;
 - These views are not etched in stone. They simply represent the typical view of each party and is based on the political philosophy of each party.

Federalism and Federal Grants

- Welfare as a Block Grant
 - The Welfare Reform Act of 1996 changed the way welfare is handled and most importantly, transferred control of the program away from the Federal Government into the hands of the state government
 - Welfare Block Grants replaced the welfare Categorical Grants
 - Even as a Block Grant, the Welfare Reform Act involved federal “strings”
 - No federal funds go to recipients who have not worked within 2 years
 - No federal funds go to recipients who have received federal money for more than 5 years.
 - States must spend at least 75% of what they had previously spent on welfare.

Federalism and Federal Grants

No Child Left Behind Act (2002)

- An exception to the “fewer string” approach by the Republican Party is its support of the No Child Left Behind Act of 2002: In order to receive federal funds for education, states must:
 - Adopt state and national subject matter standards
 - Test all students in grades 3-8 on those standards (later expanded to include grades 9-11)
 - Identify low-performing schools based on that testing
 - Require low-performing schools to develop improvement plans
 - Allow parents of students in schools that do not improve to transfer to other public schools.

Federal Mandates

- Mandate: a federal order imposed upon the states. This is usually associated with the granting of Federal monies, Examples:
 - **Americans with Disabilities Act**
 - Various Environmental Acts (Clean Air Act, Clean Water Act)
 - Individuals with Disabilities Education Act
- Purposes of a mandate is to help the Federal government achieve its national goals (brings the states up to the Fed. standards)

Federal Mandates

- The impact of Fed. Mandates upon the states
 - Financial Burdens: especially with **unfunded mandates** (ADA has imposed large costs upon states as they make “reasonable accommodations” for the disabled.)
 - States complain about federal “heavy-handedness”. (ex. if a state does not devise a plan and pay for the requirements of the Clean Air Act of 1990, the federal government will impose its own plan upon the state)
 - States complain about federal blackmail (ex. If a state does not comply with the Clean Air Act standards, federal funds can be withheld in other programs)
 - States complain that the federal government is altering the nature of federalism with its excessive power.

Federal Mandates

- Republican response to mandates
 - Unfunded Mandates Reform Act of 1995 (part of the Contract with America) restricted future **unfunded mandates**.
 - Requires an impact study of unfunded mandates on states (How will this mandate adversely effect the states?)
 - This impact study is handled through the Congressional Budget Office, a Congressional Committee that handles all spending through Congress
 - Requires separate congressional vote on bills that impose unfunded mandates

The Politics of American Federalism

Why has the national government grown in power?

- Non-constitutional reasons for triumph of nationalist approach.
 - Growth of U.S. in size and population.
 - Problems tend to be more national (and even international) in scope (Imperial Presidency)
 - Improved communication and transportation -- Washington D.C. not so far away
 - Historical developments (New Deal, WWII, The Great Society) created huge bureaucracies and constituencies to support a strong fed. govt.

The Politics of American Federalism

The reaction against big government



- General consensus in late-70s that power of govt. had gone too far
 - (Vietnam and Post-Vietnam protests / demonstrations)
- 3 “outsiders” (Carter, Reagan, Clinton) elected as President
- Questioning of the effectiveness of some fed. Programs
 - (Welfare / Social Security)

The Politics of American Federalism

Other reactions against big government

- Tax revolt / reform (California Prop 13 / call for a Flat-Tax)
- Reduction of Great Society-style fed. aid to cities, and restoration of principle that states should take on more responsibilities:
 - Elimination of revenue sharing.
 - Reduction of **categorical grants**.
 - Increased use of **block grants**.
 - Reduction of fed. regulations, e.g. granting of waivers to states that want to experiment with welfare reform.
 - End to future unfunded mandates as part of Contract with America.



The Politics of American Federalism

- Evidence of reduced Federal power
 - Welfare reform laws are passed in the early 90's
 - Federal mandates on speed limits are repealed
 - Fewer categorical grants are used as a result of new Federal guidelines regarding unfunded mandates
 - Middle class tax cuts under Clinton and Bush (GW)



The Politics of American Federalism

- Evidence of increased federal (national) power
 - Wars in Afghanistan and Iraq have led to huge military spending increases
 - Growing budget deficits under Bush (due to the wars)
 - The US Patriot Act of 2002 gave strong powers to the Federal government to deal with terrorism
 - No Child Left Behind imposes heavy burdens on the states



Effects of New Federalism

Effects of growing federalism (new federalism)

- States have greater power, but also greater financial burdens
 - Some states have had to raise taxes to keep up with these burdens
 - While federal employment has remained flat, state and local govt. employment has gone up considerably
- The reality about growing government power:
 - Americans claim to want less government interference yet we demand more services and “entitlements”.

USA PATRIOT OT ACT

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