

1.7 Relationship Between States and the Federal Government



ESSENTIALS

1. The exclusive and concurrent powers of the national and state governments help to explain the negotiations over the balance of power between the two levels.
2. The distribution of power between federal and state governments to meet the needs of society changes, as reflected by grants, incentives, and aid programs, including federal revenue sharing, mandates, categorical grants, and block grants.

1. What is the underlying idea of this cartoon?
2. Federalism essentially creates multiple sovereign governments. Our Founding Fathers imagined that by creating more governments there would be less of likelihood that one government would be strong enough to threaten our individual liberty. Two hundred and fifty years later, still worth it? Doesn't federalism create inequalities, legal confusions and inefficiencies? Is federalism necessary?

Federalism

Do the merits outweigh the demerits?

James Bryce listed the following arguments on behalf of federalism:

1. Federalism promotes national unity while permitting local "diversities" to continue.
2. Federalism prevents the rise of despotic central government and does not threaten "the private liberties of the citizen." The states are "bulwarks" against the central encroachment of the federal government.
3. Federalism "stimulates" the interest of citizens in local affairs, thereby sensitizing the people to their civic duties.
4. Federalism encourages "experimentation" and reforms in political life that might not be tried initially at the federal level. In short, new political policies can filter up from the local-state level to the federal level. (Bryce, James. The American Commonwealth. New York: Macmillan. 1897)

Detractors on the other hand, argue that federalism has number of disadvantages:

1. Federalism encourages wasteful duplication of services between the levels of government and at times slows the political process to a snail's pace (as in the lengthy appeals of the court system).
2. Diversity of state laws and procedures creates an unfair situation for citizens from a national perspective. (For example, the average felony conviction leads to 13 months in jail in South Dakota as opposed to 58 months in Massachusetts).
3. Dispensing more powers to the states may be an unwise decision, because there is ample proof that states run their respective governments no more efficiently than federal bureaucrats run the national government in Washington D.C.
4. Federalism can result in unequal opportunities, because the wealthier states can provide better schools, medical care, and other services far more effectively than the poorer states.
5. The fragmentation of authority under federalism can permit unscrupulous interested groups who are concentrated in specific states to acquire undue influence and political power in those states.

Questions for Discussion

1. Which arguments, pro or con, seem most plausible? Why?
2. Assume that the federal government took over many of the traditional powers of the states. Or suppose the states were abolished in favor of dividing the country into "administrative zones," as some political scientists have urged. What are the respective advantages and disadvantages attached to such actions?

There are over 900 grant programs offered by the 26 Federal grant-making agencies.

BLOCK GRANTS: Federal government money to state or local governments for a use in a general purpose.

Examples: Community Development, Drug Abuse and Mental Health, Local Law Enforcement.

CATEGORICAL GRANTS: Federal government money to state or local governments for use in a narrowly defined purpose. About 90% of federal aid dollars spent this way. Examples: Head Start, Abestos School Hazard Abate. Act.

EARMARK GRANTS: Federal government money explicitly specified for local projects on a one-time basis. Often these are tucked inside large appropriations to induce the support of certain members.

1. What type of grants do you suppose are favored by the federal government? State and local governments? Explain.
2. TANSTAAFL – “There ain’t no such thing as a free lunch” is a common axiom. What exactly does this mean? How might this apply to federal grants?
3. Find examples of federal block grants/categorical grants/earmarks

FEDERAL MANDATES: “any provision in statute or regulation or any Federal court ruling that imposes an *enforceable duty* upon State, local, or tribal governments including a condition of Federal assistance or a duty arising from participation in a voluntary Federal program.”(2 USCS § 1555) Examples: Americans with Disabilities Act (1990), Clear Air Act (1970), Motor Voter Bill (1993), No Child Left Behind Act (2001), Patient Protection and Affordable Care Act [Obamacare] (2010) [See *Unfunded Mandate Reform Act*, 1995]

1. Often federal mandates are unfunded. Duties are imposed without any money attached. Why do you suppose this is true? How do you suppose these mandates are received?
2. What are *legitimate* arguments for mandates? Under what *authority* are federal mandates constitutional?
3. List three (3) examples of federal mandates

Quantitative Analysis

GOVERNMENTS in the UNITED STATES

TYPE	NUMBER
Federal	1
State	50
County	3,034
Municipal (city, town, village)	19,429
Township	16,504
School District	13,506
Special Purpose (utility,library,...)	35,052
TOTAL	87,576

Source: US Census Bureau

- A. Identify the type of government with the most units.
- B. Using the data, describe the difficulties of enforcing national policies in a federal system.
- C. Explain how the data in the chart might be used to explain the practicalities of Fed. #51.
- D. Explain how the data in the chart could affect public policy debates between conservatives and liberals.