**Instructor’s Manual**

to accompany

*By the People:* *Debating American Government,* Fifth Edition

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**Chapter 4**

***Federalism and Nationalism***

**What Students Should Learn from This Chapter**

* What federalism is
* The strengths of federal and state governments
* How federalism works—how it has evolved
* Contemporary challenges of federalism
* American nationalism and the conflicts that surround it

**Outline**

1. Forging Federalism
   1. Two choices in 1776
      1. Unitary governments
         1. Most common during colonial times
         2. National polity governed as a single unit
         3. Central government exercised political authority
      2. Confederation
         1. Power in the states
         2. Weak central authority provides common defense or economic benefits
         3. Americans tried under Articles of Confederation
   2. Constitutional Convention delegates devised a new government: federal system
      1. Power divided between national and state governments
      2. Conflict is built into the system
      3. United States has many layers making it more difficult
2. Who Holds Government Authority?
   1. Advantages of State-Level Policy
      1. States more responsive to citizen needs and desires
      2. States offer more protection for individual rights
      3. Federalism fosters political innovation
      4. Federalism gives people more choices
   2. Advantages of National Policy
      1. More fair
      2. Equalize resources across the nation
      3. Standardize best practices
      4. Problems of coordination
3. How Federalism Works
   1. The Constitution sets the Ground Rules
      1. The Constitution empowers national authority
         1. Nineteen powers vested in the national government: delegated powers
         2. Commerce Clause: empowers Congress to regulate commerce
         3. Necessary and proper clause: Congress’s constitutional authority to exercise the necessary and proper powers to carry out its designated functions: implied powers
         4. Supremacy Clause: national government’s authority prevails over any conflict
         5. Inherent powers: neither specified or implied but necessary for government to fulfil their duties
      2. Constitution protects state authority
         1. State authority guaranteed by the 10th Amendment
         2. Reserves to states all powers not specifically granted to the national branches: reserved powers
      3. Constitution authorizes shared power
         1. State and national authorities share many responsibilities
         2. Concurrent powers: authority shared by national and state governments
         3. Full faith and credit clause: each state recognize and upholds laws passed by any other state
   2. Dual Federalism (1789-1933)
      1. State and national government had relatively clear responsibilities
      2. State governments had as much authority as federal government
      3. Layer Cake Federalism: levels of government fall into separate layers
      4. National government in charge
         1. International relations
         2. Internal improvements
         3. Regulated relations and commerce between the states
         4. States retained control over individual citizens
   3. Cooperative Federalism (1933-1981)
      1. New Deal, dual arrangement collapsed
      2. President Roosevelt and large Democratic majorities in Congress strengthened national government’s role
      3. Active federal government, blurred lines of authority
      4. Marble cake: different government functions all swirled together
      5. Federal funds through grants-in-aid with specific instructions about how the money could be spent
   4. Contested Federalism (1981-2020)
      1. Reagan tipped pendulum of power away from national officials, more authority to states
      2. Super Swirl Cake Federalism: government authority mingling governing authority with high partisan conflict
      3. New Federalism: authority from federal officials to state and local governments
      4. Block grants gave federal dollars to specific policy areas with fewer restrictions
      5. Progressive Federalism: national government sets program goals and states determine how to achieve them
   5. Federalism Today
      1. Trump trying to go back to Reagan era New Federalism
      2. Fewer federal dollars, fewer federal regulations
4. Issues in Federalism
   1. Unfunded Mandates
      1. Obligation imposed by federal legislation
      2. Insufficient federal funding for costs
   2. How Government Grows
      1. Some problems necessitate greater national government role
      2. Local governments face problems beyond their capacity to solve
   3. Reducing the Federal Government
      1. Debate reflects desire to reduce the size and scope of government
      2. Devolution: transfer of responsibility for government programs form nation to state and local and then to private sector
      3. Republicans prefer state and local control
      4. Democrats seek Washington-based solutions
      5. Both parties sometimes press for national authority and sometimes defer to states
   4. On Both Sides of the Issue
      1. Both parties stray from party position regularly
      2. Republicans criticized for being hard-hearted budget cutters – introduce new social policies
      3. Democrats criticized for spending too much – rely more on state innovation
   5. Our Three-Dimensional Political Chess
      1. Conservatives want less federal government – Liberals want more federal government
      2. Policy debate in Washington, fifty state capitals, and thousands of municipalities and smaller governing agencies
5. Federalism in the Courts
   1. Disputes about drawing a line where national power ends and states’ authority begins decided by courts
   2. Favored national prerogative in early republic and then moved to favoring state and private corporations
   3. One explanation: party in power changed
   4. Current court shifting power from national government to the states
6. Nationalism, American Style
   1. American public’s sense of identity as Americans
      1. Helps maintain federal balance
      2. Can turn inward and exclude others
   2. Rise of American Nationalism
      1. Came from an unlikely source: Constitution
      2. Touchstone for Americans’ shared sense of belonging
   3. Double-edged sword
      1. Mutual support and loyalty
      2. Strict boundaries around who counts as an American
   4. America’s Weak National Government
      1. Strong nationalism linked to weak governing institutions
      2. Strength measured by three main principles
         1. Size
         2. Authority
         3. Independence
      3. Size
         1. Many years American government smaller
         2. Grew during World War I, Great Depression, World War II, Cold War, Great Society of the 1960s
      4. Authority
         1. Mid-nineteenth century nations had powerful and efficient national bureaucracies, civil service
         2. American government did not have a strong central bureaucracy
         3. American civic voluntarism: citizens participate in public life without government incentives or coercion
      5. Independence
         1. Separate and divide governing power
         2. Vertical dimension: power shared among different levels of government
         3. Each level has internal checks
         4. Checks and balances at every level

**Class Activities/Assignments**

1. Analyze a current topic of federalism from a federal, state, and local perspective.
2. Put students into groups. Give each group a recent speech from a politician regarding an international event—for example, foreign aid, the Paris Accords, or moving the American Embassy in Israel to Jerusalem. Ask the students to analyze the speech from all the theoretical perspectives that we have studied in the course. Does one perspective come out in the speech at the expense of the others?
3. Put students into groups. Assign students three policy areas and ask them to explain which level of government is best suited to handle the policy, and report back to the class why.
4. Discuss the question of concurrent powers.
5. Discuss the advantages and disadvantages of federalism, asking students to rank them on a continuum in order of greatest advantage to greatest disadvantage. For the greatest disadvantages, ask them to research attempts (across institutions) to address these disadvantages.
6. Discuss why American nationalism continues to be felt by the American people. How does this affect the perception of America and Americans by other nations? Is this good or bad? Why?

**Lecture Suggestions**

1. What are the three major periods of the development of federalism?
2. What do you think Federalism will look like in one hundred years?
3. What explains Americans' desire for a weaker centralized government despite their strong sense of nationalism?
4. How does devolution relate to political ideology and political parties?
5. Why are state and local governments sometimes called “laboratories of federalism"?
6. Does federalism result in greater competition between state and local governments? Why, and in what areas might it? Is this good or bad for the nation?
7. What is the foundation for states’ rights?
8. In what policy areas is there a clear distinction for national responsibility? Are there any recent actions by political officials that may refute this?
9. Why are the courts important in discussing federalism?

**Video Resources**

Federalism in Education Made Simple

<http://www.youtube.com/watch?v=Ebf1HLiZeyY>

C-SPAN Classroom

<https://www.c-span.org/classroom/>

US Government Teachers Blog-Video on Federalism

<http://usgovteducatorsblog.blogspot.com/2011/10/short-video-on-federalism.html>

Constitution USA-Episode 1 A More Perfect Union

<https://www.pbs.org/tpt/constitution-usa-peter-sagal/watch/a-more-perfect-union>

Federalism: Lessons of Katrina

<https://www.youtube.com/watch?v=S-pqaTO7ofw>

**Website Resources**

James Madison’s Federalist no. 10 and the American Political System

<http://cstl-cla.semo.edu/renka/renka_papers/madison.htm>

Timeline of Federalism in the United States

<https://applications.education.ne.gov/distrib/web/social_studies/CSSAP%20Modules/CSSAP%20First%20Phase%20Modules/federalism/timeline.html>

Cornell University Law School Legal Information Institute

<http://www.law.cornell.edu/wex/federalism>

Nationalism Has Gotten a Bad Reputation. But It’s What America Needs Right Now <http://time.com/5431089/trump-white-nationalism-bible/>