**Instructor’s Manual**

to accompany

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

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**Chapter 3**

***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. Unitary Government
      1. National polity governed as a single unit, with the central government exercising all or most political authority
      2. Most nations in the 1780s
      3. National government makes policy for the nation
      4. Local government is an administrative extension of national government
   2. Confederation
      1. Group of independent states or nations that yield some of their powers to a national government, although each state retains a degree of sovereign authority
      2. Most power in the states or provinces
      3. Weak central authority for common defense or economic benefits
      4. Americans tried under Articles of Confederation
   3. Constitutional Convention delegates devised an innovative hybrid: federal system in which power is divided and shared between national and state governments
      1. Constitution gives some decisions to national government and others to the states
      2. Conflict is built into the system
      3. Also have independent local governments which derive authority from state government
2. Who Holds Government Authority?
   1. Most important issue in federalism is who wields authority over policies
   2. 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
   3. Advantages of National Policy
      1. More fair
      2. Equalize resources across the nation
      3. Standardize best practices
3. How Federalism Works
   1. Constitution Sets the Ground Rules
      1. Constitution grants 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: 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 nor implied but necessary for government to fulfill their duties
      2. Constitution Protects State Authority
         1. States have authority guaranteed by the Tenth Amendment
         2. Reserves to the states all powers not specifically granted to the national branches: reserved powers
      3. Constitution Authorizes Shared Power
         1. States and national authorities share many responsibilities: concurrent power
         2. Full faith and credit: constitutional requirement that each state recognize and uphold laws passed by any other state
      4. Constitution empowers and limits both the national and the state governments
   2. Dual Federalism (1789-1933)
      1. State and national governments had relatively clear responsibilities
      2. State government had at least as much authority as the federal government
      3. “Layer cake” federalism: levels of government fall into separate layers
      4. National government in charge of three major areas
         1. International relations
         2. Internal improvements
         3. Regulated relations and commerce between the states
         4. States retained control over almost everything having to do with 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 and blurred lines of authority
      4. Marble Cake: different government functions 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 presidency (1981-1989) 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 officials
      4. Block grants: national government funding 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
   2. Reducing the Federal Government
      1. Devolution: transfer of authority from national to state or local government level
      2. Preemption: invalidation of a U.S. state law that conflicts with a federal law
   3. Federalism in the Courts
      1. Disputes about drawing a line where national power ends and states’ authority begins decided by courts
      2. Favored national prerogatives in early republic and then moved to favoring state and private corporations
5. Nationalism, American Style
   1. American public’s sense of identity as Americans
      1. Helps maintain federal balance by instilling loyalty to nation, state, and locality
      2. Can turn inward and exclude others
   2. The Rise of American Nationalism
      1. Came from unlikely source: Constitution
      2. Double-edges sword
         1. Strong sense of national identity fosters mutual support and loyalty
         2. Most enthusiastic nationalists are those most likely to draw strict boundaries around who counts as an American
   3. America’s Weak National Government
      1. Strong nationalist sense linked to relatively weak governing institution
      2. Strength of central governments measured by three principles: size, authority and independence
      3. Size
         1. Many years American government smaller than other nations
         2. Grew after World War I, Great Depression, World War II, Cold War and Great Society of 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

**Suggested Lecture Topics and 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, or a war. Ask the students to analyze the speech from all the theoretical perspectives that we have studied in the course. Does one perspective emerge 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. Analyze the Arizona immigration debate from a federalist perspective.
7. 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?

**Discussion Questions**

1. What are the three major periods of the development of federalism?
2. How does devolution relate to political ideology and political parties?
3. Why are state and local governments sometimes called “laboratories of democracy”?
4. Does federalism result in greater competition between state and local governments? Why, and in what areas might it?
5. What is the foundation for states’ rights?
6. In what policy areas is there a clear distinction for national responsibility? Are there any recent actions by political officials that may refute this?
7. Why are the courts important in discussing federalism?

**Video** **Suggestions**

Federalism in Education Made Simple

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

C-SPAN Classroom

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

U.S. 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>

The definition of a nationalist

<https://www.cnn.com/2018/10/23/politics/nationalism-explainer-trnd/index.html>

Nationalism Has Gotten a Bad Reputation. But It’s What America Needs Right Now

<http://time.com/5431089/trump-white-nationalism-bible/>