The Evolution of Federalism

**Introduction**

**Federalism**
In 1787, the federal system in the United States began with the creation of the Constitution. The federal system established a system of government in which both national and state governments derive all authority from the people. Since the institution of federalism, the importance of this system of government has never lessened. However, the relationship between the national government and state governments is not rigid, federalism has changed greatly over the years and continues to evolve and grow as new events and issues come to affect the country. The United States has experienced multiple forms of federalism that seemed best fit for the country at the time of their formation. It is important to mention that a major factor that affects the development and change of federalism are the rulings of the United States Supreme Court. This is because, although the Constitution established a federal system of government, the method of dispersing power between the states and national government is unclear in the document. For this reason, the Supreme Court has become prominent in defining the nature of the federal system.

**Marshall and the Supreme Court**
During the period when Chief Justice John Marshall headed the Supreme Court in the early 1800s, many important decisions were made regarding the federal-state relationship. These rulings set forth the role the Supreme Court felt necessary to take to help define the balance of power in the nation. Rulings that especially outlined this cause include the cases of McCulloch v. Maryland, Gibbons v. Ogden and Barron v. Baltimore. In McCulloch v. Maryland, the Supreme Court upheld the right of national supremacy where the federal laws override state laws. The Gibbons v. Ogden case resulted in the right of Congress to control commerce and overpower state intercourse laws. Lastly, the Barron v. Baltimore case ruled that the Bill of Rights could not restrict the powers of state governments.

**Dual Federalism**
The Rise of Dual Federalism
Marshall’s Court set the precedent of the Supreme Court’s role in making federalism clear in the United States. His successor, Chief Justice Roger B. Taney would follow this precedent in helping to illuminate what is known as **Dual Federalism.** During the existence of Taney’s court, a struggle began between state and nationalist views as pro-business influence in the voting arena began to decline with more lower-class citizen voters. Dual federalism follows the idea that each level of government has defined powers, where the national government should not exceed those powers. Layer cake is used as a metaphor to represent the separation of these powers. The **Tenth Amendment** is a crucial part of Dual Federalism; it states that all powers not constitutionally given to the federal government should be reserved to the states -- therefore, national power is limited.

Dual Federalism in Action
Taney’s Court stepped in to arbitrate these struggles with different issues presented to the Court. The Court emphasized states rights and the power of the states in his decisions involving Congress’ commerce clause powers. The nature of Dual federalism also experienced enlightenment after Taney determined the **Dred Scott Decision** which enhanced state power and limited national power by the Court’s decision that the U.S. Congress did not have the authority to ban slavery in territories. The idea of nullification also helped to evolve the nature of Dual Federalism because it expanded the right of states to declare a law void.

The Fall of Dual Federalism
Although Dual Federalism did not come to an end until the 1930s, changes in the 1880s were due to rising national tensions. Specifically, the Civil War played a great role in altering the fabrics of federalism, as well as the amendments that were soon to follow, including the Thirteenth, Fourteenth, Fifteenth, Sixteenth and Seventeenth Amendments. In the aftermath of the Civil War as the country began to reunite and restore itself, the national and state governments began working together on reconstruction projects. The authority of the national government was expanded during this time; the government needed to take on more responsibility to control the development of the country after the Civil War had ended. The increased power of the national government contrasted with state-favored Dual Federalism ideals. It also demanded for a quicker and more cooperative method to facilitate the troubles and coerce the chaotic nation.

A series of economic events in the early 1900s also hastened the expiry of Dual Federalism. This included the numerous bank failures in the 1920s, price declines in agriculture, decline of the construction industry, a high of consumer good inventories, and the stock market crash of 1926. Although Presidents Coolidge and Hoover did not do much to help the country after this period of economic crisis, the **New Deal** programs enacted by President Franklin D. Roosevelt tried to help bring the United States out of the **Great Depression.** As a result of New Deal programs that both enhanced national authority and required the national and state governments to work together, a new form of federalism began to take hold on the country.
**Cooperative Federalism**
The Rise of Cooperative Federalism
The decisions in Taney’s court as well as events in the mid-late 1800s set the stage for a new type of federalism to take form, **Cooperative Federalism**. Marble cake is used as a metaphor to represent the intertwined powers this type of federalism entails. The federal government and state governments would work together to provide solutions and services to the country. In reality, this type of federalism just allowed the federal government to intervene with state decisions; the federal government essentially acted as the point man and instructed the state governments. Nevertheless, this idea allowed for a more efficacious method to solve cultured problems as well as increase intergovernmental relations.

Cooperative Federalism in Action
Cooperative Federalism began with the New Deal and was greatly affected in the 1960s by President Lyndon B. Johnson’s **Great Society** program which was an attempt to combat poverty and discrimination. Money and grants played was a key factor in establishing the relationship between the federal and local governments. During the New Deal, **categorical grants** were given to states to assist them in modifying societal conditions. For example, in order to provide relief and employment for the poor, the coordination of relief programs such as the Agricultural Adjustment Act, Civilian Conservation Corps and other Alphabet Agencies. These grant programs were a cooperative effort between national and state governments. However, during the Great Society in 1964, funds were still given to states to help fix ills of society that the Great Society attempted to cure, but grants served the interests of the national government rather than state interests. Therefore, these grants affected the previously restored balance of power between the national and state governments. During this era, a sublevel of Cooperative Federalism emerged known as **Creative Federalism.**
Creative Federalism leaned in favor towards the federal government in that it created a dependency between the state government and the federal government. The states began to increasingly rely on the financial relief and categorical grants provided by the national government, which the federal government took advantage of. The Picket Fence was a metaphor used to describe this type of federalism in that the federal government was able to directly control specific social problems such as housing and transportation. The states also must use financial grants by the federal government on projects designed by the federal government, thus giving them a much greater amount of power. Ultimately, Creative Federalism weakened the power of the states and created a direct link between federal and state governments.
The Fall of Cooperative Federalism
With the expanding role of national government during the New Deal and Great Society period, the States became weary of the power the national government had accumulated. Therefore, it was a natural instinct to limit the national government’s authority and restore power to the states. After the many shifts in responsibility between national and state levels of government during the New Deal and Great Society programs, Ronald Reagan decided in 1980 when he was elected president that he wanted to restore power to the states with what he called New Federalism.

**New Federalism**
The Rise of New Federalism
**New Federalism** is characterized by its commitment to returning powers to the state governments. This type of federalism was proposed by former President Ronald Reagan, a republican who believed federal grants were a tactic used for for imposing national government interests on the states. He believed that a weaker federal government will allow for a better suited and more efficient government within the states. Especially notable was his desire to trade social and economic privileges previously in the hands of the federal government to state and local governments. Overall, he reminded America that because the states created the federal government, it should work for the states, not overpower the states.
New Federalism is also known as **Competitive Federalism** due to the power struggle between governments and the competition between state governments for workers and jobs.

New Federalism in Action
New Federalism caused a dramatic decline in federal aid to be given to local and state governments. However, many states liked the idea of New Federalism because new **block grants** were given to states with less spending restrictions and states were given more of a choice in deciding how to spend these grants.**Unfunded mandates,** federal laws that controlled state and local programs without funding it, forced proponents of New Federalism to successfully pass the Unfunded Mandates Reform Act of 1995; it disallowed Congress from passing federal programs or services without a fair discussion on how they were to be funded.
In another attempt at limiting the powers of the national government, the **Devolution Revolution** materialized in 1994. The Devolution Revolution is the name of a movement led by former House Minority Whip Newt Gingrich and by republicans who desired to scale back the federal government through support for a campaign document called the Contract with America.
Furthermore, as the president, Ronald Reagan wanted to cease national government expansion through the Supreme Court and appointed justices in the 1980s that would be dedicated to returning power to the states.

The Fall of New Federalism
Recently, the government has been claiming more authority for redistributive policies. This includes the No Child Left Behind Act passed in 2001 and the Patient Protection and Affordable Health Care Act passed in 2010. Many states are upset because adjudication concerning education and health care has usually been left to them.
**Progressive Federalism**

The Rise of Progressive Federalism
Even though the federal government has intervened with policies that were suppose to be reserved by the states and local governments, the Obama administration still promotes **Progressive Federalism.** Progressive Federalism allows the national government to provide state and local officials freedom in solving national problems.

Progressive Federalism In Action
Because Progressive Federalism gives leeway to state officials in acting on issues normally designated to the national government, the Obama administration allowed states to make decisions concerning environmental and consumer protection issues. One example of this in action is when a few states, including California, applied limits on greenhouse gas emissions that were stricter than those imposed by the Environmental Protection Agency (EPA). Progressive Federalism allows states to become when Justice Louis Brandeis calls “laboratories of democracy”, allowing states to test policies that may later be used by the federal government.

**The Evolution of Federalism: Summary**
To summarize, federalism is a constantly adapting system of government. Events in history have forced change in the distribution of power between all levels of government depending on what was necessary and what the people of the nation desired at a time. The country has experienced many types of federalism for a simple reason, events cause change and federalism works to accommodate itself to change. In this way, the country may remain in a stable condition. The rulings of the Supreme Court have greatly helped to define the distribution of power in case decisions and make clear to the nation the current state of federalism. This is necessary, for federalism may never cease to alter the distribution of power between national and state governments and the relationships between the two.