

Types of Government Systems

Unitary

Federal (power divided between two levels)

Confederate

State (also a “unitary gov.”)

National (also referred to as “federal gov.”)

-reserved powers
-10th Amendment

-enumerated powers
-implied powers (elastic clause) = McCulloch v. Maryland
-commerce clause (economic policy) = Gibbons v. Ogden
-supremacy clause (preemption)

Types of Federalism and History of Federalism

Dual Federalism (layer cake)

-1790s to 1930s = Dual Federalism
-states and federal gov. have separate powers
-national power *increases*, but not necessarily by taking power from states
-the Supreme Court simply interpreted the Commerce clause and Necessary and Proper clause in such a way that the federal government could “invent” new powers (not taking state power)
-states’ rights arguments/nullification are resolved with Civil War
-national government had supremacy, but dual federalism was still the norm and the federal government was still quite limited in its policymaking powers

Cooperative Federalism (marble cake)

-1930s to present = Cooperative Federalism
-federal governments power increases in response to Great Depression
-federal government begins making policy in areas previously reserved to the states or simply off limits
-cooperative federalism is also referred to as Fiscal Federalism, which utilizes grants-in-aid to achieve its policy goals

categorical grants (Regulated Federalism)

block grants (New Federalism)

project grants (LBJ, 1960s)

formula grants (FDR, 1930s)

devolution (Reagan, 1980s)

Federalism Today: We still have Cooperative Federalism, but depending on which party is in power we favor either categorical or block grant solutions to policy problems. Democrats are more likely to favor categorical grants (coerce the states to adopt a uniform, national policy), while Republicans are more likely to favor block grants (allow states to have different eligibility requirements and benefits). The two most recent administrations do not easily fit this dichotomy. The Bush Administration did not always favor block grants and the Obama Administration has allowed experimentation at the state level.