

## The Thread of Federalism in the Fabric of American National Government

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American national government is a fabric of many different threads that vary in color, in texture, and in size, all contributing to the structure and process of the political system. One of those threads is federalism, which was a major innovation by the Founding Fathers. Its inclusion in the Constitution was no doubt the product of necessity, imitation, and a willingness to experiment by the delegates to the Constitutional Convention, and it very nearly brought the new nation to an untimely end. It has also, however, contributed resilience, strength, and capacity, qualities which have allowed this system to adapt and to grow.

Federalism is a term applied to a political system in which there are at least two sets of governments, each of which may legitimately make, implement, and enforce public policy over the same people and the same territory simultaneously and which do so with at least some independence from the other governments present. The typical case is for one set of governments to be defined as regional entities—provinces, or, as in the United States, states—that collectively make up the entire nation. The other set (although theoretically there may be more than a pair of sets of governments, usually there are only two) is a set of one, a government at the national level that extends over all the territory and peoples who are subject to the various provincial governments.

A federal system is distinct from a unitary system in that all government agencies in the unitary case are in some way a part of a single governing entity; local government agencies are extensions, or local offices of, the national government. It is also distinct from an earlier form of federalism now understood to be in fact a confederal system. Confederalism also incorporates national and regional governments, but the distinction is that in confederalism one governmental set is the creation of the other. The typical arrangement, reflected in both the Articles of Confederation and the futile efforts of Southern states to secede and create the Confederate States of America, is one in which the regional units erect a national government to facilitate and coordinate their work. One may also envision a national government that creates regional governing entities to assist in carrying out its responsibilities, but this is rare. The problem with confederalism is that the set of governments that creates the other will inevitably work to retain the upper hand in all intergovernmental transactions. The failure of the states to endow the national government

with sufficient authority and resources to govern in the Articles of Confederation produced the cauldron in which the Constitution was written in Philadelphia; recognition of that pressing shortcoming caused the delegates to formulate an alternative.

Their solution was inspired. The cornerstone of the new nation was that individual citizens were important and that they collectively possessed the authority to determine how they would be governed. In other words, the ultimate political authority in this new system was "the people," and the people could allocate governing authority as they chose. By authorizing those delegates to propose a new scheme of government and by subsequently approving that scheme through the ratification process, the people—the sovereign—chose to erect a system of government in which both national government and regional government would be practiced, *not* because one created the other to assist in that work, but rather because the people simultaneously created both and allocated to each certain responsibilities. Thus the new state governments were not the creations and pawns of the national government, nor was the reverse true; both owed their existence and their empowerment to the same source: the people, the sovereign.

It was necessary that a national government with capacity to act be created in the new Constitution, but it was equally necessary that the states be preserved. Any product of the Constitutional Convention that patently undermined the states would have failed to gain the political support necessary for final adoption and implementation. The Founding Fathers consequently produced a governmental form that binds national and regional governments together but allows each some freedom to determine for itself whether and how some policies will be adopted. It also integrates national and regional governments through two aspects of the federal arrangements in the Constitution.

One aspect is the provision in Article VI of the Constitution, known as the supremacy clause: "This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding." Clearly, this is a constraint on the states.

However, so too do potential constraints on the national government exist in the hands of the states, and it is these constraints that cause the thread of federalism to be seen in various parts of the fabric of the American political system. The first example of that thread concerns the Constitution itself, or rather, its revision. Constitutional amendment in the formal sense cannot be undertaken without the states' participation. Amendment is a two-step process: proposal and ratification. Although only one technique has been

We may also see federalism in the basic structure of the Congress. Seats in Congress are allocated to states. Each *state* is guaranteed two U.S. senators; each *state* is guaranteed at least one delegate in the U.S. House of Representatives and more if its population justifies that. Each *state* determines who will represent it (and, as described above, how that choice will be made) in the Congress, and each *state's* House delegation may be reduced in size if that state infringes on the right to vote, as specified in the Fourteenth Amendment. Each *state* determines (in its legislature) boundaries of the districts that will be represented by House members.

Finally, with regard to Congress, we may see practical federalism in the work of states' delegates to that institution. National policy inevitably reflects the efforts of those representatives of states in which a particular policy has an immediate and distinct application; for example, a policy proposal that affects shipbuilding may be relevant to all Americans, but states in which shipyards operate will undoubtedly have members of Congress working actively to shape that policy in a manner that conveys advantage to shipyards, the companies that operate them, and the workers who are employed in them. As they do so, members of Congress are representing their local interests. They also often seek to deliver governmental projects, contracts, and operations to the states and districts they represent; for example, a highway construction bill may contain authorization for a specific bridge-building project in some state at the behest of a delegate in Congress who represents that state. This is an example of pork, or pork barrel, and the "home folks" expect that a certain amount of federal largesse will be brought back to the state or district by its representatives. Congress's members also perform substantial amounts of "casework" for their constituents. The national government is an immense, sprawling institution, and citizens are often overwhelmed and bewildered as they seek to deal with it; they have learned to turn to their congressional representatives for assistance in this regard. Thus, a veteran of military service might go to his congressman for assistance if the VA hospital from which he seeks treatment fails him in some regard. In each of these cases of representing local interests, securing federal projects for one's state or district, or assisting constituents in their interactions with national government agencies, federalism is at work, focusing the efforts of locally chosen officers of the national government as they carry out their national legislative duties.

The thread of federalism can emerge in both of the other national governmental institutions as well. As indicated above, presidential election is a fundamental exercise in federalism. Each state (and the District of Columbia via the Twenty-Third Amendment) has a direct role in the process of choosing presidents; electoral votes are allocated to states based upon the total size of their congressional delegations, and they cast those votes as their electorates direct. Since every state save Maine and Nebraska employs a

forces present in the various state political systems. Federalism is an architectural style of government, one of at least three different styles that we might envision for Western-style democracies. That style influences what is done in national government, and how it is accomplished, just as the confederal style influenced national government in the earliest days of the nation's history. Federalism is a thread that appears throughout the fabric of American national government and politics.

**THE THREAD OF FEDERALISM IN THE FABRIC OF AMERICAN NATIONAL GOVERNMENT**

- 1) A major innovation by the Founding Fathers was? \_\_\_\_\_
- 2) **Federalism** is a political term that implies \_\_\_\_\_ separate government.
- 3) Both state and federal governments may legitimately \_\_\_\_\_,  
\_\_\_\_\_ and \_\_\_\_\_ public policy.
- 4) A single governing entity is called a \_\_\_\_\_ system.
- 5) The cornerstone of our new nation was that \_\_\_\_\_ were important and that they \_\_\_\_\_ possessed the authority to determine how they would be governed.
- 6) The new state governments under our constitution were not the \_\_\_\_\_ and \_\_\_\_\_ of the national government. Both national and state governments owed their existence to the \_\_\_\_\_.
- 7) The Founding Fathers produced a government form that \_\_\_\_\_.
- 8) The laws of the US shall be the **supreme law of the land**-known as the \_\_\_\_\_.
- 9) One constraint of the Federal government is the Amendment process. A constitutional amendment in the formal sense cannot take place without the \_\_\_\_\_.
- 10) When **amending the constitution**, it is the states alone that must \_\_\_\_\_.
- 11) A defining trait of the American Political System is \_\_\_\_\_.
- 12) Who at first chose US Senators? \_\_\_\_\_
- 13) **The 17<sup>th</sup> Amendment** changed how Senators were chosen.  
Explain \_\_\_\_\_
- 14) The states now have considerable discretion in the process of selecting the offices of \_\_\_\_\_.
- 15) Describe the basic structure of Congress:  
**Senators-**  
**House of Representatives-**  
**Boundaries** of Congressional Districts decided by whom?
- 16) National policy reflects opinions of who? \_\_\_\_\_

17) What is *Pork or pork barrel*

legislation? \_\_\_\_\_  
\_\_\_\_\_

18) Describe the role states play in the election of the President.

19) Who issued a ruling on the **2000 election**? \_\_\_\_\_

20) Who determines the Presidency if a majority is not attained? Describe the process. \_\_\_\_\_  
\_\_\_\_\_

21) **Federal judges** are chosen by whom? \_\_\_\_\_

22) Explain **Senatorial Courtesy** \_\_\_\_\_  
\_\_\_\_\_

23) State influence is evident in the selection process for officials of the \_\_\_\_\_

24) \_\_\_\_\_ is the thread that appears throughout the fabric of American national government and politics.