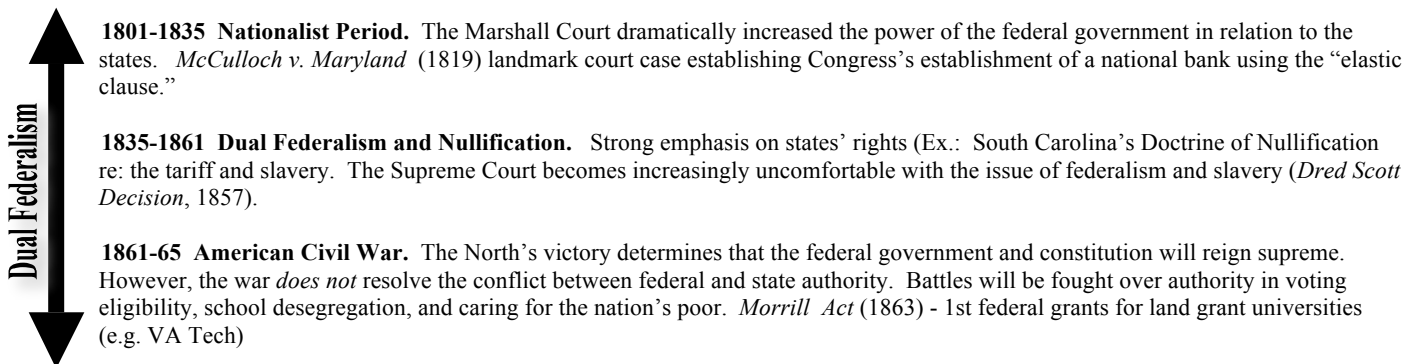


KEY EVENTS IN THE HISTORY OF AMERICAN FEDERALISM

Federalism: 10th Amendment – powers not prohibited to the states are reserved to the states.

Dual Federalism (1801-1933) – a.k.a. “Layer cake”

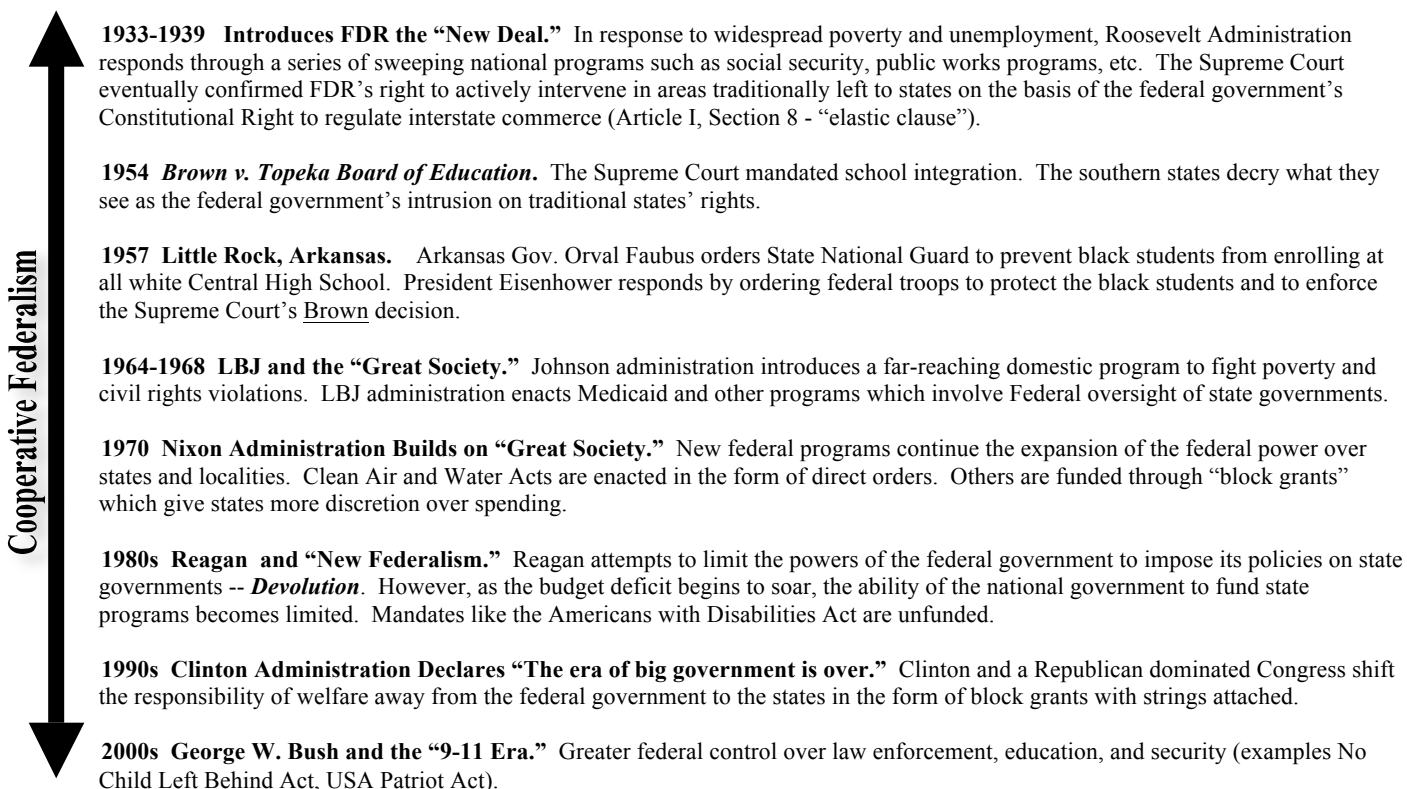
Federal and state governments are “co-equals,” with much independence given to the states in some issues. Clear divisions of responsibility between fed. & state govts: 1) race relations; 2) education



Cooperative Federalism (1933-present) – a.k.a. “Marble cake”

Federal government clearly supreme over states.

Fed. Gov much more involved in traditionally state roles (shared responsibility): 1) civil rights, 2) health care, 3) unemployment, 4) education



Trend Toward Devolution

- **Devolution** - granting powers from the federal government to the states
- 1981-2001 - beginning with the Reagan administration, attempt to give states more flexibility and control
- Examples: block grants, welfare
- September 11, 2001 - federal government began to reverse this trend under Bush 43 and Obama administrations

FEDERALISM AND THE COURTS

Supreme Court & Federalism Cases

- *McCulloch v. Md* (1819) – SC ruled that the establishment of the national bank is constitutional using “necessary & proper clause;” AND the state of Maryland could not tax the BUS saying “the power to tax is the power to destroy”
- *Gibbons v. Ogden* (1824) – ferry boat case; only Congress can regulate interstate commerce.
- *Gitlow v. New York* (1925)- Though it did allow some limits on free speech, the SC for the first time holds the Bill of Rights is applicable to the states by virtue of the 14th Amendment (“no state may deny due process under the law)
- *U.S. v. Lopez* (1995) – The SC struck down the Gun-Free-School-Zone Act. The act forbids "any individual knowingly to possess a firearm at a place that [he] knows...is a school zone. Unconstitutional use of the “commerce clause” in which "Congress exceeded its authority to legislate.
- *McDonald v. Chicago* (2010) – Roberts Court Struck down Chicago’s handgun ban and said the 2nd Amendment can limit the states

Selective Incorporation a.k.a Incorporation Doctrine – The legal doctrine by which portions of the Bill of Rights are applied to the states through the Due Process Clause of the Fourteenth Amendment.