

Federalism and Intergovernmental Relations

By Emily Murnane, Political Science student, Growing Democracy Intern

Definition

Federalism means that both the national, or federal, government and state governments have power.

History of Federalism

The “first constitution” and original governing document of the United States was called the Articles of Confederation; this document was ratified in 1781 and remained in force until 1789 when our current Constitution went into effect ([National Archives](#)). Because the Continental Congress wanted to deviate from the British form of government, which gave power to the national government alone, this document gave almost all governing power to the states - except for things of national interest such as declaring war and signing treaties. Ultimately, the framers of the Articles of Confederation recognized that there was a need for a stronger federal government and the Constitutional Convention was held in 1786 to create a new governing document which struck a better balance.

The U.S. Constitution balances power between the federal government and state governments in three main ways:

1. The Constitution enumerates, or lists, powers of the federal government and gives Congress the power to pass “necessary and proper” laws to carry out those powers in Section 8 of Article I.
2. The “Supremacy Clause” in Article VI says that federal laws outweigh state laws.
3. The 10th Amendment in the Bill of Rights gives states all other powers that are not delegated to the federal government.

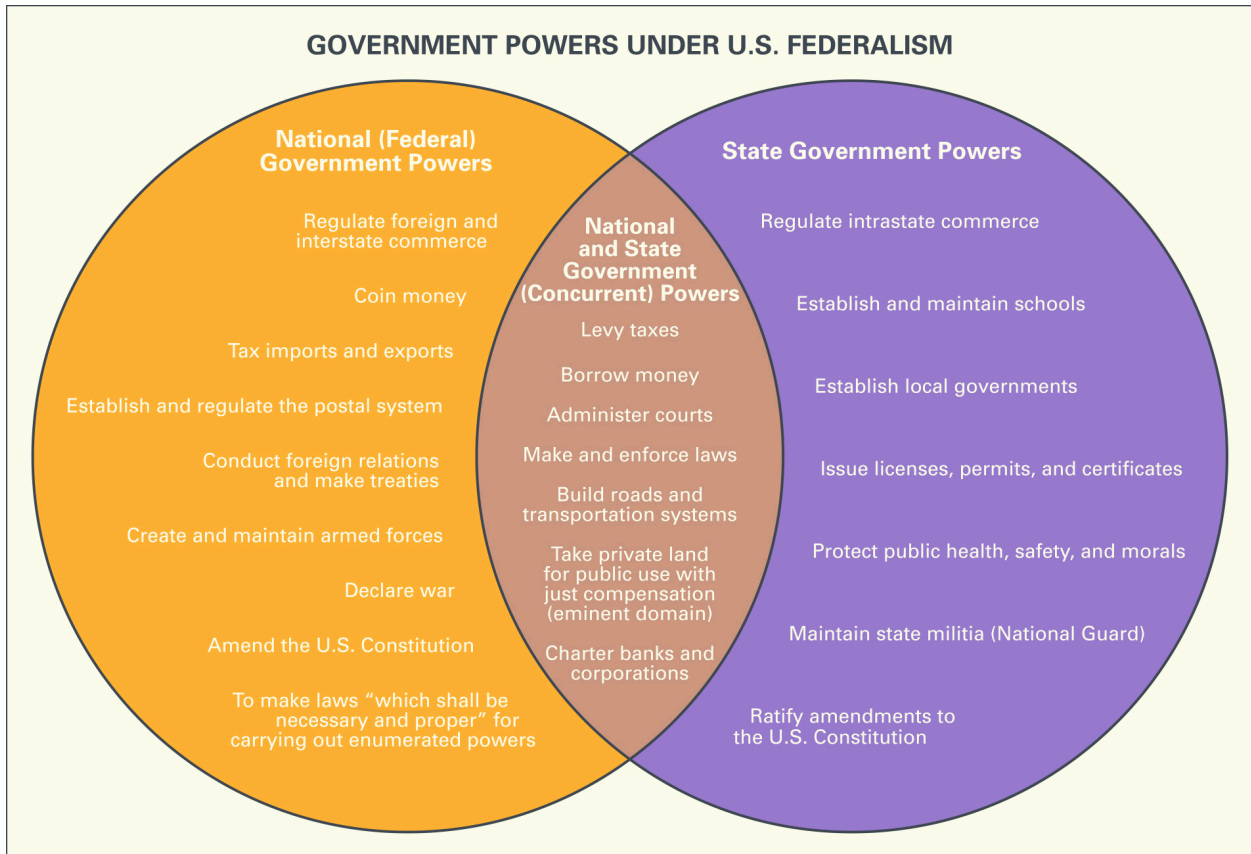
Types of Federalism

CrashCourse is a great resource on YouTube for learning about the government and politics. In their [video on federalism](#), the host explains that dual federalism, put simply, means that the federal government and state governments act almost completely separately with separate responsibilities. This is how federalism was practiced until the Great Depression happened in the 1930s.

Cooperative federalism began when President Franklin Roosevelt passed the New Deal. In cooperative federalism, the federal government and state governments work together to achieve goals. The federal government achieves this through funding by giving money or withholding money from states to encourage them to follow the actions of the federal government.

How Intergovernmental Relations Work

This venn diagram from [Britannica.com](https://www.britannica.com) gives a visual aid to understand how power is held across the federal government, state governments, and the shared (concurrent) powers between them:



The federal government's powers include coining money - this is necessary so that the U.S. dollar is worth the same amount in every state. The federal government is also responsible for foreign relations and war. State governments are responsible for schools and regulating commerce within their state, among other things. Both governments share powers like levying taxes, making and enforcing laws, and administering courts. Local governments powers are not enumerated in the Constitution.

Current Issues

Marijuana Legalization- While marijuana is illegal at the federal level, many states have legalized it for medical and/or recreational use. In 2013, Deputy Attorney General of the United States James Cole issued the [Cole Memorandum](#), which essentially said that the federal government would look the other way if states legalized marijuana, except for when it came to things like distributing it to minors or transporting it over state lines. This memo was reversed during the Trump Administration, however. There are challenges that come with these discrepancies in the law, such as dispensaries having a difficult time getting bank accounts and paying federal taxes and difficulties in researching and regulating marijuana.

Healthcare- The Affordable Care Act (ACA), or Obamacare, was passed in 2010. Under the ACA the federal government provides some of the funding for healthcare, but states have discretion on how to implement the policy. As articulated by [The Commonwealth Fund](#) - a private foundation (founded by Anna Harkness of Dayton, OH in 1919) dedicated to improving the U.S. healthcare system - under this act the federal government is responsible for (1) making sure people with preexisting conditions are able to receive healthcare and (2) mandating individuals and employers have insurance, among other things. The state governments' responsibilities include overseeing their insurance marketplaces and approving changes to coverage options. Some states have expanded their healthcare options, such as expanding who is eligible for Medicaid, while others have not. There are many debates about expanding healthcare policy and whether the federal government or state governments should have more authority.

Resources for Further Education

Watch/Listen

- [“Federalism: Crash Course on Government #4”](#)
- [“Marijuana and Federalism: Who’s in Charge?”](#)
- [“Nicole Huberfeld: Health Reform, Medicaid and Health Care Federalism”](#)

Read

- [“The Great American cannabis experiment: Cannabis is legal in many U.S. states... or is it? The contradictions between state and federal law are intensifying.”](#) by Natalie Fertig
- [“Federalism, the Affordable Care Act, and Health Reform in the 2020 Election,”](#) by Sara R. Collins and Jeanna M. Lambrew

Developed in Collaboration with the Growing Democracy Project.
Learn more about the Growing Democracy Project at www.GrowingDemocracyOH.org

