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Critical Analysis of the United States Federal System

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Dedication

First and foremost, I express my deepest gratitude to God, whose grace, guidance, and blessings have provided me with the strength and perseverance to complete this work.

Without His divine support, none of this would have been possible.

This accomplishment is the result of determination, a journey shaped by countless hours of effort, stress, quiet resilience, and belief in the purpose I carried within me. In moments of solitude and struggle, I relied on my faith and the strength that came from within, trusting that God would guide me through.

To my beloved parents, I extend a word of love and respect. May life be pleasant with you both, and may Allah grant you peace and well-being, fir parenting me and guiding me, for proving for me, and raising me the best way ever.

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This work stands as a testament to endurance, faith, and personal strength. It is a reflection of my journey, built with my own hands, guided by the mercy of God, and uplifted by those few who truly believed in me.

To my seven, I'm still on my promise. Thank you for lightning all the way and making life

worth living.

To myself, I say: you made it. And to God, I say: thank You, now and always.

Manar

Dedication

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“To be yourself in a world that is constantly trying to make you something else is the greatest accomplishment.”

Ralph Waldo Emerson

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Abstract

This thesis presents a comprehensive critical analysis of the United States federal system by examining its historical foundations, structural framework, contemporary dynamics, and future trajectory. The thesis finds that while the US federal system has enabled a flexible and resilient governance model, it also perpetuates structural inequalities and policy fragmentation. Federalism often impedes uniform national policy implementation and creates democratic deficits, particularly through disproportionate state influence. Nonetheless, the adaptability of the system suggests potential for reform that balances unity and diversity. Future developments in federalism will likely depend on the nation's ability to navigate ideological divides and embrace pragmatic cooperation across levels of government.

ملخص

تُقدِّم هذه الرسالة تحليلاً نقدياً شاملاً للنظام الفيدرالي في الولايات المتحدة الأمريكية من خلال دراسة أسسه التاريخية، وإطاره البنوي، وديناميكياته المعاصرة، ومساره المستقبلي. وتخلص الرسالة إلى أن النظام الفيدرالي الأمريكي، رغم ما يتمتع به من مرونة وقدرة على التكيف في إدارة شؤون الحكم، يُسهم في الوقت نفسه في تكريس أوجه عدم المساواة البنوية وتجزئة السياسات العامة. غالباً ما تعيق الفيدرالية تنفيذ السياسات الوطنية الموحدة وتُقرز أوجه قصور ديمقراطية، لا سيما من خلال التأثير غير المتوازن لبعض الولايات. ومع ذلك، فإن قابلية النظام للتكيف تفتح المجال أمام إمكانية إجراء إصلاحات تحقق التوازن بين الوحدة والتنوع. ومن المرجح أن تعتمد تطورات الفيدرالية المستقبلية على قدرة الأمة على تجاوز الانقسامات الأيديولوجية وتبني التعاون العملي بين مختلف مستويات الحكم.

Résumé

Ce mémoire présente une analyse critique approfondie du système fédéral des États-Unis, en examinant ses fondements historiques, son cadre structurel, ses dynamiques contemporaines et ses perspectives d'évolution. Le mémoire conclut que, bien que le système fédéral américain ait permis un modèle de gouvernance flexible et résilient, il perpétue également des inégalités structurelles et une fragmentation des politiques publiques. Le fédéralisme entrave souvent la mise en œuvre uniforme des politiques nationales et engendre des déficits démocratiques, notamment à travers l'influence disproportionnée de certains États. Néanmoins, la capacité d'adaptation du système suggère un potentiel de réforme permettant de concilier unité et diversité. Les évolutions futures du fédéralisme dépendront probablement de la capacité de la nation à surmonter les clivages idéologiques et à adopter une coopération pragmatique entre les différents niveaux de gouvernement.

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General Introduction

One of the defining features of the American system of government was the division of power between the central and state authorities under a federal system. It was a structure that emerged from the problem of unifying the states while at the same time allowing each state to maintain its independence. The problem had been addressed at the meeting of the Constitutional Assembly in 1787. The framers of this Constitution desired to establish a system that would not allow one person or a group of a few people to have power over the others. The idea is derived from the theory of federalism, as depicted in political philosophy.

What makes the federal system important in the US is that there is a balance of power between the national and state governments. Through this system, the states are allowed to handle local problems while the federal government handles national problems. This allows states to implement policies that best suit the people in that particular state among the states. It also allows for new ideas and responsibility at the local level. More than that, people can relate better to their state governments. Therefore, understanding federalism could help address some of the challenges facing the local government, enabling both levels of government to better serve the needs of the people.

This research primarily provides a thorough analysis of the federal system of the United States, showing how it has been found, and investigating its core framework, principles, functions, practices, and structure. The study also exhibits how the US unique model of governance balances the powers between the national and state governments, how its principles, checks and balances, division of power, and limited government, work. By doing so, it shows how this model supports the state autonomy, local governance, and protects the rights and liberties of citizens. This is by providing examples of various states within America, and case studies in federal-state relations to clarify how each state enforces

its law and exerts the power granted to them by the federal system. In addition to this, this research illustrates the federal policy implementation and the challenges, tensions, and conflicts of law faced between the two levels of power and its effect on the effectiveness of the modern American model of governance.

This research answers the following questions:

Main research question: To what extent does the US federal system successfully accommodate governance issues at local, state, and federal levels?

Sub-research questions :

1. What is federalism, and how did it originate in the United States?
2. How have recent changes in federalism affected state policies on issues like marijuana legalization?
3. What challenges does the current US federal system face in terms of conflicts between state and federal laws, particularly regarding issues like immigration?

In the article “Foundation of the U.S. Federalism” (2021), Lee Rosenthal and Gregory P. Joseph outline the historical development of American federalism by tracing its origins back in the colonial times until its consolidation in the US constitution, focusing on how the separate colonists governed themselves after their independence from England. They also examine the key principles of federalism, its role in the American governance, and the challenges that occur when the federal power and the state power contradict each other.

The previously mentioned article shows the replacement of the articles of confederation and its role in establishing a more stable and powerful federal system with balanced shared powers between the federal and state governments. The article helps this research in demonstrating the constitutional convention and the federalist versus antifederalist debates, focusing on the key moments in federal-state relations that contributed

in the evolution of that system and analyzing the expansions of the federal power through the supreme clause and commerce clause.

The second source is an article of Greg Goelzhauser and David M Konisky titled “The State of American Federalism 2019-2020: Polarized and Punitive Intergovernmental relations” (2020), in which they examine several critical aspects of federalism and highlight its characteristics of intergovernmental relation, particularly polarization. Additionally, the study introduces the concept of punitive federalism, showing how the national government controls the state actions through threats due to federal-state tensions when their preferences contradict.

Furthermore, it provides the challenges and complexities within the federal system that appeared in the COVID-19 pandemic, focusing on the issues of resource distribution and the political favoritism due to the coordination between federal-state governments absence, through major issues such as Trump administration’s deregulation efforts, the challenges of medical expansion efforts at the state level. This is illustrated in the case studies of federalstate relations of this research, while focusing on the role of the federal mandates, grants-in-aid, and categorical versus block grants, and highlighting the tensions in policy implementation when issues with budget constraints, and marijuana legalization occur under the arise of conflicts between state and federal laws.

Michael Burgess’s book *The Dynamics of Federalism in National and Supranational Political Systems* (2006) offers an explanation of how federalism works in both national governments (like the United States, Canada, and Germany) and supranational systems, like the European Union. Burgess sees federalism as a way to manage the balance between different levels of government, especially how power is shared between a central government and regional governments, and how this can help maintain unity while respecting diversity within a country or political system. He provides a theoretical framework from which to

understand federalism and applies that framework to real-world examples of how different countries employ federalism in an effort to work through challenges like political integration, social diversity, and economic development.

The book also looks at how federalism works in these national systems compared to the European Union-a supranational entity of many countries combined. This comparison helps to understand how federal systems can adapt to different political and social environments. Burgess's work is important for understanding not just the US federal system but also how federalism can work in various political contexts, on a broader insight of its role in global governance.

The report "Federalism-Based Limitations on Congressional Power: An Overview," published in 2023 by the Congressional Research Service (CRS), provides an in-depth analysis of the constitutional constraints on Congress's powers in relation to state sovereignty. According to the report, the US Constitution establishes a system of shared governance between the federal government and the states. While the Supremacy Clause designates federal law as supreme, additional constitutional provisions impose limits on congressional authority. These restrictions prevent Congress from exceeding its delegated powers and encroaching on state sovereignty.

The report identifies two primary ways these limitations are applied: first, Congress is confined to the powers expressly granted to it, meaning it cannot enact laws beyond its constitutional authority; second, certain doctrines, such as the anti-commandeering rule, prohibit Congress from compelling states to implement federal policies. Similarly, principles like state sovereign immunity restrict Congress's ability to subject states to lawsuits without their consent. The report underscores the significance of these federalism based limitations in the legislative process, as they delineate the boundaries of federal authority and safeguard the rights of states.

Among the scholars who provided critical perspectives on the U.S. federal system are Robert A. Dahl and Sanford Levinson, both of whom offer insights that reinforce the main question of this research. Dahl's work sheds light on the democratic limitations that exist within the constitutional, which aligns with the study's examination of how federal structures affect governance at multiple levels (Dahl). Similarly, Levinson questions the effectiveness and flexibility of the U.S. Constitution, raising concerns about institutional adaptability and representational imbalances that directly support this research's critique of policy implementation and federal-state conflicts (Levinson). By drawing attention to the structural challenges that checks the balance and equity within the system, both authors contribute to a broader understanding of the obstacles facing modern American federalism. Their perspectives provide a theoretical foundation for analyzing the inefficiencies, inequalities, and tensions explored in later chapters. Including these works strengthens the literature review by connecting this study to broader debates about democracy and the U.S. Constitution. They help show that the federal system is not just a way of governing, but also something that continues to be questioned and reviewed in terms of democracy.

Although the existing literature on US federalism provides valuable insights on how the system has evolved over time and what problems the system encounters, it does not directly address the central question of this research: To what extent does the US federal system successfully accommodate governance issues at the local, state, and federal levels? While the studies point out specific aspects of federalism, such as constitutional constraints and intergovernmental tensions, they do not critically analyze how well the federal system functions in practice across all levels of governance, which is the core focus of this research.

This research adopts a qualitative approach and it aims to understand the foundations, structure, and present implications of the US federal system. The two approaches that this research would dominantly employ are historical and content analysis.

1. Historical Analysis: This methodology focuses on key events and debates that shaped the US federal system. This analysis aims to understand how such a set of events shaped the sharing of powers and hence the growth of federalism in the United States.

2. Content Analysis: The second method involves analyzing a range of data sources, including both primary and secondary materials, related to the study. This analysis aims to gain a deeper understanding and reveal important details that support the research process.

This research combines these approaches in order to give a clear insight into the history of the US federal system, how it works today, and thus provides a critical analysis on the sufficiency of the system in meeting different needs for government.

The research comprises a total of five parts: An introduction, three main chapters, and a conclusion. The first chapter entitled “Foundations and Structure of the US Federal System.” is a theoretical framework dedicated mainly to an introduction to the US federal system, providing a definition and exploration of federalism, its origins in political theory. It also tackles the historical context of the US constitutional convention and how the system of governance was shaped by the debates between federalists and anti- federalists. Therefore, the chapter explains the constitutional framework, highlighting the division of power between national and state governments, and demonstrates key principles of federalism like checks and balances, separation of powers, and limited government. Additionally, it covers the crucial moments that contributed in the evolution of the US federal system, and how the supremacy and commerce clauses contributed in the evolution of federal powers.

The second chapter titled “Contemporary Federalism and Policy implementation” focuses on the role of contemporary federalism practices in the policy implementation in the United States, beginning with an overview of recent trends such as cooperative federalism

and new federalism, and explores the impact of the federal mandates, grants-in-aid, and categorical versus block grants. Then, it covers Micro case studies in federal-state relations, especially the health care relations case, and the environmental policy with the example of EPA regulations and state regulations. Finally, the chapter discusses the challenges and tensions faced in the policy implementation, putting focus on the issues with unfunded mandates, state budget constraints, and conflicts between state and federal laws on problems like marijuana and legalization.

The third and last chapter entitled “Critique of the US Federal System and Future Directions” deals with critical perspectives on the US federal system, including inefficiencies of this model, duplication of efforts, and conflicts in governance that arises when the regulations overlap and bureaucratic inefficiencies. Furthermore, it underlines the issues of inequality in state resources and discrepancies in policy outcomes, such as health care access and education equality; It highlights the impact of federalism on the democratic representation, analyzing the role of the senate, electoral college, and the implications for state sovereignty with discussion on states’ rights and national unity. The chapter concludes with potential reforms to increase national standards while preserving states flexibility, and the impact of globalization, technology, and polarization on the future of federalism in the United States.

Chapter one

Foundation and Structure of the US Federal System

Introduction

Prior to the creation of the US federal system, the country functioned under the articles of confederation, which was ratified in 1781. Under this arrangement, the confederation of sovereign state governments operated under a weak central government that could not collect taxes, manage trade between states, or implement laws. As a result, congress struggled to fund itself, manage trade, and handle foreign policy. Therefore, it had to depend on individual State Corporation. The limitations of the articles became evident during events such as Shay's rebellion (1786-1787) an armed uprising in Massachusetts about economic issues and budgetary policies ("George Washington Discusses"). Realizing these deficiencies, the 1787 Constitutional convention delegates worked on drafting a new form of governance. It balanced power between national and state government. By creating a stronger yet restricted central government while preserving state autonomy ("Identifying Defects"). The new draft fixed weaknesses in the articles of confederation and resulted in the creation of the creation of the US federal system.

This chapter examines the concept of federalism beginning with its definition and origins in politics, as well as the historical context of its development during the US constitutional convention and the federalist vs. the anti-federalist debates. Then it explores the constitutional framework, including the division of powers and some key principles of federalism such as checks and balances and limited government. Finally, it analyses the evolution of the US federal system, highlighting key movements like the new deal and civil war.

1.1 Definition of Federalism and its Political Origins

Federalism is a system of government where power is divided between two levels of government, each possessing autonomy within its designated area. The modern concept of federalism was first introduced in the US Constitution of 1787. It marked a shift from the article of consideration to a system where both national and state governments have direct rule and interactions with the people (Vestal 98). Scholars like Carl Friedrich, Kenneth Wheare, and Daniel Elazar emphasize that federalism balances self-rule with shared rule, preserving regional autonomy while maintaining a unified national entity. Power is not fully concentrated in one place but is split between the levels, creating a structure that allows cooperation and independence. Over time, federalism evolved over time with the shifting political and social conditions. Friedrich's idea of "federalism as process" suggests that it is not a fixed structure but a continuously adapting system influenced by historical and geographic contexts. Federalism relies on compromise, corporation and power-sharing. Moreover, federalism fosters political participation, provides space for resolving conflicts, and strengthens national unity while respecting individual identities (Versal 101). It offers a mechanism for addressing policy issues through at smaller levels before nationwide implementation.

The concept of federalism, as described in the previous passage, highlights its dual role in national unity while preserving state's unique identity. This model served as the foundation for modern federalism, with its emphasis on checks and balances to prevent excessive power. However, the effectiveness of federalism depends on the stability of institutions and the willingness of national governments to cooperate. The relationship between states and the federal government has changed over time. Events like the Civil War and the civil rights movement show how federalism can either bring the country together or push it apart, depending on how power is used (Vestal 105).

Federalism's flexibility is both a strength and a challenge. It can adjust to social and political changes, which helps maintain stability. But it can also lead to conflict between national and local governments, especially when there are different ideas about who has the final say. Federalism works best when there are clear rules, strong laws, and a willingness to compromise. Without that, it can turn into a struggle for control instead of a way to govern effectively (Vestal 107).

1.1.1 Federalist and Anti -federalist Debate

The discussion surrounding the ratification of the US Constitution was so significant that it was famously known as the Federalist and Anti-Federalist Debate. This period in American political history played a crucial role in shaping the country's political framework. Each group presented arguments about government powers, state autonomy, and individual freedom.

The debate between the Federalists and Anti-Federalists was one of the turning points in US history, helped shaping the foundation of the federal system to its current form. The heart of the debate was the issue of government power. Federalists, such as key leaders Alexander Hamilton and James Madison, argued that a strong central government was a necessity in order to maintain national security, stability, and economic development. According to them, a well-designed government with checks and balances in place would prevent tyranny. In contrast, Anti-Federalists, such as Patrick Henry and George Mason, argued that excessive national powers at the expense of state powers and individual liberties threatened both state powers and individual liberties. Brutus No. 1 warned that the new constitution granted the federal government "general and unlimited" authority, making state power almost meaningless (*Brutus No. 1* 3-11).

Another major point of contention was the structure of representation and the size of the republic. Federalists supported a large republic, arguing that it would prevent any single faction from dominating the government. James Madison discussed this in Federalist No. 10, stating that “the smaller the society, the fewer probably will be the distinct parties and interests,” and therefore in a larger country, groups would counterbalance one another (Madison, Federalist No. 10). Anti-Federalists, however, argued that only small, localized governments could represent effectively the interests of citizens. Anti-Federalist No. 1 argued that a big republic would cause leaders to become too disconnected with the public, and therefore accountability would not occur (Anti-Federalist No. 1 15–22).

The final and most practical disagreement was over the need for a Bill of Rights. Federalists initially saw no need for one, believing that the constitution itself provided enough protections. Alexander Hamilton, in Federalist No. 84, argued that listing specific rights might actually limit freedoms, stating, “Why declare that things shall not be done which there is no power to do?” (Hamilton 411-18). Anti-Federalists strongly disagreed, arguing that without explicit guarantees, citizens’ rights would be at risk. Brutus No. 2 insisted that “the powers of the general government... should be limited and defined, and those rights which are to be reserved should be secured by a bill of rights” (Brutus No. 2 2330). This persistent push from the Anti-Federalists ultimately led to the adoption of the Bill of Rights in 1791, ensuring protections such as freedom of speech, religion, and due process.

In the end, the Federalist-Anti-Federalist debate had profound impacts on American democracy. While the Federalists won the fight for ratification, the Anti-Federalists’ fears regarding individual liberties led to important concessions. The debate framed the US Constitution and also set the stage for future struggles over the distribution of power between

the national government and the states. It is a good example of how political disagreements, if solved through compromise and dialogue, can consolidate democratic institutions.

1.2 Constitutional Framework and Key Principles

1.2.1 Division of Powers Between National and State Governments

After parting from England, the thirteen colonies found themselves far away from the protection and governance of their sovereign, and far from the other colonies due to the geographic expanse of the land. Consequently, each colony declared itself as a free nation and governed their lives independently. Later, when the framers met in Philadelphia in the summer of 1787, many challenges rose in front of them. One of the main challenges was how to sustain a republic across the vast and diverse nation. The geographic expanse created different needs, interests, and problems that required different ways of government help. In order to overcome this challenge, the framers created the Federal system of government.

The US constitution, created during the constitutional convention of 1787, established the constitutional framework of the US federal system, which is built on principle of Federalism. The latter divides the power and authority between the national government and the state government. Each level of government exercises specific powers granted by the constitution, yet they also share other powers that both can exercise, called concurrent powers. This principle of government often referred to as “limited government” where the constitution restricts the governmental powers of both levels to emphasize that they are not absolute, ensuring balanced authority and protect individual rights.

According to the Articles of confederation, states had all the power and authority of government to rule themselves independently without the interference of intrusive government, which means they were sovereign as stated in the Article II of the Articles of confederation “Each state retains sovereignty, freedom and independence, and every power,

jurisdiction and right, which is not by this confederation expressly delegated to the United States, in Congress assemble.” As a result, this confederation was only an agreement, often referred to as “league of friendship”, without any other purposes of a national union. This made the central government weak with limited powers such as declaring war, regulating trade between states, carrying out foreign affairs and resolving conflicts between states (“The Founders, the Principle of Federalism, and the Constitution”).

However, in order to strengthen the national government, the Articles of confederation were replaced by the Constitution, which granted it the powers it lacked that are called “Enumerated powers” or “Expressed powers” primarily described in Article I, Section 8 of the constitution, which states powers such as collecting taxes and duties to pay the debts and defend the general Welfare of the United States, coin and regulate the value of money, manage commerce with foreign nations to preserve union, and between states, declare wars, and provide and maintain Navy...etc. This key principle of dividing powers limits the dangers of tyranny.

To ensure the cooperation between the national government and state government and shape the relationship between them, the Framers safeguarded many of the rights and powers that states had under the Articles of confederation to protect their sovereignty from the national government infringement, so for instance it cannot change the state boundaries and export taxes among states. This was through the Tenth amendment of the Bill of Rights, in which its essence ensures that all the power not directly expressed to the national government by the constitution nor denied to the states, are reserved to the states and/or the people, as the authors explained the Rehnquist court’s cases of this amendment “... the court attempted carve out a zone of state autonomy that the federal government could not invade” (Barnett and Gerken).

The Tenth amendment highlights the idea that powers of the national government are limited to only those powers that are granted by the constitution, while the states government enjoys broader range of rights, liberties and responsibilities. Some of those reserved powers states can establish and maintain schools, regulate business within the state, create public safety systems to protect citizens, govern issues at the local level, and make marriage laws. Yet, states powers are still limited and they may not print money, enter into treaties with other countries and tax imports or exports.

Figure 01: Federalism: Delegated, Reserved and Concurrent Powers of National and States Government



Source: “Federalism.” *The Constitution*, 2024.

Furthermore, as figure 01 shows, the framework of federalism recognizes some authorities for both levels of government to allow partnership and collaboration between the national and state government, also, ensure that some specific services are available at both levels. The concurrent powers are the powers that are shared between the national government and the state, where both level of government exercise these power

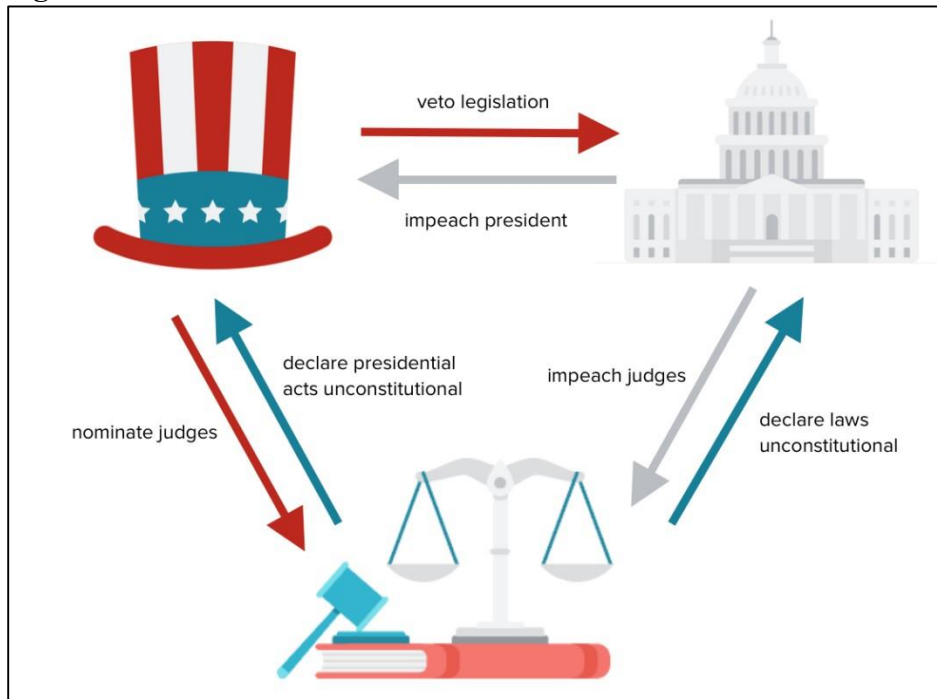
simultaneously within their respective jurisdictions. They include the ability to build roads, make and enforce laws, charter banks and corporations, collect taxes on individuals and businesses, and establish courts in which each level's court has its own system of interpreting laws ("Federalism").

1.2.2 Key Principles of Federalism

The Framers opted for other two fundamental principles that underlie the constitution, while establishing the system of government that are the separation of powers and checks and balances. The experience with the British monarchic rule shaped the belief of the Framers that centralizing the governmental powers in one single entity of government would subject the people to another oppressive and imperious form of authority. As a result, to preserve the rights and liberties of citizens, they borrowed the Idea of "Separation of Power" from Montesquieu, a French philosopher of the 18th Century, who advocated for a system of separating the powers of government. Typically, this model divides the government into three branches, each of which has separate exercises and independent powers. To avoid the extension of power of one branch over another's performances, the approach of checks and balances prevents such encroachments so that no branch can become too powerful. The national government and states government divide their governments into these branches: The Legislative branch, the Executive branch, and the Judicial branch (Strom).

The US Constitution does not mention the doctrine of separation of powers explicitly, but rather, it determines a division of governmental authority by awarding the Legislative power to Congress, Executive power to the President, and the Judicial power to the Supreme court and any other lower courts established by the Congress ("Intro.7.2 Separation of Powers Under the Constitution").

Figure 02: The Structure of US Government: checks and balances



Source: Elliott, Kimberly K. “Principles of American Government.” Khan Academy, 2018.

Article I of the Constitution gives the responsibilities of creating laws to the Congress, and divides the powers of the Legislative branch between the House of Representatives and Senate in Section 2 and 3. The Congress has the powers that are granted to the national government by the Constitution, and also has the power to check on the Executive and Judicial branches’ powers. For instance, according to figure 02, the Congress has the power of impeachment; it can impeach the President and Judges of the Supreme Court. It can also vote for the candidates that have been nominated by the President to the Supreme Court, approve military funds, and when the president veto a bill, Senators and Representatives can invalidate the veto to pass the law the President refused to sign (The US Constitution).

Additionally, Article II of the Constitution determines the Executive branch’s authorities, which consists of the President of the United States, who shall hold the office for

four years. S/He, so far, is the commander in chief of the military and have the power to approve and carries the laws created by the Legislative branch, defend the constitution, represent the United States in foreign occasions and when dealing with other countries. The President may veto or sign bills into law as a check on the Legislative branch, as well as nominating judges to the Supreme Court and Federal Courts (The US Constitution).

For the Judicial branch, the Constitution vest the power to this branch in Article III which states, “The judicial Power of the United States, shall be vested in one Supreme court, and in such inferior courts as the Congress may from time to time ordain and establish.” The judges and juries of this branch have the power and ability to interpret laws and apply them to specific facts. As this branch is separate from the other two branches, neither the President nor Congress can affect the Interpretation and application of laws of any court. However, the Judicial branch checks on the Legislative branch and Executive branch by declaring the laws or presidential actions as unconstitutional (The US Constitution).

1.3. Evolution of the US Federal System: Key Moments in Federal-State Relations

1.3.1 The Civil War and New Deal

The Civil War marked a crucial shift in American federalism because it transformed the relationship between the federal government and the states. Before the war, most believed that states were highly autonomous and has significant sovereignty, and the powers assigned to the federal government through the constitution were limited. McPherson delineates that “the Civil War represented a decisive moment in the transformation of American federalism. Before the war, the states were seen as sovereign entities, and the federal government was regarded as a limited entity with power only in areas expressly granted by the constitution”

The Union's victory in the Civil War, however, fundamentally altered this relationship, affirming the supremacy of the national government and transforming the structure of American federalism" (McPherson 87). The war strengthened the federal government's authority, marking a shift from the states' rights period and the beginning of centralization. This was not only a means of holding the Union together but also the formation of the federal government as the supreme force in issues that concerned the nation at large, particularly slavery and civil rights.

The federal government's expanded" authority was further solidified through the Reconstruction Amendments. The amendments gave the federal government the power to intervene to help protect people's rights in the states. According to McPherson, the 13th, 14th, and 15th Amendments "fundamentally reshaped federal-state relations by empowering the federal government to intervene in state affairs to protect individual rights and ensure equality" (McPherson 91). These amendments allowed the federal government to legally act against violations of civil rights within the states. It helped to centralize power and provide a single standard of rights across the country. The Reconstruction Amendments represented a major shift from the earlier belief of states' rights. They showed the power of the federal government and affirmed its role of protecting people's freedom.

Following the civil war, the new deal marked another major moment where the federal government gained more power over the states. The federal government started asserting more influence over the state governments, mainly through intergovernmental grants. Intergovernmental grants enabled the federal government to get directly involved in the administration of the economy and welfare policies within the states. As the chapter highlights, "The federal government began to exercise greater Influence over the states, especially in economic regulation and public welfare" (National Bureau of Economic

Research). The transition from dual federalism to cooperative federalism that accrued in the New Deal transformed the relationship between the two governments. The national government increased its role in influencing state policy, especially on economic and social welfare matters, which increased control in Washington. This change in the federal-state government relationship set the framework for contemporary fiscal federalism, which continues to affect their relationship today.

1.3.2 Supremacy Clause and Commerce Clause

The Supremacy Clause in Article VI, Clause 2 of the US Constitution expands the powers of the national government law to precede the state law in order to manage the nation's affairs, addressing challenges faced during the confederation era when the articles of Confederation lacked this principle

The Supremacy Clause came as a response and called for a convention in 1787 to revise the Articles of confederation. It gives the federal law the authority to charter central banks, enforce treaties, and to enact legislation without the interference from states, to ensure a more unified framework across the whole country (“ArtVI.C2.1 Overview of Supremacy Clause”). However, in early twentieth century, the Court developed a foundation where the Supremacy clause underpins the broader doctrine of preemption. Hence, this takes place if the laws of both governments conflicts, the law of the higher authority prevails the law of the lower authority, also, it prevents the states from enacting laws that contradict with the federal laws and constitution (“Supremacy Clause”). Despite this, the federal law does not preempt the state law if the superiority is not stated explicitly or implied. For instance, in the case of *Cantero v. Bank of America, N.A.* (2024), that shows the explicit preemption, the debate was about whether the New York law, that obliges banks to pay monthly deposits on escrow accounts, was preempted by the National Bank Act. The Supreme Court explicitly granted the

national banks the power and ruled that the state law was preempted due to its conflict with the federal law that governs the operations of the national banks (*Cantero v. Bank of America, N. A.*, 602 U.S.).

Furthermore, the Necessary and Proper Clause, also named “The Elastic Clause”, broadens the federal powers by allowing the Congress to legislate all the laws that appear to be necessary for accomplishing its enumerated, and any other, powers granted to the federal government by the Constitution. It also provides flexibility to the federal government to take actions and interfere in problems that were not expressed explicitly by the constitution (“Necessary and Proper Clause”).

According to Barnett and Koppelman’s interpretation of the Commerce Clause, the period between the declaration of independence in 1776 and the adoption of the Constitution was marked by the governance of thirteen separate legislature states that had upper hand of power above the executive and judiciary. And because they controlled their own commerce, this enabled the federal government, Congress, from making trade agreements with foreign countries to open markets for American goods. Consequently, this causes an economic downturn across the whole nation, and led to the convention of the “Commerce Clause” (Barnett and Koppelman). The latter is a key provision in the US Constitution, found in Article I, Section 8, Clause 3, which grants the Congress powers to “regulate commerce ... among the several states”(US Constitution). While the constitution does not directly express the meaning of the word “commerce”, many arguments were about what the power it grants to the Congress. Some argued that it refers to trade, transportation, or exchange, however, others claimed that it is about the commercial activities between citizens of different states (“Commerce Clause”).

Nevertheless, the Supreme Court’s interpretation was broader. One of the landmark cases that contributed to this was the *Gibbons v. Ogden* (1824) case, where the power to

regulate navigation was included with the authority to regulate interstate commerce, and was enumerated among the powers granted to the Congress. However, over time, due to the concerns about balancing the powers between the two levels of government and the case of the United States v. Lopez, the Supreme Court governed that the authority of the Congress was exceeded under the Commerce Clause without any substantial effect on the commerce between states.

Conclusion

Generally, throughout the past years, the US complex system of government has been developed through a variety of historical events, powerful constitutional framework that was established from the inadequacies of the Articles of confederation, and the interconnectedness of its key principles. The aim to create a more balanced government, where the power is not performed oppressively over the people of the nation, made the framers build a system that is based on the principles of dividing and balancing authority between the levels of government, by checking each other's exercises of power. Along with the key principles, including the protection of states sovereignty and increasing the supremacy of the national government, corresponding to the challenges and needs of the society allowed the United States to adapt to contemporary obstacles while upholding the core doctrines of constitutional governance. Ultimately, US federalism remains the most fundamental element of American democracy, which keeps developing with the emerging contemporary trends and shifts while reflecting the nation's adherence to maintaining a strong and flexible government.

Chapter Two

Contemporary Federalism and Policy Implementation

Introduction

As a foundational and fluid system of governance in the United States, federalism has evolved considerably since its establishment, adapting to contemporary challenges and demands of a diverse society. Such challenges are evident in the context of modern governance, where the process of policy implementation requires a complex cooperation between federal and state governments, giving a chance for tensions and frictions to emerge which makes it difficult to balance the powers of both levels in various cases.

This chapter investigates the modern trends and ideological shift of federalism, addressing historical developments, focusing on the tensions that both levels of government face like, the financial pressure imposed on states budgets by federal government through unfunded mandates and grants. In addition, it explores case studies in which different priorities lead to contradictions, shaping intergovernmental relations. Then, it highlights issues in policy implementation where federal and state laws overlap while navigating dual responsibilities trying to balance their powers.

2.1 Federalism in Practice: Modern Trends and Shifts

2.1.1 Overview of Recent Trends

Since the first draft of the US Constitution, the founding fathers established a federal framework that aims to balance centralized and decentralized authority governance. However, the Constitution does not state explicit instructions on how the states and the federal government should operate in every possible policy situation, which gave the two

officials some flexibility to work simultaneously within the federal framework. As a result, this led to shifts and trends in the structure of federalism over time, with different administrations and historical periods that reflect varying degrees of state and federal authority.

Over time, the model of cooperative federalism, also known as marble-cake federalism, has been evolved. The constitutional foundations of this model are based on three main principles, the broad interpretation of the Supremacy Clause of the Constitution which the supporters of cooperative federalism advocate, their argument that the Necessary and Proper Clause allows the national government to create laws necessary to exercise its powers, and the narrow view they maintain of the Tenth Amendment. However, the origins of the term “cooperative federalism” was coined and significantly expanded in 1930s during Franklin D. Roosevelt’s New Deal, but its roots go back to the administration of Thomas Jefferson in the nineteenth century, when the national government used land grants to support state programs, such as higher education. Later in 1960s, the model was developed when Lyndon B. Johnson declared his war on Poverty (“Cooperative Federalism”).

As opposed to dual federalism, this model allows the federal and state governments to coordinate their powers and work together to solve various national issues, such as the Great Depression and the Civil Right Movement that followed in the subsequent decades. Like marble cake layers, cooperative federalism undermines the boundaries between the federal and state governments, expanding national government authority in areas of concurrent policy, as Marchbach and colleagues (2006) stated that cooperative federalism is “a model of intergovernmental relations that recognizes the overlapping functions of the national and state governments” (qtd. in Sus). In the 1960s, this model expended even more during Lyndon Johnson’s administration, as the role of the national government broadened and it became

involved in society issues such as environment, education, job safety, and the rights of individuals with disabilities. To deal with these issues, the federal government established new public policies and depended on states to carry out a diversity of federally mandated programs. For instance, the implementation of Medicaid program in the United States shows how both federal and state governments worked together to achieve shared policy goals, where they created a collaborative medical program that provides health assistance to low income individuals and families.

While the federal government established guidelines and allocated funding, states administered the program and had the flexibility to adjust it to meet the needs of their citizens. The expansion of the federal authority has increased the flow of funds given to the states, which enhanced their capacity to implement the federal programs effectively.

2.1.2 The Role of Federal Mandates and Grants

Hence, by the late 1960s, that expansion led to a significant growth in the federal control over states government often through the use of mandates, or regulations tied to the financial grants, along with the federal government's capacity to supersede state powers and enforce policies upon them. Federal government used mandates to regulate states activities and make them comply with its policy standards and take certain actions, as Paul Posner stated that "[mandates] can consist of either affirmative obligations to take action on policy problem, such as the treatment of municipal sewage, or a constraint or prohibition against certain policy actions ..." This period in the US federalism was called "Coercive Federalism", it became prominent when the federal government began to address issues like public health, civil rights, establish programs to solve them, and direct the aids from places to people like in the Medicaid program. The latter, alone, represented approximately 65% of the total funding aid of the federal government, which resulted a serious decrease in the

place-oriented aids for functions as infrastructure, economic development, and criminal justice.

Conversely, the assistance for social welfare increased, tying states' budget to programs controlled by the federal government regulations and shared costs (Kincaid). Besides mandates, the federal government used Grants-in-Aid, which became a crucial tool for compelling states to comply with its regulations to receive funding grants. Since the 1970s, the federal government relied more on mandates as its authority expanded even more and different national officials and groups became stronger and persistent in achieving national goals.

Most programs and activities of the grant-in-aid system fall under the Categorical grants. As its name entails, categorical grants can be used only for specific funded programs and are usually limited defined category of purposes (Julie M. Lawhorn). This type of grants was commonly used to address national goals, while ensuring the states that receive aids follow the federal orders and standards of how to spend them. For example, if the federal government provide funds for building highways, states must use them on highway-related projects only.

Later during Nixon's and Reagan's presidency, several attempts were directed to restore the states' authority in policy areas where the federal government took control over due to the cooperative, and coercive, federalism. These attempts to make reforms to the US federal system introduced the so called "New federalism." This model aimed at separating the responsibilities of the federal and state governments, and improves the outcomes by decentralizing the policies, enhance the administrative efficiency, and reduce the public spending.

To deal with the increasing amount of federal funding grants that tripled due to the disorganization and incoherence caused by the quick expansion of grant-in-aid program, the

president Nixon during his administration created block grants as an intergovernmental reform in the 1970s. He introduced General revenue sharing programs, where he worked on disseminating funds to the state governments with less regulations on how they should spend the money, as they suffered from the federal regulations that directed the grants away from states' priorities and preferences. Besides that, he enacted other six special revenue-sharing programs that would combine one-third of categorical grant programs in the areas law enforcement, education, transportation...etc. (Michael J. Rich).

After Reagan was elected, he aimed to govern with the belief that "the most important cause of our ... problems has been the government itself" and thought that by giving back responsibilities for many domestic policies to state governments, they will be able to implement those policies effectively, and their need to federal assistance and regulations will be reduced (Hail). Furthermore, as the categorical grants continued to grow, block grants took place in Reagan's administration when the Omnibus Budget Reconciliation Act of 1981 was created. Many congressional leaders with the president Reagan merged several federal categorical grant programs related to social welfare into block grants, and reformulated them to give state governments more freedom and control over the use of federal grants (Rich). This marked a pivotal step toward decentralization, empowering state authorities to take greater control over social programs to meet local government's needs, and reducing the federal government's control of categorical grants.

He also suggested many proposals such as his most expensive one known as the swap and turnback proposal in 1981, where he divided the responsibilities between federal and state governments and offered full responsibility for Medicaid to the federal government if state governments would take a total control of other two programs related to welfare, which are Aid to Families with Dependent children and food stamps. Michael W. Hail stated that

this proposal “[The turnback] involved returning forty-five categorical grant programs to the states with a gradual phasing-out of federal funding.” Besides the approved proposal of consolidating categorical grants into block grants, he also signed several of executive orders supporting federalism, like the one that granted state governments more authority to shape federal regulations and another one which set guidelines for federal government to follow when creating preemptive regulations.

However, with the mixed reactions, the former proposal was rejected by members of Congress and members of National Governors’ Association, because they believed that states would not be able to provide adequate financial support for both programs, the proposal would cost them a lot, and with the growing public oppositions which claim that his federalism proposals contradict with the ideas of the Founding Fathers and aim at not only shift authorities but to completely remove the programs. Although, in 1986 Reagan ended the general revenue sharing program, his federalism concepts and achievements continued to have an impact on the structure US government.

2.2 Case Studies and Challenges in Policy Making Between State and Federal Governments

2.2.1 Case Studies in Federal-State Relations Health Care: (Affordable Care Act and Medicaid Expansion)

The Affordable Care Act (ACA), passed in 2010, aimed to expand health care access in the United States. The key focus of this act was to expand health care access, allowing low income individuals earning up to 138% of the federal poverty level (FPL) the chance to be insured. It motivated states to participate and even offered to cover 100% of expansion costs.

This was from 2014 to 2016, then gradually reduced to 90% of coverage by 2020 (Patient Protection and Affordable Care Act, 2010). However, this act led to conflicts between the federal and state governments, as some states resisted it.

Shortly after the ACA was passed, 26 states sued the federal government, arguing that the Medicaid expansion was enforcement rather than an option. They claimed that it was forcing states to expand Medicaid or risk losing existing federal funding (National Federation of Independent Business v. Sebelius). In 2012, the Supreme Court decided in favor of the states, ruling that this act was more of enforcement than a mandate. This decision created a divided approach to Medicaid expansion, with some states opting for it and others refuse.

2.2.1.1 State Responses: A Divided Land scape and Challenges in Implementation

After the court decision, states took different approaches. Some states, such as California and New York, fully opted for Medicaid, allowing millions of low-income residents to benefit from health coverage. For example, California added over 3 million people, reducing the state's uninsured rate from 17.2% in 2013 to 7.2% in 2017 (Centers for Medicare and Medicaid Services Medicaid and Children's Health Insurance Program Enrollment Reports).

In contrast, states like Texas, Florida, and Georgia rejected Medicaid expansion, arguing that even if federal funding covered most costs, the states might eventually bear too much financial responsibility. As a result, millions of low-income individuals in these states remained uninsured, caught in a gap of earning too much to qualify for traditional Medicaid but not enough to afford private insurance (Kaiser Family Foundation Status of State Medicaid Expansion Decisions). Texas, for example, has the highest uninsured rate in the

U.S. (18.4%), leaving over 1.5 million adults (Centers for Medicare and Medicaid Services Medicaid and Children's Health Insurance Program Enrollment Reports).

Although Medicaid expansion helped many Americans, its adoption progress was not smooth. Political resistance, especially in Republican-led states, prevented full national adoption (Congressional Budget Office). Some states tried to change Medicaid eligibility and conditions by adding work requirements, leading to legal battles over whether states could set additional conditions beyond federal rules (Medicaid Work Requirements: State Proposals and Court Challenges). Additionally, some state leaders were concerned that federal funding might decrease over time, forcing states to cover more of the costs in the future (Government Accountability Office and Medicaid Expansion Fiscal Impact).

Medicaid expansion under the ACA shows how federalism can affect policy making. While federal agencies encouraged state participation, political ideology and financial concerns influenced each state's decision differently. The federal government established the act and initially funded it, but states had the authority to decide how and whether to implement it. Some states rejected the expansion, leading to unequal health care access. This case is a clear example of how federalism creates policy diversity, where access to health care depends on state decisions rather than a single national rule.

2.2.2 Environmental Policy: EPA Regulations & State Autonomy

Environmental federalism has long been a sensitive point in US policy making, particularly when federal agencies impose extra regulatory requirements on states. The Environmental Protection Agency (EPA) enforces federal environmental laws such as the Clean Air Act (CAA) and the Clean Water Act (CWA), often setting national pollution standards (United States Congress). States often oppose these regulations, arguing that they weaken their authority and negatively impact local businesses (National Conference of State

Legislatures). One of the most significant recent cases concerning this issue is *West Virginia v. EPA* (2022), where the U.S. Supreme Court ruled that the EPA overstepped its authority by enforcing broad carbon emission reductions without clear state approval (*West Virginia v. EPA*). This decision reshaped federal-state relations in environmental policymaking (National Conference of State Legislatures).

The *West Virginia v. EPA* decision had far-reaching consequences for environmental regulation in the U.S. It significantly restricted the EPA's ability to impose broad climate policies without congressional approval, placing similar limits on other federal agencies in different policy areas (*West Virginia v. EPA*). In short, the ruling made it more difficult for future administrations to implement environmental regulations without legislative support (National Conference of State Legislatures). The decision narrowed the EPA's authority: the agency can still regulate pollution but cannot enforce major energy changes without clear legal approval (*West Virginia v. EPA*).

While the ruling limited federal intervention, it increased the role of state governments in shaping environmental policies. States have responded based on their economic and political priorities. Some states particularly California, New York, and Massachusetts have set their own climate regulations (National Conference of State Legislatures). California, for example, has maintained its own vehicle emissions standards, which exceed federal requirements, under a Clean Air Act (United States Congress). Other states in the northeast and on the west coast continue to pursue renewable energy programs despite the Supreme court ruling (National Conference of State Legislatures).

2.3 Challenges and Tensions in Policy Implementation

2.3.1 Issues with Unfunded Mandates and State Budget Constraints

In the US system of governance, the process of implementing certain policies often entails a complex cooperation and interplay between different levels of government, offering opportunities for challenges and tensions to arise. For the US federalism, such issues are evident when the balance between federal and state governments frequently creates intergovernmental friction.

Unfunded Mandates have been one of the major issues that shaped federal-state relations for decades. These mandates are requirements, regulations, or programs imposed by the federal government on states without providing them with the necessary funding to implement them. Through these mandates, the congress was able to strain state budgets by forcing them to distort their priorities, cut services, and even raise local taxes in order to comply and implement them, leading to public dissatisfaction. Additionally, the federal government often imposed “one-size-fits-all” standards on states that treat all of them like New York City regardless of their capacities and inequities across them, undermining the ability of their system to effectively adapt to various needs. When a state fails to comply with the requirements of the unfunded mandates, due to limitation of its administrative capacity or technical expertise, it will face some legal consequences. This non-compliance led to penalties, like the loss of federal funding, and even enforcement of some actions (Posner).

The most costly unfunded mandates that the federal government enacted was the No Child Left Behind Act. Where the federal government required states and schools to achieve specific educational standards, by increasing their responsibility for students’ performance to improve their results, but without providing them full funding to cover the costs. Nolen and Duignan (2008) stated that “Under the law, states were required to administer yearly tests of the reading and mathematics skills of public school students and to demonstrate adequate progress toward raising the scores of all students to a level defined as ‘proficient’ or higher by 2014” also, teachers were held to stricter certification requirements.

However, schools that failed to meet their goals faced federal penalties which lead to staff replacement of even closer. As these federal requirements created frictions and tensions between federal and state governments, and with the growing pressures on states, the increase of imposed unfunded mandates, and fiscal distress, states have adopted several strategies to resist and limit the impact of unfunded mandates. They presented many proposals addressing that problem, and the most restrictive was “no money, no mandate” which state that state government would not enforce the federal government’s requirements, unless it provide them with the needed funds to implement them. Additionally, they called for widespread reforms and challenged the unfunded mandates in court, arguing that they violate the principle of federalism outlined in the Tenth Amendment and giving the federal government the authority to undermine state sovereignty and fiscal autonomy.

Some states have passed laws requiring federal funds for each new mandate and to limit the federal impact of unfunded mandates. Furthermore, The Unfunded Mandates Reform Act (UMRA) of 1995 was enacted to address their concerns regarding these impositions by requiring the federal government to assess the costs of proposed mandates, as Anderson and Constantine stated “[UMRA] aims to promote informed decision-making by focusing congressional and administrative deliberations on the costs incurred by intergovernmental entities and the private sector in order to comply with federal legislation and regulation.” (“Briefing Paper No. 7 Unfunded Mandates”).

Despite all the attempts and the notable success that the Act achieved in preventing certain mandates from progressing to congressional vote, and the Supreme Court rule in favor of state governments in the 1990s, important mandates that exceed federal funding allocations continued to be passed resulting states suffer from significant financial strain to remain.

2.3.2 Conflicting State and Federal Laws

Another area where federal and state governments' laws continue to conflict involve marijuana legalization. Over the years, more states followed California and have legalized marijuana for medical and recreational use, although for the federal law it is illegal and classified as a Schedule I controlled substance under the Controlled Substance Act (CSA), which led to legal uncertainty, and financial challenges for states, businesses, and individuals. States gain the authority to legalize marijuana from the Tenth Amendment, but when conflicts arise between the federal and state laws, the Supremacy Clause and Commerce Clause grant the federal government the authority to regulate marijuana, as well as interstate commerce, and allow its law to supersede states law. Even that states had economic benefits for marijuana legalization, the latter constitutional clauses often led to federal preemption and enforcement actions on state-legal marijuana businesses. For example, the Drug Enforcement Administration (DEA), during Bush presidency, enforced strict prohibition on marijuana and conducted raids on medical marijuana businesses in California, as Trumble and Kasai (2017) stated "From 2001-2003, the federal government raided over 100 state-legal medical marijuana growers and dispensaries. In 2006 alone, DEA agent arrested 594 people on marijuana charges in California ... ," the prohibition, also, prevented those businesses from accessing banking services and obliged them to use cash only, increasing the danger of theft, tax evasion, and regulatory challenges.

However, later in 2013, the federal restrictions were partially reduced when the Department of Justice issued "the Cole Memo," which argued that states' marijuana legislations are still illegal under the federal law, but the enforcement of federal laws is less prioritized and shifted except in cases where states fail to provide strong regulations. As a result, this shift caused uncertainty for, businesses, individuals about the rigidity of federal

penalties and whether to comply to federal or state laws. This uncertainty stems from the ongoing conflict between overlapping policies of federal and state governments, as a significant number of states assert their autonomy by legalizing marijuana while federal laws continue to classify it as illegal without creating a legalization system to regulate it (Marijuana Policy Project).

The Supreme Court addressed these conflicts in fundamental cases where it took different stances. For instance, in *Gonzales v. Raich* (2005) case, the Supreme Court ruled in favor of the federal government, granting its laws the authority to override states laws to regulate marijuana under the Commerce Clause, even if states have legalized it. Whereas, in *Moncrieffe v. Holder* (2013) case, it determined that minor marijuana offenses do not warrant severe federal immigration penalties.

Over the years and with the growing conflicts, some solutions were suggested to solve them. For example, the federal government were required either federal reforms, like decriminalization, or develop a clear framework for federal enforcement priorities. Also, states established regulations to oversee the production, distribution, and sales of marijuana, and suggested that if the classification of marijuana changes to Schedule III, federal laws could allow them to use it for medical purposes (Sacco, Lamp, et al.). To resolve the problem of limiting state-legal marijuana businesses from accessing banking services, the federal government proposed Secure and Fair Enforcement (SAFE) Banking Act with the purpose of allowing them to utilize financial institutions services without fear of federal prosecution (Kellogg, Amy, et al. 2022).

Conclusion

In conclusion, this chapter provides a comprehensive overview of the evolution of the US federal system that reflects how historical context, ideological shifts, and policy

preferences shaped the dynamic interplay between the powers of federal and state governments. The change from cooperative federalism to coercive federalism created significant tensions that affected the intergovernmental relations between the two levels of government. The tools that the federal government used to achieve its national policy goals have often created financial and administrative challenges for state governments, particularly with unfunded mandates.

Case studies and debates, such as the Affordable Care Act and Medicaid expansion, as well as the environmental policies and EPA's authority illustrate the complexities that arise from federal-state cooperation, and underscore the ongoing conflicts between both governments due to diverse priorities, states autonomy, and federal national directives. Also, issues like marijuana legislation further demonstrate policy implementation challenges that result from the overlap of federal and state laws, emphasizing the need for more regulatory frameworks.

Ultimately, contemporary US federalism remains a dynamic system that constantly adapt to new political, economic, and social conditions. However, the ongoing challenges and tensions in policy implementation between federal and state governments continue to shape their relations, require modern solutions to maintain a stable and balanced system of governance, where each level of government practices its constitutional powers and collaborates with the other.

Chapter three

Critique of the US Federal System and Future Directions

Introduction

The US federal system has always been characterized by the balance of power between national, state, and local government, however it faced multiple challenges. Issues like inefficiency, redundancies, and conflicts between federal and state authorities have limited its ability to address modern problems. At the same time the ongoing societal shifts, polarization and many other occurring issues require a reevaluation of how federalism works in practice. This chapter critically analyzes some of the weaknesses of the federal system while exploring potential reforms that can potentially better serve the government and the society.

3.1 Critical Perspectives on Federalism: Inefficiency, Duplication of Efforts, and Conflicts in Governance

One of the most noticeable problems with federalism is its inefficiency, specifically during a crisis, when coordination with the national fast response is needed. The Federal Emergency Management Agency's report on the 2017 hurricane catastrophe shows how hard it was to manage disaster calls under such system. The report states that "the magnitude of the disasters overwhelmed FEMA's staffing capabilities," where state and local governments struggled to work in cooperation (Federal Emergency Management Agency 14). This shows how dividing powers between federal, state, and local government was meant to establish flexibility but instead it caused delays and weaknesses in response. These inefficiencies show clearly the difficulties of relying on such fragmented system during emergencies that require unity and most of all fast response.

Along with the federal system inefficiency comes duplication of power issues between federal and state governments. Environmental policy can be the best area to exemplify this issue, particularly under the Clean Air Act. The Act requires states to create State Implementation Plans (SIPs) to meet the established national air quality standards, but these plans must be reviewed and approved by the Environmental Protection Agency (EPA) (U.S. Congress, Clean Air Act). While this act aimed at giving more flexibility to the federal system, allowing states to address local issues, it consequently led to more bureaucratic pressure. According to the EPA, the approval process for SIPs can take years to decades, since states are required to submit detailed proposals that align with federal guidelines, at the same time it should be publically reviewed and revised. States in these cases are required to navigate complex approval processes, which possibly can slow progress on urgent environmental issues. This duplication of work highlights the inefficiencies built into a system that was designed in the first place to balance national and local authority.

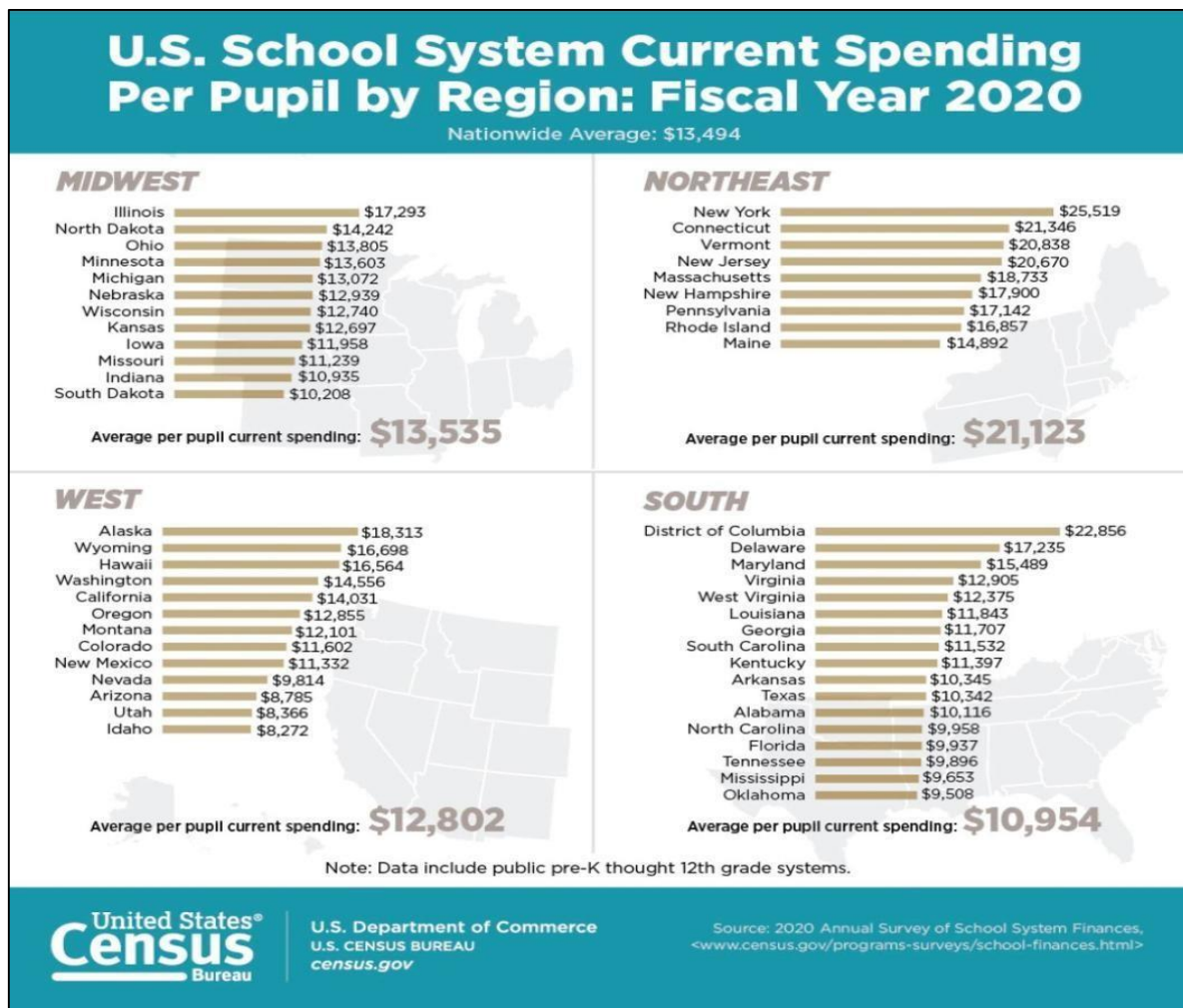
Conflicts between federal and state governments also expose the weaknesses of the federal system. In the Supreme Court's decision in *Dobbs v. Jackson Women's Health Organization* where abortion related cases were left to the control of states independently. This led to creating a gap in the law in the country since some states completely banned abortion while others did not (U.S. Supreme Court). This decision also reflected the ongoing tension between the Tenth Amendment, which protects states' rights, and the Supremacy Clause, which gives priority to federal laws.

As the US faces challenges like climate change, public health and environmental crises, the weakness continues to show. There have been many attempts to address these issues, like the For the People Act of 2021, however it faced strong resistance from states claiming that it might lead to them losing control over their affairs (U.S. Congress, H.R. 1).

While federalism remains a main part of the American government, its inefficiencies, redundancies, and conflicts show that it needs to adapt in order to serve the changing society.

3.1.1 Issues of Unequal State Resources and Discrepancies in Policy Outcomes

Figure 03: US Public School Spending Per Pupil by Region, Fiscal Year 2020



Source: United States Census Bureau. “U.S School System Current Spending Per Pupil by Region: Fiscal Year 2020.” U.S. Department of Commerce, 18 May 2022.

US public schools are primarily funded at the state and local levels, creating diverse differences in how much pupils spend on education. For 2020, the national average public school spending per student was \$13,494. But that number varies widely by state. States like New York (\$25,519), New Jersey (\$20,670), and Connecticut (\$21,346) spend much more on

paying higher teacher salaries and offer access to higher-level coursework. Whereas states like Utah (\$8,366), Idaho (\$8,272), and Arizona (\$9,611) spend much less, which often results in larger class sizes and outdated materials. These conditions create gaps in academic achievement (U.S. Census Bureau).

These differences among states have lasting effects on students and the community. Schools with more money can offer better education, prepare students well for college and for higher paying careers. On the other hand, underfunded schools often struggle with high rates of students' dropout and limited opportunities, making it harder for students to succeed in society. While the US federal system gives states the freedom to set their own policies, this also means education quality can vary clearly depending on where a student lives.

3.2 The Federal System and Democratic Representation

3.2.1 Analysis of federalism's impact on representation: Role of the Senate, Electoral College, and implications for State sovereignty

The structure of the US federal system specifically in senate and electoral areas has been a ground for debate especially in cases where a minority opinion had stronger influence over national decision. The structure of the Senate gives all states equal representation, regardless of the population. For instance, Wyoming state with about 580,000 residents, has the same number of senators as California, which has nearly 39 million people (U.S. Census Bureau). Because of this imbalance, the 26 smallest states, which together are just 17% of the US population, hold a majority 52% of seats in the senate. This inequality allowed a small number of voters to shape legislative decisions for the entire country. The 2017 Affordable Care Act (ACA) repeal is an example of this imbalance. Senators from states with a minority of the population came with a decision of overturning the law, despite strong public support for keeping it. A Kaiser Family Foundation poll from 2017 found that 54% of Americans

wanted to preserve the ACA, yet senators from states representing only 44% of the population voted in favor of repeal (Kaiser Family Foundation).

This imbalance in representation is not limited to the Senate, it also extends to the Electoral College where smaller states hold strong determining power in the presidential elections results. Votes based on congressional representation (House + Senate) apparently gives smaller states more influence than larger ones. For example, a voter in Wyoming State has 3.6 times more electoral power than a voter in California (U.S. Census Bureau). Because of this gap in the system some presidential candidates have won in the White House despite losing the popular vote, this happened in both the 2000 G. W Bush VS Gore and 2016 Trump VS Clinton campaign (National Archives). In 2016, Donald Trump secured the presidency through the Electoral College despite losing the popular vote by nearly 3 million votes. His winning came from small wins in the main influencing states like Michigan, Wisconsin, and Pennsylvania despite them together is making up only 6.7% of the US population (US Census Bureau, National Archives).

The Electoral College was meant to protect smaller states and ensure fair and equal representation for all states. However, today it is argued that instead it creates divisions and gives minority groups more control even when they do not reflect the views and opinions of most Americans. For example, the *Dobbs v. Jackson Women's Health Organization* (2022) decision, which overturned *Roe v. Wade*, exemplifies this issue. The Supreme Court for this case was shaped by senators that happened to be representing less than half the US population. Three justices appointed by President Trump were confirmed by senators representing only 44% of Americans (US Census Bureau 2021, Supreme Court of the United States). As a result of this, states now have clearly different abortion laws with some

enforcing near-total bans, even though 61% of Americans support abortion rights, according to Pew Research Center (Pew Research Center).

3.2.2 Discussions on State's Right VS National Unity

Supporters of a stronger federal government argue that federal supervision is necessary to ensure fair representation. They claim that without it states may create different policies which might lead to inequalities in many areas like healthcare, education, and environmental protection.

One example of effective federal supervision is the Clean Air Act (CAA) of 1970, which set national standards for pollution. The Environmental Protection Agency (EPA) enforced these rules, ensuring all states meet minimum air quality requirements. This has improved public health and reduced harmful emissions (EPA, 2024). Similarly, the Affordable Care Act (ACA) in 2010 helped expand health insurance and set national healthcare regulations. While states had some control over Medicaid expansion, federal supervision helped reduce the rate of uninsured residents and improved healthcare access through all the nation (IRS, 2024). Another is the clean air act. The Clean Air Act shows how federal power helps protect public health by setting national pollution standards. The Environmental Protection Agency enforced these rules, ensuring all states meet the same requirements. Supporters argue this federal role is important for solving nationwide problems like pollution and ensuring a less harmful air quality across all states (US Environmental Protection Agency).

Opponents for this view claim that it can lead to unbalanced power distribution and weaken the local one. Federal supervision may impose one-size-fits-all solutions that fail to address the unique needs of different states. Opponents of national unity argue that state governments are the best for addressing local needs because each state has unique economic

and cultural characteristics and challenges. Policies that work well in one region may not be effective in another. The Unfunded Mandates Reform Act (UMRA) in 1995 was created to limit federal interference by preventing the government from pushing states to implement any policy if there would not be any financial support for it. This law helps states manage their budgets and set their own priorities while still receiving federal support when needed (Congressional Research Service, 2024).

However, giving states too much independence can lead to unequal protections, diverse state's progress, and delays in solving nationwide problems. For example, during the COVID-19 pandemic, the absence of a strong federal plan showed how state-level decisions were not efficient and consequently it affected the country as a whole at the time.

3.3 Impact of Globalization, Technology and Polarization on Current Federalism

Globalization has affected US federalism by creating conflicts between federal and state governments, especially in areas like immigration, trade, and environmental policies. Federal immigration policies such as the Trump administration's travel bans against Muslim countries did not align with states like California, which passed laws against it to prioritize economic interests as immigrants play crucial role in it (Trump v. Hawaii, 2018; California Department of Justice, 2020). Trade is another area where globalization has shaken federal and state relations. Agreements like NAFTA (North American Free Trade Agreement) and its replacement USMCA (United States, Mexico and Canada Agreement), have affected state economies by managing trade between three nations. NAFTA in 1994 aimed to make trade easier by removing barriers but led instead to job losses in states like Michigan. USMCA which replaced NAFTA in 2020 updated labor and environmental rules and addressed new areas like digital trade (Office of the United States Trade Representative, 2020).

Environmental policy came as another addition to immigration and trade to test federalism's flexibility. After the federal government left the Paris Agreement in 2017 states like California and New York stepped up to handle climate change issues. They created their own policies and even cut emissions and joined efforts like the US Climate Alliance to keep the Paris regulations alive and all of this was without federal support (White House, 2017; U.S. Climate Alliance, 2021). These actions show how states often step in when federal policies do not, especially when urgent global issues need attention.

Globalization reshapes federalism; technology adds new challenges, pushing states and the federal government to adapt according to them. With mentioning technology, data privacy comes to mind first. As the new developments came into the surface, the federal government has not passed any privacy protection laws yet, however California did and came up with the California Consumer Privacy Act (CCPA). The law forces companies to follow strict privacy protection laws and directions if working in or with California. However not all states had the same view over this issue hence a variety of laws made things confusing and pushed for federal action to create uniform rules (Kheyfets et al., 2023). Cyber security is another issue. The federal government is responsible for handling national threats, but states are in charge of their own security systems. During the 2020, election states handled their voting systems but needed federal help to stop cyber-attacks. This gap in resources creates unfair conspiracies, as state systems in every election period often lack the funds to fully protect themselves (Clark et al., 2023).

Political polarization has also deeply affected federalism in the US. It transformed collaboration between states and the federal government into competing over interests and ideologies. Differences over policies like gun control and healthcare shows clearly how polarization shakes the balance of power and creates a gap in the system. For example, federal inaction on gun control has left space for states to fill the gap with different policies.

States like New York and California have implemented strict gun laws. While the federal government has passed laws to ban weapons, states like Texas and Florida have taken the opposite approach by enacting more lenient laws that allow individuals to carry guns without permits (Clark et al., 2023). This divergence not only reflects political differences but also showcases the challenges of passing national laws on national issues when states operate differently.

Healthcare policy further illustrates the effects of polarization. The Affordable Care Act (ACA) offered states the option to expand Medicaid. It aimed to provide wider healthcare access to low-income individuals. Many states (led by democrats) welcomed the idea. It was seen as a way to reduce healthcare inequality. On the other side several Republican-led states rejected Medicaid expansion, arguing that it leads to federal overpower and can cause financial problems and affect state's budgets (Kheyfets et al., 2023). This shows how polarization affects the federal government in achieving consistent national standards while states priorities are different.

3.4 Reforms and Future of Federalism

3.4.1 Potential Reforms: Increasing National Standards VS Preserving State's Flexibility

Reforms to the US federal system have been at the center of political debate, swinging to achieve the balance between strengthening national standards and preserving state flexibility. Both strategies present potential ways to improve governance, address inequalities, and enhance the relationship between the states and the federal government.

Supporters of stronger national standards believe that their approach can reduce differences in big areas like healthcare, public work and education. For example, setting national healthcare goals could help fix the big gaps in between states. For instance,

establishing national standards for healthcare access is suggested to minimize the difference in healthcare access between the states. According to data from the Centers for Medicare and Medicaid Services (CMS), variations in Medicaid expansion under the Affordable Care Act have created significant gaps in healthcare availability and access. In the same context, federal investment in public works as outlined in the 2021 Bipartisan Infrastructure Law (White House, 2021) aims to provide equal resources across all states, especially those lacking the financial support to modernize roads, bridges. Supporters for these reforms argue that such measures would reduce inefficiencies, ensure fairness and guarantee that all citizens have access to the same basic rights and services, regardless of the state they live in.

However, defenders of state flexibility argue that allowing states to pass their own policies according to their specific needs is crucial and at the same time supportive to the federal structure of the United States. For example, California has taken the full responsibility for the environmental policy. It implemented stricter standards than federal requirements under the Clean Air Act (California Air Resources Board, 2022). This shows the potential of state self-rule to drive innovation and serve as a testing ground for new ideas. Flexibility also gives states more chances to address the specific state related issues, which the national government may fail to consider effectively.

A possible solution can be found in models that blend federal oversight with state flexibility. Medicaid can be an illustration to this approach. States would manage their programs under federal rules while at the same time adjusting them to meet local needs (CMS, 2023). This shows how national standards and state-level collaboratively can work together. This can serve as a model for other reforms. This debate reflects differences in opinions on the government's role. While Federal action can promote equality, state flexibility

supports local level solutions. Future reforms should focus on cooperation between federal and state governments, with a balance to address today's complex challenges.

3.4.2 Prospects and Future Predictions for Federalism

The future of federalism in the US can take two possible directions. Either it will continue to grow and become more cooperative and balanced, or it could decline and become a system that struggles to meet the needs of citizens. If federalism moves toward growth it could have a more collaborative system where federal and state governments work together to solve issues in areas like healthcare, education, and public work. Investments like the American Rescue Plan (2021) could lead to a more balanced approach. States benefit from federal funding to address local needs while maintaining flexibility as they continue to make their local level policies. If this collaboration continues, the relationship between federal and state governments would likely become stronger, with both levels of government playing crucial roles in delivering services and ensuring fairness within the states and across the country. For example, the expansion of renewable energy under federal programs could lead the states to implement their own green energy solutions and regulations and benefit from federal finance support. If states like Texas or Florida which have a wide range of energy resources could benefit from federal support in order to expand wind energy. This could lead to a stronger national energy. The Energy Policy Act of 2005 also provides a framework for state initiatives to align with federal objectives in renewable energy. It helps in building a more connected and green national energy sector (U.S. Congress).

On the contrary, if Federalism takes a downward turn it may end up with more fragmentation and inequality between states. Disagreements over the role of the federal government could lead to a situation where states are left with minimal to no support or coordination from the national government. In this case states may struggle to address raising

issues. For instance, education and education policy can be a huge point of division. States that lack resources like West Virginia could see their public education systems crash down without federal support. On the contrary, wealthier states may offer more advanced and well-funded education programs. The lack of unified educational standards could result in some students receiving high quality education while others can be left behind. The Every Student Succeeds Act (ESSA) which replaced No Child Left Behind gives states the flexibility to design their own educational standards but still requires federal oversight to ensure equity (U.S. Department of Education).

To sum up, the future of federalism will depend on the choices made by both federal and state governments. If they continue to work together to find common ground and support local and national growth federalism could evolve into a more unified, strong and effective system. On the other hand, if divisions continue to show up and cooperation lacks, federalism may face challenges to serve all citizens equally. The next few years will be critical in determining which direction federalism takes in the United States.

Conclusion

The US federal system is characterized by flexibility but faces significant challenges: including inefficiencies and inequality among states. Issues education quality and equal representation draw the lights on areas that need attention. Institutions such as the Senate and Electoral College raise concerns about fairness and equality in representation. As globalization, technology, and political divisions has an effect on the nation, federalism must evolve to meet these challenges. By encouraging collaboration between federal and state governments, the system can balance state independence along with national unity. With well thoughtful reforms, federalism can remain a strong model for governance in today's changing world.

General Conclusion

The US federal system was created in order to achieve a balance of power between national and states governments. It was suggested after the failure of the article of confederation. The constitution gave both levels of government specific powers along with shared powers in some areas. The aim behind this was to prevent tyranny and protect freedoms, at the same time allowing flexibility across the nation. Federalism became a foundation for the US since then.

The United States federal system represents a complex and evolving framework of governance, grounded in the principle of shared sovereignty between the national and state governments. This thesis has explored the foundational underpinnings, structural organization, practical applications, and contemporary critiques of the federal model, revealing both its enduring strengths and persistent challenges.

One of the central findings is that American federalism has enabled a remarkably flexible and adaptive model of governance capable of withstanding historical upheavals, political transformations, and societal change. The constitutional division of powers and the embedded principles of checks and balances have fostered innovation, local autonomy, and a pluralistic policy environment. However, this very structure has also led to significant disparities in policy implementation, legal conflicts, and inefficiencies that compromise national coherence and equity.

Contemporary federal dynamics are marked by increasing tensions between state and federal authorities, particularly in key policy areas such as healthcare, environmental regulation, and civil rights. These tensions are exacerbated by the rise of unfunded mandates, growing political polarization, and unequal fiscal capacities among states. As such,

federalism often serves as both a facilitator and an obstacle to effective governance, depending on the issue and the interplay of political interests.

Critically, the system's impact on democratic representation raises serious concerns. Institutional mechanisms like the Electoral College and the equal representation of states in the Senate distort the principle of political equality, granting disproportionate influence to smaller states and undermining the democratic ideal of one person, one vote. Moreover, the fragmented nature of the system can result in unequal access to public goods and rights, contributing to a divided and often inequitable national landscape.

Looking ahead, the future of federalism in the United States will likely be shaped by its ability to adapt to emerging challenges, including technological change, globalization, and shifting public expectations. While calls for reform vary from enhancing national standards to preserving state-level flexibility what remains essential is a renewed commitment to cooperative federalism that balances the ideals of unity and diversity. Strengthening intergovernmental collaboration, ensuring equitable policy outcomes, and upholding democratic principles will be key to preserving the federal system as both effective and just in the 21st century.

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