

Mode of Federalism	Brief Description	Dominant Theories	Important Cases & Events
State Centered Federalism (1789-1860)	<p>The States are performing most of the business of government under this mode of federalism. When conflicts do appear between the state and federal laws over the divisions of federalism the Marshall Court tended to back the national government while the Taney Court tended to side with the states.</p>	<p>PRO-NATIONAL: Expressed Powers Necessary & Proper Dormant Commerce Clause</p> <p>PRO-STATE: Interposition Nullification Questions over the nature of our Constitutional system as 'confederal' or 'federal'.</p>	<p><i>Martin v. Hunter's Lessee</i> (1817) Supremacy of the Supreme Court in constitutional interpretation. <i>McCulloch v. Maryland</i> (1819) The implied powers given broad definition. <i>Gibbons v. Ogden</i> (1824) The dormant Commerce clause (which actually comes later)</p> <p>The Virginia & Kentucky Resolutions (Interposition) The Nullification Controversy (Nullification)</p>
Dual Federalism (1860-1936)	<p>There is an absolute separation (what some might argue <i>strict or rigid</i>) between the responsibilities and powers of the two levels of government, national and sub national (state).</p> <p>To paraphrase one source: What one level of government can do, the other by definition cannot.</p>	<p><i>Laissez Faire Economics:</i> The government should be kept out of the business of business if at all possible.</p> <p>METHODS OF PREVENTING GOVERNMENT 'INTERFERENCE' IN BUSINESS:</p> <ul style="list-style-type: none"> • Strict definition of 'interstate commerce' to prevent National Action. • <i>Dormant Commerce Clause & Liberty of Contract</i> to prevent State action. 	<p><i>Dred Scott v. Sanford</i> (1857), technically prior to this era but it embodied much of the spirit of this form of federalism declaring the Missouri Compromise unconstitutional.</p> <p>The Civil War & Reconstruction The growth of the National Government <i>U.S. v. E.C. Knight Co.</i> (the Sugar Trust Case, 1895) Narrow 'Interstate Commerce' reading stifles national action (production vs. transportation). <i>Wabash, St. Louis & Pacific Railroad Co. v. Illinois</i> (1886) Dormant Commerce clause used to stifle state action. <i>Lochner v. New York</i> (1905) Liberty of Contract used to stifle state action.</p>
Nation Centered Federalism (1936-today)	<p>The National government steps in to fill the gap as perceived by American politicians and the public (initially). The National government begins to use the implied powers to remove more and more areas once considered exclusively the responsibility of the states into the sphere of national control. (Highly Centralized)</p> <p>The rhetoric of 'New Federalism' has been with us since the Nixon Administration, but the actual practices of the national government remain largely unchanged</p>	<p>COOPERATIVE FEDERALISM (1936-early 1960s) COERCIVE FEDERALISM (1960s to today) 'NEW' FEDERALISM (versions from 1970s to today)</p> <p>TOOLS OF THE NATIONAL GOVERNMENT: Mandates & Preemption (based on the Supremacy clause of the Constitution) Grants-in-Aid (based on the Tax & Spend provisions of the Constitution)</p> <ul style="list-style-type: none"> • Categorical • Block • "Strings" 	<p><i>National Labor Relations Board v. Jones & Loughlin Steel Corporation</i> (1937) a 'broad and encompassing' definition of the Interstate Commerce clause supercedes the narrower ruling of Dual Federalism. <i>U.S. v. Darby</i> (1941) the 10th Amendment is dismissed as a 'mere truism'</p> <p><i>National League of Cities v. Usery</i> (1976) First time since <i>NLRB v. Jones & Loughlin</i> that a law based on commerce power is struck down; here in favor of state sovereignty issues.</p> <p><i>San Antonio Metro Transit Authority v. Garcia</i> (1985) NLC v. Usery overturned, and the court tells the states to use their political power to secure benefits for themselves <i>New York v. United States</i> (1992) State Sovereignty is compromised by states being ordered into compacts with one another. <i>United States v. Lopez</i> (1995) First time that Commerce clause alone is struck down in the Federal Gun-Free School Zones Act of 1990.</p>