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# What is Dual Federalism?

- Power is divided between the national and state government
- It's called "Dual" because the state and national functions remain fairly separate and distinct

Federal

State

Local

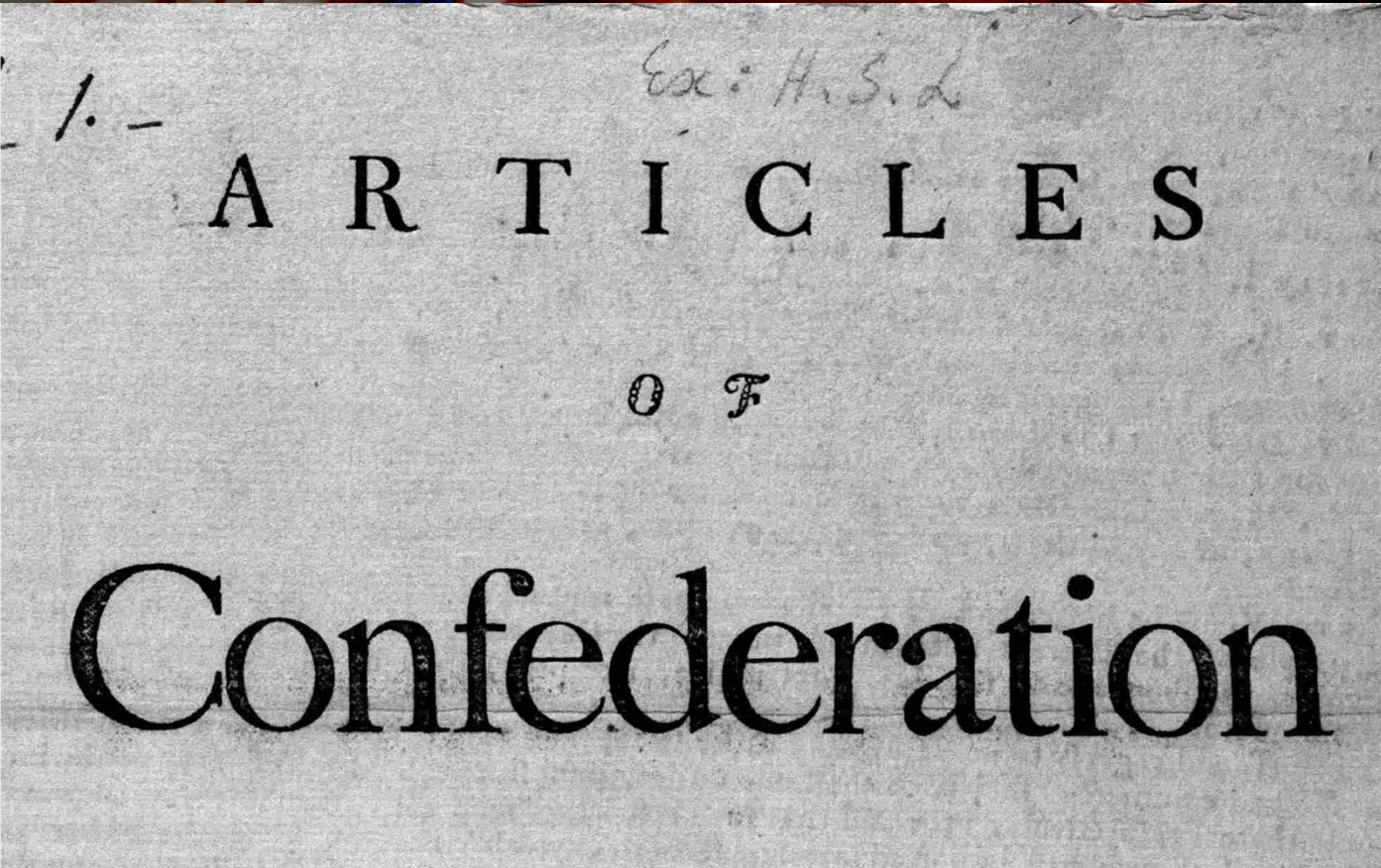
# What is Dual Federalism?

- Made up of three parts:
  - Both the federal government and state government are sovereign in their own affairs.
  - There is a strained relationship between the national government and the states.
  - The federal government only rules through its enumerated powers and what is explicitly stated in the Constitution.

# 1777 – 1789: Articles of Confederation

## “A Loose League of Friendship”

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Perpetual.

# 1777 – 1789: Articles of Confederation

## “A Loose League of Friendship”

- The state and federal governments share responsibilities, such as the army, navy, minting money, and raising taxes (mostly controlled by the states though)
- Weak and flimsy
  - like flan!



# The End of the Articles

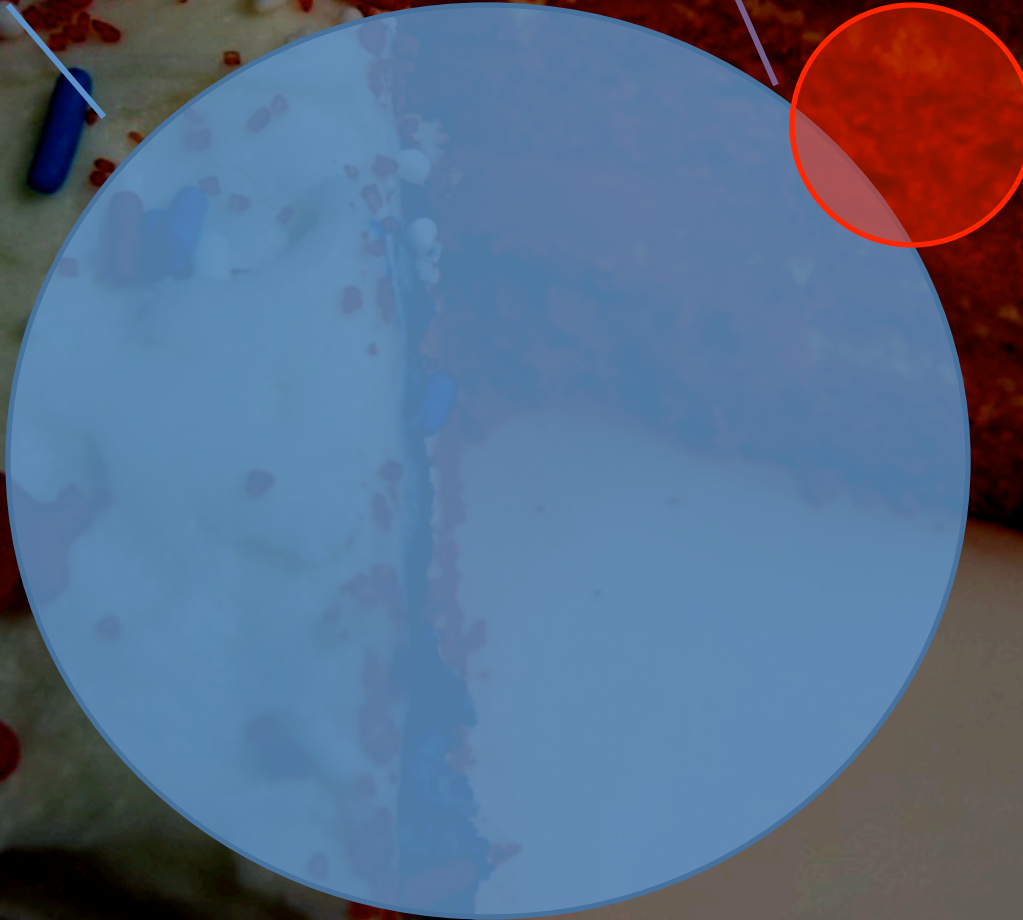
- It quickly failed due to being unable to tax, regulate commerce over state lines, unify the national currency, or pass important legislation due to disagreements or lack of attendance by states.
- Shay's rebellion and the failing economy led to the formation of the US Constitution – which rejected both confederate and unitary systems in favor of federalism

# Articles of Confederation

State Powers

Shared Powers

Federal Powers



# 1789 – 1860: The Constitution







# The Constitution: Legislation

- Constitutional Convention in 1787
- Three separate branches: executive, legislative, and judicial with checks and balances. Federal government has more power, but states still retain power with the election of Senators by state legislators and etc. It was both strong and flexible.
- Power was separated into three layers: local, state, and federal government.

# 1789 – 1860: The Constitution

- Article I: the federal government had the power to tax and maintain standing military, regulate interstate commerce, and mint money
- Article VII (supremacy clause): declared that national government overrode state government – founders intended us to still be a country before being states

# The Constitution: Legislation

- Article I: the federal government had the power to tax and maintain standing military, regulate interstate commerce, and mint money
- Article VII (supremacy clause): declared that national government overrode state government – founders intended us to still be a country before being states

# The Constitution

- Necessary and Proper Clause: Congress had power to make laws and act even when the Constitution doesn't give specific authority – contradicts 10th amendment



# The Constitution: Amendments

- 1791: The Bill of Rights was added to limit the national government's power - our founders wanted us to have as much freedom as possible
- The 10th amendment states that the national government's power was limited only to what was specifically mentioned in the Constitution

# The Great Compromise

## Virginia Plan

- It called for a *bicameral* legislature, in which the number of representatives in each house would depend on the population of the state.

## New Jersey Plan

- It called for a *unicameral* legislature, in which every state received one vote.

- Both plans called for a strong national government with 3 branches.

## Great Compromise

- It provided for a bicameral Congress.
  - A. House of Representatives – each state is represented according to its population (satisfied the VA Plan)
  - B. Senate – each state has 2 Senators (satisfied the NJ Plan)
- \* Both houses of Congress must pass every law.

# 3/5 Compromise

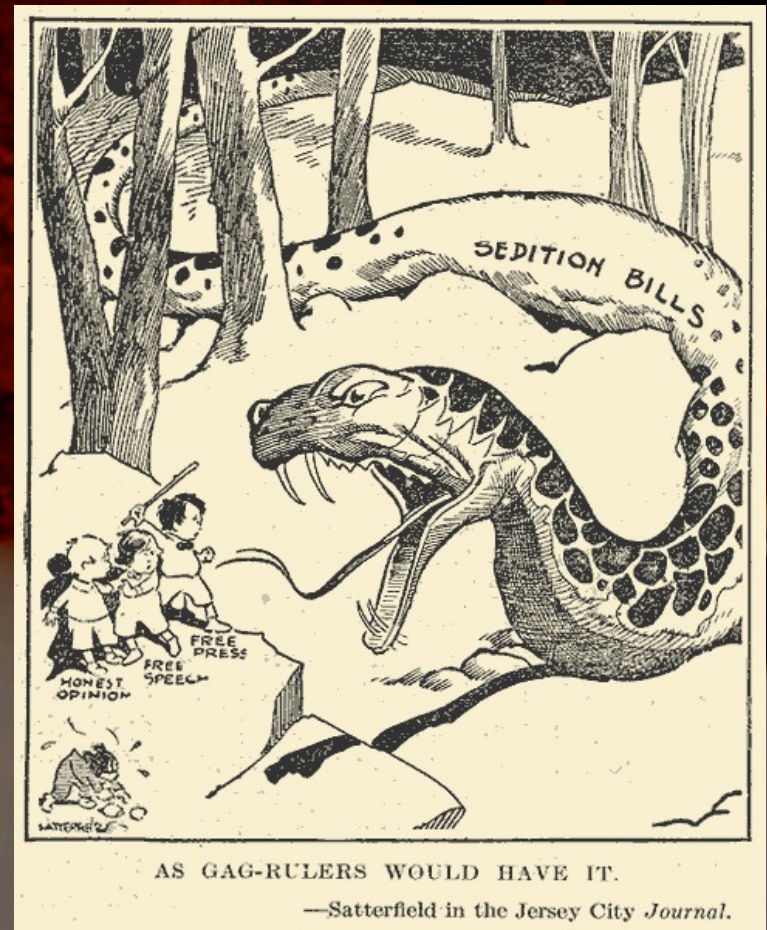
- Slaves counted as 3/5th's of a person for state representatives in the House of Representatives, put off the issue of slavery further





# Alien and Sedition Acts of 1798

- Legislatures in Kentucky and Virginia ruled the Acts unconstitutional and passed the Doctrine of Nullification, which claimed that states could ignore a federal law if it was deemed unconstitutional



# Nullification Doctrine

- In 1828 the “Tariff of Abominations” passed in the Senate to protect New England industry, Calhoun and South Carolina also passed the Nullification Doctrine
- Later, in 1832, South Carolina reaffirmed the Nullification Doctrine

# Fugitive Slave Act of 1850

- Required all citizens to assist in the capture of runaway slaves.
- Led to the Wisconsin Supreme Court using the 10th amendment to declare the act unconstitutional
- Was ignored and nullified by many northern states

# State's Rights Doctrine

- 1815: The Hartford Convention was called in protest of the economic troubles endured by New England states due to the War of 1812.
- States were urged to protect their citizens against the acts of Congress that were not enumerated in the Constitution and to assert the State's Rights Doctrine.

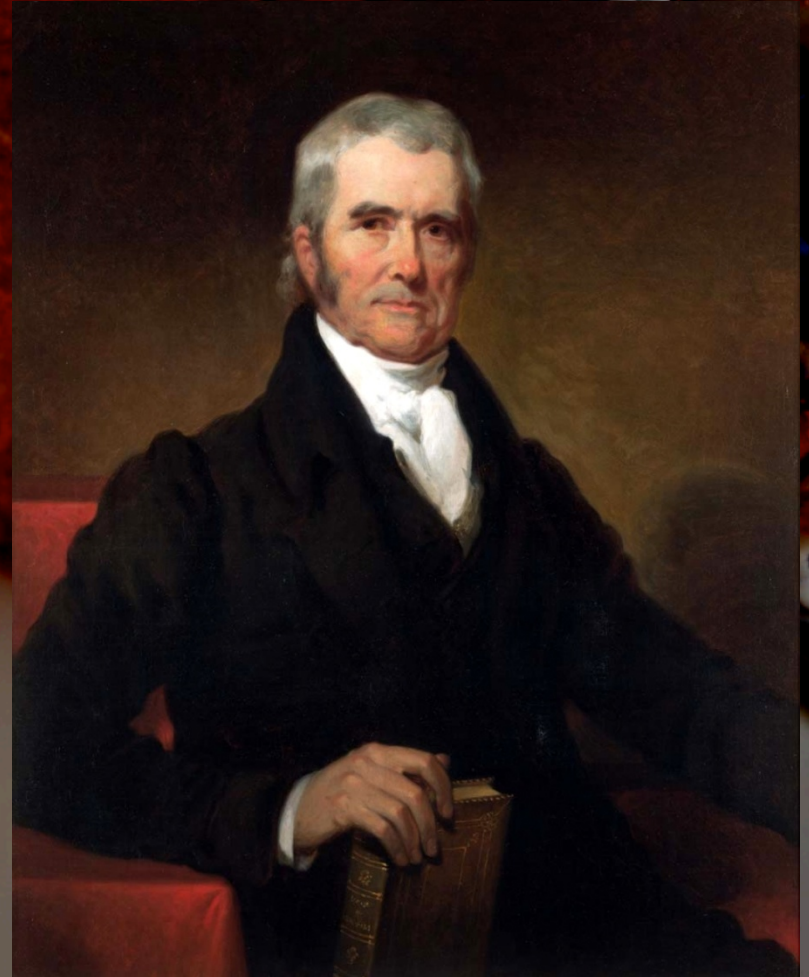


# Societal Change

- Claiming independence
- Internal conflicts such as slave states versus free states and states' rights
- New ideas such as a president, rather than a king Society now based off of civil virtue and social equality
- Many rejected notions of aristocracy

# Court Cases

- Chief Justice John Marshall defined the power of the federal and state government because federalism was not yet clearly defined in the constitution. Several cases expanded the power of the federal government.

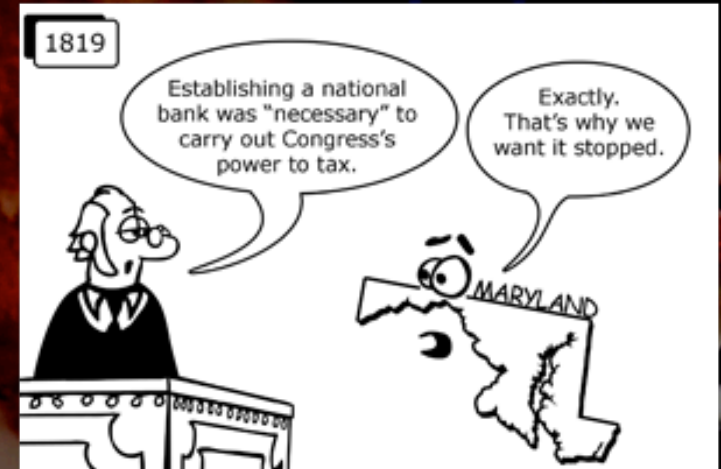


# McCulloch v. Maryland 1819

- Concerned the constitutionality of a nationally chartered bank, many legislators and bankers in Maryland opposed such power. The ability to charter banks by the national government was not explicitly stated in Constitution, yet nationalists argued that it was necessary for the federal government to “tax, borrow, and regulate interstate commerce”

# McCulloch v. Maryland 1819

- Court imposed the “Necessary and Proper Clause”
- Doctrine of Implied Powers: established congress’s implied powers in order to create a functional government
- State action may not impede valid constitutional exercises of power by the federal government





# Gibbons v. Ogden 1824

- Concerned the respective rights of the state and national government. Ogden had been granted exclusive steamboat rights by the New York state legislature, and successfully prevented Thomas Gibbons from operating a ferryboat service between Manhattan and New Jersey.
- Court sided with Gibbons stating that Ogden's monopoly overstepped states ability to regulate trade.
- Reaffirmed supremacy of federal law over state law.

# Prigg v. Pennsylvania 1842

- Edward Prigg was found guilty of kidnapping a former slave and her children in the free state of Pennsylvania, then bringing them to their former owner in Maryland. This was a felony according to Pennsylvania state law, while Prigg argued that he was within the bounds of the Fugitive Slave Act.
- Court sided with Prigg striking a blow against abolitionist states and burgeoning tensions between free and slave states.



# Dred Scott v. Sandford

- Dred Scott was a slave who was brought to the free state of Illinois but was later returned to a slave-holding state sued for emancipation through the federal courts.
- Court held that Americans of African descent were not legally citizens and therefore couldn't file suit.
- Further outraged abolitionists and free states as another blow to states' rights.



# Works Cited

"24c. The South Carolina Nullification Controversy." The South Carolina Nullification Controversy [ushistory.org]. N.p., n.d. Web. 14 Sept. 2013.

Blaustein, Albert P. "Our Most Important Export - The U.S. Constitution is a model for the governments of other nations." World and I Feb. 2003. General OneFile. Web. 13 Sept. 2013.

Coffey, Walter. "WalterCoffey.com." WalterCoffeycom. N.p., 3 Feb. 2013. Web. 14 Sept. 2013.

DeAngelis, Gina. "Crisis of government." Cobblestone Jan. 2006: 14+. General OneFile. Web. 13 Sept. 2013.

Farber, Dan. "Federalism: the founders' design." Washington Monthly Sept. 1987: 59. General OneFile. Web. 13 Sept. 2013.

"Federalism." International Encyclopedia of the Social Sciences. Ed. David L. Sills. Vol. 5. New York: Macmillan, 1968. 353-367. Gale Virtual Reference Library. Web. 13 Sept. 2013.

O'Connor, Karen, and Larry Sabato. American Government, Continuity and Change. 2006. Pearson Education, 2006. Print.

"PROFESSIONAL PAPERS: FEDERALISM." Spectrum: the Journal of State Government Summer 2001: 39. General OneFile. Web. 13 Sept. 2013.

"The 'Critical Period' and the Constitution." The 'Critical Period' and the Constitution. N.p., n.d. Web. 14 Sept. 2013.

"The Return of Dual Federalism:." The Return of Dual Federalism:. N.p., n.d. Web. 14 Sept. 2013.

Sabato, O'Connor. "Federalism." Federalism. N.p., n.d. Web. 14 Sept. 2013.

Vogt, A. John. "Competition among States and Local Governments: Efficiency and Equity in American Federalism." Government Finance Review Apr. 1992: 45. General OneFile. Web. 13 Sept. 2013.