

The History of Federalism in the United States Test Rubric

- I. Constitutional Basis of Federalism
 - A. Powers Listed in the Constitution
 - 1. Role in choosing members of the House and Senate
 - 2. Role in the Electoral College
 - 3. Conduct elections
 - 4. Role in Amendment process
 - 5. Role in Ratification
 - B. Relations with other states and national government in Articles IV and VI
 - 1. Supremacy Clause
 - C. Justification and Discussion in the *Federalist Papers*
 - 1. Madisonian defense against tyranny
 - D. Tenth Amendment
 - 1. Reserved Powers
- II. The Marshall Court and the Expansion of National Power
 - A. 1801 – 1835
 - B. *Marbury v. Madison* 1803
 - 1. Judicial Review
 - C. *McCulloch v. Maryland* 1819
 - 1. Necessary and Proper Clause
 - D. *Gibbons v. Ogden* 1824
 - 1. Commerce Clause
- III. Dual Federalism
 - A. 1835 – 1933
 - B. Layer Cake Federalism
 - C. Clear and distinct line between state and national powers
 - D. National government only has powers enumerated in the Constitution
 - E. All powers not given to the national government or denied to the states are reserved to the states or the people
 - 1. Tenth Amendment
 - F. Period of Civil War and Reconstruction was an Exception
 - 1. Dominance of National Government
 - G. Court cases upheld concept of Dual Federalism
 - 1. *Dred Scott v. Sanford* 1857
 - a) National government does not have the power to ban slavery in the territories as it did in the Missouri Compromise of 1820
 - 2. *Plessy v. Ferguson* 1896
 - a) States have power to segregate races
 - H. Sixteenth and Seventeenth Amendments Were Indicators of Increasing National Power
 - 1. Sixteenth Amendment
 - a) National Income Tax
 - 2. Seventeenth Amendment
 - a) Direct election of Senators instead of by state legislators

IV. Cooperative Federalism

- A. 1933 – 1980
- B. Marble Cake Federalism
- C. Franklin Roosevelt and the New Deal
 - 1. Response to Great Depression
 - 2. Democrat
- D. Increased power of National Government
- E. States required to “cooperate” with National Government programs
- F. Categorized Grants from National Government to States
 - 1. Many strings attached
 - 2. Consistent with rise in power of national government
- G. After initial objections and Roosevelt’s Court Packing Plan, Courts upheld the Constitutionality of New and Cooperative Federalism

V. New Federalism

- A. 1980 – Present
- B. Richard Nixon and Ronald Reagan
 - 1. Republicans
 - 2. Reagan Revolution
- C. Devolution Revolution
 - 1. Return Power to States
 - 2. Reduce Power of National Government
 - 3. Block Grants
 - a) Less strings attached
- D. Contract With America
- E. Courts have begun to find limits on Commerce power
- F. Obama Marijuana Policy?

Answers to Multiple Choice

- 1. B
- 2. C
- 3. C
- 4. D
- 5. A
- 6. A
- 7. C
- 8. C
- 9. A
- 10. C
- 11. D
- 12. A
- 13. C
- 14. C
- 15. B
- 16. D
- 17. A
- 18. A or D
- 19. B
- 20. A