

Federalism

Institutional Affiliation

Student's Name

Date

Robertson (2017) discusses the phases of federalism as follows;

Dual federalism

The constitution provided for separate powers between the federal government and the state governments. The federal government would exercise powers that were primarily concerned with national defense, foreign affairs, trade, and other Transboundary matters. States, on the other hand, was to exercise and enact all the powers that were not mentioned in the constitution as the responsibility of the federal government. In simple terms, dual federalism provided for the federal government responsibilities such as the promotion of trade among the states and distribution of resources while the states were to retain most of the powers. There was a however clear delineation of powers between the two governments. *McCulloch v. Maryland* was the first case that shaped this arrangement, followed by the *Gibbons v Ogden*.

Cooperative federalism

The great depression of the 1930s negatively influenced the balance of power between the two levels of government. The states lacked the necessary resources to assist those who had been displaced; the federal government, however, had the resources thus offering assistance to the people. This was seen as a new deal as the matter had been considered as a complete responsibility of the states. The subsequent cooperation between the states and the federal government is what was considered as *cooperative federalism*. Even after the depression period, the federal government continued to play a major role in the states.

Creative federalism

During the period of the 1960s, the launch of the Great Society Program aimed to end poverty by President Lyndon B Johnson, changed the relationship between the federal government and the states. In the president's view, he was establishing a program that could stamp out poverty especially in the cities such as Los Angeles in the southern districts; his program, however, advanced the involvement of the federal government into matters that were previously presumed to be the responsibility of the state government.

The New Federalism

It is important to note that since the departure of President Johnson from office; almost all the incoming presidents have introduced new strategies and developments in the United States. The collective programs launched by the new presidents while trying to empower the states are what is regarded as new federalism. In new federalism, the national governments have tried to solve the underlying social issues in the states by providing grants to the states.

New federalism involved the issuance of block grants by the national government to the states to take care of the unfunded mandates usually referred to as general policy areas. New federalism has also witnessed devolution of certain powers back to the state governments; this is because the concept of new federalism seeks to restore the lost autonomy and power of the states; that was lost through cooperative federalism. The specific reforms in the new federalism were however in line with the 10th amendment which stated that any power given to the federal government through the provisions of the constitution belonged to the people and the states, (Chandler & Bakvis, 1987).

Considering the 14th amendment, the national government required the states to enact the national standards the civil rights as outlined in the amendment before releasing funds to the states. In conclusion, new federalism has however faced various challenges some of which include; divided government power which leads to conflicting barriers when collective action is required. The relationship between Texas and the federal government during the Obama administration, however, worsened as the state sued the administration at least 48 times. The Supreme Court decisions struck out some of Obama's executive orders. Some of the issues between the Texas government and the federal government during the Obama administration include; business regulations, climate change, and immigration and social issues.

References

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