

## *Federalism and State Authority*

Compiled by Richard Hsia, November 2013

[www.legis.wisconsin.gov/lrb/pubs/tapthepower.htm](http://www.legis.wisconsin.gov/lrb/pubs/tapthepower.htm)

Federalism is a system of government where authority and power are divided between different levels of government. The 10th Amendment to the United States Constitution reserves all powers not granted to the federal government to the states. This creates a separation of power between the two and maintains a balance of authority. Recently, issues like the legalization of marijuana, the Affordable Health Care Act, gun control, education, voting rights, and immigration have renewed the debate on the separation of powers and whether the federal government or the states should have authority over these issues.

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Compares value-added analysis to previous testing policies implemented under local, state, and federal control.
- Barron, Elisha. "The Development, Relief, and Education for Alien Minors (DREAM) Act." *Harvard Journal on Legislation* 48, no. 2 (Summer 2011): 623-655. (328/H26/2011/v.48/no.2)  
An in-depth overview of the DREAM Act, covering its history, pros and cons, and possible ways forward as state level legislation.
- Champagne, Richard. "Federalism." *Governing Wisconsin*, no. 9 (December 2005) (LRB/g/no.9) (Library use only) [http://legis.wisconsin.gov/lrb/gw/gw\\_9.pdf](http://legis.wisconsin.gov/lrb/gw/gw_9.pdf).  
Brief on federalism and its history in the United States.
- Clemmitt, Marcia. "Assessing the New Health Care Law: Will It Improve Care and Reduce Spending?" *CQ Researcher* 22, no. 33 (September 21, 2012): 789-812. (368.6/C763d)
- Comparative Legislative Research Center of The University of Iowa. *Legislative Studies Quarterly*. Iowa City, IA: Comparative Legislative Research Center. (328.1/Io9) <http://onlinelibrary.wiley.com/journal/10.1002/%28ISN%291939-9162>.  
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- Congressional Digest. "The Health Care Debate Continues: Controversies Surrounding the New Law and Its Mandates." *Congressional Digest* 90, no. 3 (March 2011): 65-96. (368.6/C761f)
- Conlan, Timothy, and Paul Posner. "Inflection Point? Federalism and the Obama Administration." Washington, DC: American Political Science Association, September 2-5, 2010. [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1642264](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1642264).  
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- Council of State Governments. "States' Health Insurance Exchanges Are Shaking Out." *Capitol Research: Health* (February 2013). (368.6/C83m) <http://knowledgecenter.csg.org/drupal/system/files/stateshealthinsuranceexchangesareshakingout.pdf>.  
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- Dilger, Robert Jay. *Federalism Issues in Surface Transportation Policy: Past and Present*. Washington, DC: Library of Congress, Congressional Research Service, 2011. [http://assets.opencrs.com/rpts/R40431\\_20110420.pdf](http://assets.opencrs.com/rpts/R40431_20110420.pdf).
- Eisinger, Peter K., and William Gormley, eds. *The Midwest Response to the New Federalism*. Madison, WI: The University of Wisconsin Press, 1988. (353.28/W7)
- Federal Funds Information for States. *State Policy Reports*. Washington, DC: Federal Funds Information for States. (328/St1)  
"Each issue covers a variety of topics including trends in state spending, the quarterly index of state economic momentum, federal aid to states and state tax burdens." Library contains 1995-current.
- Garvey, Todd. *Medical Marijuana: The Supremacy Clause, Federalism, and the Interplay Between State and Federal Laws*. Washington, DC: Library of Congress, Congressional Research Service, 2012. [http://assets.opencrs.com/rpts/R42398\\_20120306.pdf](http://assets.opencrs.com/rpts/R42398_20120306.pdf).
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Explores the idea of federalism based on minority rule without sovereignty. Where integration and interdependence are practiced instead of autonomy and independence.
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- LaCroix, Alison L. *The Ideological Origins of American Federalism*. Cambridge, MA: Harvard University Press, 2011. (353.28/L11)
- Lawson, Aaron. "Educational Federalism: A New Case for Reduced Federal Involvement in K-12 Education." *Brigham Young University Education & Law Journal* 2 (2013): 281-318. Available full text through [www.badgerlink.net](http://www.badgerlink.net).

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## Continued

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- Mantel, Barbara. "Gun Control: Should Law Makers Tighten Firearm Restrictions?" *CQ Researcher* 23, no. 10 (March 8, 2013): 233-256. (614.82/C762g)
- McKinney, Martha, et al. *Trends in America: 10 Forces of Change States Can't Ignore*. Lexington, KY: The Council of State Governments, 2007. (354/C83g) <http://www.csg.org/knowledgecenter/docs/TIA2007.pdf>.  
An updated look at issues affecting America, including health care, education, and the balance of power between the states and federal government. The library also contains the prior two issues from 2005.
- Melnick, R. Shep. "The Gridlock Illusion." *Wilson Quarterly* 37, no. 1 (Winter 2013): 16-33. Available full text through [www.badgerlink.net](http://www.badgerlink.net).  
Examines the belief that the United States' institutional arrangements based on separation of powers, bicameralism, and federalism are the cause of "gridlock" in the federal government. Proposes that the federal government is taking too much on and that the institutional arrangements are actually opportunities for local governments.
- O'Toole, Laurence J., and Robert K. Christensen. *American Intergovernmental Relations*, 5th edition. Washington, DC: Congressional Quarterly Press, 2012. (353.28/C762b)
- Publius: The Journal of Federalism*. Easton, PA: Oxford University Press. (353.28/T24c)  
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- Savage, David G. "Game Changers." *State Legislatures* 39, no. 8 (September 2013): 20-21. (328.11/N214/2013/v.39/no.8) <http://www.ncsl.org/research/civil-and-criminal-justice/game-changers-sl-magazine-september-2013.aspx>.  
A brief look at how recent Supreme Court rulings on gay marriage, voting rights, Affirmative Action, and police DNA sampling will affect states.
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Discusses how differing laws on gay marriage, gun control, and legalizing marijuana have made the states and federal government more divergent.
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Focuses on five areas causing tensions in state and federal relations: reauthorization of federal laws, waiver authority, competitive grants, institutional connections, and political disconnect.
- Williamson, Jeremiah I., and Matthias L. Sayer. "Federalism in Renewable Energy Policy." *Natural Resources & Environment* 27, no. 1 (Summer 2012): 19-23. Available full text through [www.badgerlink.net](http://www.badgerlink.net).  
"The article focuses on the role of federalism in promulgation of the U.S. policies related to renewable energy resources, tax credits, and exemptions."

### Related Web Sites

- Brookings Institute. "Center for Effective Public Management." Accessed October 17, 2013. <http://www.brookings.edu/about/centers/effective-public-management>.  
"The Center for Effective Public Management (CEPM) at Brookings is a research organization focused on identifying and solving political and governance challenges in 21st century America."
- Independence Hall Association. "American Government: Federalism." Accessed October 17, 2013. <http://www.ushistory.org/gov/3.asp>.  
Brief historical overview of federalism, focusing on changes throughout history.
- National Archives. "Charters of Freedom" Accessed October 18, 2013. <http://www.archives.gov/exhibits/charters>.  
Provides extensive historical information on the Declaration of Independence, the Constitution, and the Bill of Rights.
- National Constitution Center. "National Constitution Center." Accessed October 17, 2013. <http://constitutioncenter.org>.  
"The National Constitution Center is the first and only nonprofit, nonpartisan institution devoted to the most powerful vision of freedom ever expressed: the U.S. Constitution."
- National Conference of State Legislatures. "Research." Accessed October 25, 2013. <http://www.ncsl.org/research.aspx>.  
Offers multiple resources on topics affecting state and federal relations.
- Pew Charitable Trusts. "State of the States 2013." Accessed October 17, 2013. <http://www.pewstates.org/research/featured-collections/state-of-the-states-2013-85899481528>.  
"Stateline's 13th annual State of the States report looks at key issues legislatures are debating this year, with a particular emphasis on the relationship between states and the federal government."

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