

## **Boundaries of Governmental Systems**

(Appendix 10)

Since the formation of the United States of America in 1776, the balance between the federal and state governments has been a debatable topic in demographic federalism, economic redistribution, and federalism in crime protection and violence prevention for its citizens. Throughout this excerpt for a term paper, the disputable boundaries will be quickly addressed in an understanding of where and who should be responsible for the limitations imposed upon the federal and state governments.

## BOUNDARIES OF FEDERAL AND STATE SYSTEMS: HOW FAR IS TO FAR!

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Since the beginning of the United States, there has always been a question concerning the judicial legal boundaries in relation to the law for the federal and state court systems. When the term of “a hodge-podge of federalism” is spoken, what is the major consensus of this phrase and how does the general public think of federalism. Federalism in action is state law being revoked by federal courts and the power that the federal government grants the states to have. One question arises still today, could a federal question be resolved in a state court and does the federal court have to have the legal boundaries that exist to day for laws and policies?

Relationships among the federal and state governments in allocating powers and responsibilities by the Constitution, through the Supreme Court, letting the states even decide their power level of responsibility, and the influence of public opinion of the decisions being made will be address in the paper. Among the allocation of power and responsibility, a national and state perspective will be addressed about the concepts—who shall have what power and responsibility? The relationships among the federal and state government have many conflicts that are faced in the local community. To explain the conflicts, Nice and Fredericksen’s example of Urban Enterprise Zones exemplify the economic and welfare controversies that exist. Also, conflicts in Community Action Agencies which place federal programs in to existence but give local governments authority to customize will be addressed. However, when these concepts are mention, the political and financial constraints have to be addressed. The funding of programs as results of allocating power and responsibility has to come from some source, the federal or the state government.

Three areas of federalism will be addressed: demographic federalism, economic redistribution, and federalism in crime protection and violence prevention. Demographic federalism relates to the field of healthcare. The federal government should be responsible for the health care and financial stability of the elderly and disabled. States should be reliable for human capital and programs for workers, families and children. Federal and state governments have great effects on the economic and social policy in term of the healthcare of its citizens. Another question arises; can the states be trusted in healthcare and welfare reform? The federal government is to send the control of each individual state’s welfare program to the state to more efficiently redistribute money in the economy. States should have the authority to tailor their own programs to meet the need of each individual community. This is much cheaper by the state than the federal government because of the difficulty that the federal government has in aiding a diverse population. In crime protection and violence prevention, it is mainly a balance of power. In recent legislation about the Brady Act of 1993, the federal perspective is for more control on prospective buyers of guns and the reasonableness behind the buyers being disqualified to buy guns. This control was to be measured buy the state and local law enforcement. Sates felt that the law was currently in excess and this would be, first of all, costly and then unreasonable. This additional legislation was agreed upon that the imposed background checks by the state and local law enforcement was unreasonable.

The topics that will be addressed and the concerns about the federal and state government relationships will show that the state government needs some authority and control over various programs. Because of the diversity of the population, the cost effectiveness with the ability to understand what the people need and want in their state is the reason states have recently been given such authority.

## Sources:

Buckley Jr., William F. "Big day for federalism." National Review. Oct 28, 1996 v48 n20, p82(1).

Ferejohn, John & Barry R. Weingast, ed. The New Federalism: Can the states be trusted?  
Hoover Institution Press Publication, No. 443. Leland Stanford Junior University. 1997.

Kmiec, Douglas W. "The court rediscovers federalism." Policy Review. Sept-Oct 1997 n85 p60(3).

Nice, David C., Patricia Federicksen, ed. The Politics of Intergovernmental Relations. Nelson-Hall Inc., Chicago, IL. 1995.

Reuben, Richard C. "Finding the right target; federalism is the underlying issue in challenges to the Brady Act." ABA Journal. Jan 1997 n83, p44(1).

Waisanen, Bert. "Demographic federalism: defining the new federal-state relationship." Spectrum. Fall 1996 v69 n4, p53(5).