

The George Washington University  
PAD 6065 – Federalism and Public Policy  
Wed. 6:10 - 8:00 p.m. Rome B103

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### Required Texts/Readings

Laurence O'Toole, *American Intergovernmental Relations*, 5th ed. CQ Press 2013. Supplemental readings will be assigned. Supplemental readings should all be available on the Internet or through the electronic periodicals at the library. Students should consider reading Martha Derthick, *Keeping the Compound Republic: Essays on American Federalism* (Brookings, 2001).

### Objectives

The purpose of this course is to introduce the important concepts of federalism and intergovernmental relations with a particular emphasis on how those concepts affect public finance, policy, and administration.

The student will become well versed in the political, legal, and intellectual context of federalism. The student will be able to identify salient issues concerning intergovernmental relations in the areas of environmental protection, welfare distribution, education, homeland security, immigration, and health care. The student will be able to assess which level of government is most efficient and effective at addressing particular problems.

### Course Requirements/Grading

Students have an option to complete a take home exam or write a research paper on some aspect of American Federalism. All papers and exams are due Dec 11.

Grades will be based on the following:

Class participation	20%
Exam/paper	80%

Class 1, Sep 2

### **Introduction and Theories of Federalism**

James Madison, Federalist # 39; Wright, "Models of National/State and Local Relationships," in O'Toole, pp. 47-61, Buchanan, Federalism and Individual Sovereignty, Cato Journal Vol 15, No2-3.

Class 2, Sep 9

### **Federalism and the Courts**

*U.S. v. Morrison*, 529 U.S. 598 (2000) (available on the Internet); Wise, "The Supreme Court's New Constitutional Federalism: Implications for Public Administration," *Public Administration Review* (May/June 2001), pp. 343-358; Dinan, "Congressional Responses to the Rehnquist Court's Federalism Decisions," **Publius** (Summer 2002), pp. 1-24.

Class 3, Sep 16

### **Fiscal Federalism**

Oates, "An Essay on Fiscal Federalism," *Journal of Economic Literature*, September 1999, pp. 1120-1149 (available on Internet); Bird. Threading the fiscal labyrinth: Some Issues in Fiscal Decentralization. *NTJ* 46(2): 207-227 (available on Internet)

Class 4, Sep 23

### **Politics of Federalism**

Gerkin, a New Progressive Federalism, *DemocracyJournal.org*. (online); Camissa, "Governments as Interest Groups," in O'Toole, pp. 127-132; Bowman, Trends and Issues in Interstate Cooperation, in O'Toole, pp. 132-142; Posner, The Politics of Unfunded Mandates in O'Toole, pp. 259-271; Suggested – but not required: Peterson and Nadler, *Freedom To Fail: The Keystone of American Federalism*, University of Chicago Law School (online);

Class 5, Sep 30

### **Gun, Gays and Pot**

Second Amendment, U.S. Constitution; Mack and Printz v. United States, 521 U.S. 898 (1997); *Yale Law Journal Form: Why Firearm Federalism Beats Firearm Localism* 03 Feb 2014, Michael P. O'Shea; CATO, Guns and Federalism (in the Cato Handbook for Congress)

Class 6, Oct 7

### **Guns Gays and Pot, Continued**

States' rites? Federalism and marriage litigation, *Scotusblog.com*; Why Equal Protection Trumps Federalism in the Same-Sex Marriage Cases March 29, 2013, *ACSblog*; On the Limits of Federal Supremacy

When States Relax (or Abandon) Marijuana Bans, Robert Mikos, Policy Analysis, Cato Institute Dec 12, 2012.

Class 7, Oct 14

**Homeland Security and disaster relief**

Kettl, Homeland Security, The Federalism Challenge in O'Toole, pp. 306-315; Comfort, "Fragility in Disaster Response: Hurricane Katrina, 29 August 2005," The Forum 3: 3 (2005); Roberts, "What Katrina Means for Emergency Management," The Forum 3: 3 (2005), Article 2. (Comfort and Roberts articles available on Internet).

Class 8, Oct 21

**Immigration Policy**

Huntington, Constitutional Dimensions of Immigration Federalism, Vanderbilt Law Review 61-3-787 (available on line); Arizona SB 1070 and legislative history; suggested readings – Cato Institute papers on immigration and the ACLU papers on immigration (available on line)**NO**

**CLASS NEXT WEEK**

Class 9, Nov 4

**Health policy**

Cole, Is Health Care Reform Constitutional?

(<http://www.nybooks.com/articles/archives/2011/feb/24/health-care-reform-unconstitutional/>); Sanford, Is Health Care Reform Constitutional?

(<http://jurist.law.pitt.edu/forumy/2010/04/is-health-care-reform-constitutional.php>); Heritage, Obama's Health Care Reform: The Demise of Federalism?; Sparer, Health Care Reform and American Federalism, Robert Wood Johnson Foundation (available on line).

Class 10, Nov 11

**Education policy**

Peterson, The Price of Federalism (Washington, D.C.: Brookings, 1995), pp. 175-195 (handout); McColl, "Tough Call: Is NCLB Constitutional?" Phi Delta Kappan (April 2005), pp. 604-610; DOE. Jim Taylor, Seven Reasons I really Dislike Education Reform (available at SFGATE.com), Diane Ravitch, Obama's Race to The Top Will Not Improve Education (available on HuffingtonPost.com).

Class 11, Nov 18

**Environmental Policy**

Adler, A New Environmental Federalism

(<http://home.earthlink.net/~jhadler/federalism.html>);

Revesz, "Federalism and Environmental Regulation: A

Normative Critique,” in Ferejohn and Weingast, *The New Federalism: Can the States be Trusted?* (Hoover Institution Press, 1997), pp. 97-127; Potoski, “Clean Air Federalism: Do States Race to the Bottom?” *Public Administration Review* (May/June 2001), pp. 335-341; Schoenbrod, *Saving our Environment from Washington* (Yale University Press, 2005), pp. 124-143. **NO CLASS NEXT WEEK**

Class 12, Dec 2

### **Welfare Policy**

Schram et al., “Without Cause or Effect: Reconsidering Welfare Migration as a Policy Problem,” *American Journal of Political Science* (January 1998), pp. 210-230; Volden, “Entrusting the States with Welfare Reform” (handout); Volden “The Politics of Competitive Federalism: A Race to the Bottom in Welfare Benefits?” *American Journal of Political Science* (April 2002), pp. 352-363; Bailey, “Welfare and the Multifaceted Decision to Move,” *American Political Science Review* (February 2005), pp. 125-135.

December 11

Exams/papers due