

University of Minnesota, Twin Cities

Political Science 1905:
**E Pluribus Unum? The States, the Feds, and
The Contested Meaning of American Federalism**
Fall 2015

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Office Hours: Mondays and Wednesdays, 2:30 pm - 3:30 pm, and by appointment

Course Overview:

Even before the proverbial ink was dry on the Patient Protection and Affordable Care Act in March 2010, over a dozen states filed suit against the health care reform law and challenged its constitutionality. When President Obama announced a series of immigration-related executive actions four years later, another large group of states launched a lawsuit to fight the policy change. The two lawsuits are especially dramatic manifestations of what appears to be increased tension between the fifty states and the national government. These intergovernmental disputes, which also affected national initiatives like the No Child Left Behind Act of 2001 and the REAL ID Act of 2005, have led some scholars to describe the contemporary period as one of “uncooperative” or “fend for yourself” federalism.

Such sweeping generalizations understate the complexity of contemporary American federalism and the historical record. The appropriate balance of power between the national government and the states has been the subject of intense debate since the United States became an independent country in the eighteenth century, and it has never been resolved. This unresolved controversy has profound democratic and policy implications. Some of the political and social rights that are part and parcel of what it means to be a member of the American community are influenced by geography and the specific state in which an individual resides. For example, state governments make numerous decisions that define voter eligibility, an especially important form of community membership and political participation. In addition, federalism strongly affects the policymaking process. In fields as diverse as environmental protection and health care, the relationship between the national government and the states affects which policies are adopted and how they work in practice. While federalism is rarely at the forefront of the minds of the American public, it plays a central and increasingly important role in the U.S. political system.

This course seeks to give students a better understanding of American federalism. By examining both the historical evolution of intergovernmental relations in the United States and contemporary policy debates, it also aims to help students develop the substantive knowledge and analytical skills they need to become critical thinkers. All of the writing assignments that students will complete in the course have been designed with this objective in mind, and all of our seminar discussions will emphasize systematic thinking about politics, the explication of logically coherent arguments, and the use of relevant and appropriate empirical evidence to evaluate those arguments. The successful development of the critical thinking and writing skills emphasized in this course will enable students to communicate effectively in a variety of future roles, including as employees and citizens.

Course Logistics and Requirements:

The course will meet on Monday and Wednesday afternoons from 1:00 to 2:15 pm in Social Sciences 278, and it will use the traditional seminar structure. Each class meeting will focus on a set of readings about a particular topic, and together the class will summarize, critique, and debate them. This seminar structure reflects the assumption that students will be active and engaged participants, and that they will complete the reading assignments in advance of each class meeting. For this reason, seminar attendance and participation will constitute 15 percent of the final grade. In recognition of the fact that some students are simply more vocal than others, seminar participation will be judged in terms of quality more than quantity. Comments that are thoughtful and engage with the points made by other students will be especially valued.

To help facilitate seminar discussions, students are also required to submit seven short “reaction papers.” These papers should “react” to the reading assignments for a particular class meeting; they should not simply describe or summarize them. For example, a reaction paper might assess an argument advanced in the reading, explain why the student finds that argument convincing or unconvincing, discuss a set of issues that received insufficient attention, or highlight elements of the reading that are unclear. The reaction papers should be no more than one double-spaced page long, and they should be e-mailed to the instructor by 10 pm on the day *before* the class meeting during which the reading assignment will be discussed. Students will have the ability to choose the specific class meetings for which they will submit a reaction paper. However, three of these submissions must occur during Part I of the course, two of them must occur during Part II of the course, and two of them must occur during Part III of the course.

In addition to the reaction papers, students will complete three writing assignments, the first of which is a take-home midterm exam based on material from Part I of the course. Students will not be expected to conduct original research for the midterm exam. The questions will be handed out at the end of class on Wednesday, October 14, and the exam is due at the beginning of class on Wednesday, October 21. For the second writing assignment, students will choose one of the policy areas examined in Part III of the course. (Students can write on a topic that is not examined in Part III of the course if they receive permission from the instructor.) They will find a congressional hearing on that topic during which a state official or a representative of a professional association serving state officials testified. They will describe the argument being advanced on behalf of state officials, explain why state officials have taken that position, and identify the key political actors who support and oppose that position. The purpose of this assignment is to think systematically about the factors that lead state governments to support some national laws with implications for federalism but greet others with indifference or outright hostility. The second writing assignment will be due at the beginning of class on Wednesday, December 9. Students who miss the deadline for the first or second writing assignment will have an additional 48 hours to complete the assignment, but 25 points will be deducted from their grade. The third writing assignment will be an in-class final exam that will occur on Saturday, December 19. Each of these assignments will be described in more detail in a separate handout.

Final grades for the course will be determined according to the following formula:

- 15% Reaction Papers
- 15% Attendance and Participation
- 25% Take-Home Midterm Exam (Due Wednesday, October 21)
- 20% Congressional Hearing Analysis (Due Wednesday, December 9)
- 25% Final Exam (Saturday, December 19, 1:30 pm)

Grades for the course will be based on the standard scale (>93%=A; >90%=A-; >88%=B+; >83%=B; >80%=B-; >78%=C+; >73%=C; >70%=C-; >68%=D+; >63%=D; >60%=D-; <60%=F). They will not be curved, and there will not be any opportunities for extra credit.

The following books are available for purchase at the University Bookstore, and they are also available on reserve at Wilson Library:

Martha Derthick, *Keeping the Compound Republic: Essays on American Federalism* (Washington, DC: Brookings Institution, 2001).

David Brian Robertson, *Federalism and the Making of America* (New York and London: Routledge, 2012).

Melanie Jean Springer, *How the States Shaped the Nation: American Electoral Institutions and Voter Turnout, 1920-2000* (Chicago and London: University of Chicago Press, 2014).

All of the reading assignments that come from sources other than these three books will be posted online.

Please see pages 8 and 9 of this syllabus for the “Standard Statement on Course Requirements” of the Department of Political Science.

COURSE OUTLINE AND READING LIST

Part I: Historical Perspectives

September 9: Introduction

September 14: No Class

September 16: Federalism at the Founding

James Madison, "Vices of the Political System of the United States" (May 7, 1787)

Robertson, *Federalism and the Making of America*, pp. 19-35

Patrick Henry, Speech at the Virginia Ratifying Convention (June 5, 1788)

September 21: Alien and Sedition Acts

Douglas Bradburn, "A Clamor in the Public Mind: Opposition to the Alien and Sedition Acts," *William and Mary Quarterly*, Volume 65, Number 3 (July 2008):565-600.

The Kentucky and Virginia Resolutions of 1798

September 23: No Class

September 28: The Nullification Crisis

John C. Calhoun, "South Carolina Exposition and Protest" (December 1828)

The Webster-Hayne Debates (1830)

Richard B. Latner, "The Nullification Crisis and Republican Subversion," *Journal of Southern History*, Volume 43, Number 1 (February 1977):19-38.

David F. Ericson, "The Nullification Crisis, American Republicanism, and the Force Bill Debate," *Journal of Southern History*, Volume 61, Number 2 (May 1995):249-270.

September 30: Slavery, Secession, and Civil War

Abraham Lincoln, Speech at the Illinois State Republican Convention (June 16, 1858)

"Declaration of the Immediate Causes Which Induce and Justify the Secession of South Carolina" (December 24, 1860)

Daniel J. Elazar, "Civil War and the Preservation of American Federalism," *Publius*, Volume 1, Number 1 (1971):39-58.

October 5: Progressive Era

Robertson, *Federalism and the Making of America*, pp. 95-111

Derthick, *Keeping the Compound Republic*, pp. 105-122

William Graebner, "Federalism in the Progressive Era: A Structural Interpretation of Reform," *Journal of American History*, Volume 64, Number 2 (September 1977):331-357.

October 7: The New Deal

Robertson, *Federalism and the Making of America*, pp. 112-128

Derthick, *Keeping the Compound Republic*, pp. 123-137

Robert C. Lieberman, *Shifting the Color Line: Race and the American Welfare State* (Cambridge, MA: Harvard University Press, 1998), pp. 23-66.

October 12: The Great Society

Robertson, *Federalism and the Making of America*, pp. 129-147

Derthick, *Keeping the Compound Republic*, pp. 138-152

October 14: Contemporary Federalism

Shanna Rose and Cynthia J. Bowling, "The State of American Federalism, 2014-15: Pathways to Policy in an Era of Party Polarization," *Publius*, Volume 45, Number 3 (Summer 2015):351-379.

Sean Nicholson-Crotty, "Leaving Money on the Table: Learning from Recent Refusals of Federal Grants in the American States," *Publius*, Volume 42, Number 3 (Summer 2012):449-466.

Part II: States' Rights and Individual Rights

October 19: Federalism and Race

Robertson, *Federalism and the Making of America*, pp. 57-73

V. O. Key, Jr., *Southern Politics in State and Nation* (Knoxville, TN: University of Tennessee Press, 1984 (originally published 1949)), pp. 533-554.

October 21: Meet at Wilson Library Room S30C for a presentation on government documents
TAKE-HOME MIDTERM EXAM DUE AT BEGINNING OF CLASS

October 26: Electoral Federalism

Springer, *How the States Shaped the Nation*, pp. 13-53 and 137-161

October 28: Voting Rights for Women

Corrine M. McConnaughy, *The Woman Suffrage Movement in America: A Reassessment* (Cambridge, UK: Cambridge University Press, 2013), pp. 1-49.

November 2: Reforming the Electoral Process

Springer, *How the States Shaped the Nation*, pp. 115-136

Keith G. Bentele and Erin E. O'Brien, "Jim Crow 2.0? Why States Consider and Adopt Restrictive Voter Access Policies," *Perspectives on Politics*, Volume 11, Number 4 (December 2013):1088-1116.

November 4: Social Citizenship

Suzanne Mettler, *Dividing Citizens: Gender and Federalism in New Deal Public Policy* (Ithaca and London: Cornell University Press, 1998), pp. 1-52.

November 9: Contemporary Implications

Gary Reich and Jay Barth, "Immigration Restriction in the States: Contesting the Boundaries of Federalism?" *Publius*, Volume 42, Number 3 (Summer 2012):422-448.

Andrea Louise Campbell, *Trapped in America's Safety Net: One Family's Struggle* (Chicago and London: University of Chicago Press, 2014), pp. 71-100.

Part III: Federalism and Public Policy

November 11: States as Policymakers and Stakeholders

Paul E. Peterson, *The Price of Federalism* (Washington, DC: Brookings Institution, 1995), pp. 16-49.

Christopher Howard, "Workers' Compensation, Federalism, and the Heavy Hand of History," *Studies in American Political Development*, Volume 16, Number 1 (April 2002):28-47.

November 16: Criminal Justice Policy

Lisa L. Miller, *The Perils of Federalism: Race, Poverty, and the Politics of Crime Control* (Oxford: Oxford University Press, 2008), pp. 85-119.

Vesla M. Weaver, "The Significance of Policy Failures in Political Development: The Law Enforcement Assistance Administration and the Growth of the Carceral State," pp. 221-251 in *Living Legislation: Durability, Change, and the Politics of American Lawmaking*, eds. Jeffery A. Jenkins and Eric M. Patashnik (Chicago and London: University of Chicago Press, 2012).

November 18: Welfare Reform

Joe Soss, Richard C. Fording, and Sanford F. Schram, *Disciplining the Poor: Neoliberal Paternalism and the Persistent Power of Race* (Chicago and London: University of Chicago Press, 2011), pp. 112-140.

Rebecca M. Blank, "Was Welfare Reform Successful?" *The Economists' Voice*, Volume 3, Issue 4 (March 2006).

November 23: Environmental Policy

Denise Scheberle, "The Evolving Matrix of Environmental Federalism and Intergovernmental Relationships," *Publius*, Volume 35, Number 1 (Winter 2005):69-86.

Barry Rabe, "Contested Federalism and American Climate Policy," *Publius*, Volume 41, Number 3 (Summer 2011):494-521.

November 25: No Class

November 30: No Child Left Behind Act

Paul Manna, *Collision Course: Federal Education Policy Meets State and Local Realities* (Washington, DC: CQ Press, 2011), pp. 20-66.

Bryan Shelly, "Flexible Response: Executive Federalism and the No Child Left Behind Act of 2001," *Educational Policy*, Volume 26, Number 1 (January 2012): 117-135.

December 2: Common Core State Standards Initiative

Robert Rothman, "How We Got Here: The Emergence of the Common Core State Standards," *The State Education Standard*, Volume 12, Number 2 (August 2012):4-8.

Ashley Jochim and Lesley Lavery, "The Evolving Politics of the Common Core: Policy Implementation and Conflict Expansion," *Publius*, Volume 45, Number 3 (Summer 2015):380-404.

December 7: Health Care Policy

William G. Weissert and Carol S. Weissert, *Governing Health: The Politics of Health Policy*, 4th edition (Baltimore, MD: The Johns Hopkins University Press, 2012), pp. 230-275.

December 9: Patient Protection and Affordable Care Act

John Dinan, "Implementing Health Reform: Intergovernmental Bargaining and the Affordable Care Act," *Publius*, Volume 44, Number 3 (Summer 2014):399-425.

Lawrence R. Jacobs and Timothy Callaghan, "Why States Expand Medicaid: Party, Resources, and History," *Journal of Health Politics, Policy and Law*, Volume 38, Number 5 (October 2013):1023-1050.

CONGRESSIONAL HEARING ANALYSIS DUE AT BEGINNING OF CLASS

Part IV: The Contemporary Politics of American Federalism

December 14: Can Federalism Be Liberal?

Heather K. Gerken, "A New Progressive Federalism," *Democracy*, Issue 24 (Spring 2012): 37-48.

Gary Gerstle, "Federalism in America: Beyond the Tea Partiers," *Dissent*, Volume 57, Number 4 (Fall 2010): 29-36.

December 16: The Future of Federalism

Robertson, *Federalism and the Making of America*, pp. 165-78

Derthick, *Keeping the Compound Republic*, pp. 9-32

Saturday, December 19, 1:30 pm: FINAL EXAM

Student Conduct Code:

The University seeks an environment that promotes academic achievement and integrity, that is protective of free inquiry, and that serves the educational mission of the University. Similarly, the University seeks a community that is free from violence, threats, and intimidation; that is respectful of the rights, opportunities, and welfare of students, faculty, staff, and guests of the University; and that does not threaten the physical or mental health or safety of members of the University community.

As a student at the University you are expected adhere to Board of Regents Policy: *Student Conduct Code*. To review the Student Conduct Code, please see:

http://regents.umn.edu/sites/default/files/policies/Student_Conduct_Code.pdf.

Note that the conduct code specifically addresses disruptive classroom conduct, which means "engaging in behavior that substantially or repeatedly interrupts either the instructor's ability to teach or student learning. The classroom extends to any setting where a student is engaged in work toward academic credit or satisfaction of program-based requirements or related activities."

Use of Personal Electronic Devices in the Classroom:

The University establishes the right of each faculty member to determine if and how personal electronic devices are allowed to be used in the classroom. For complete information, please reference:

<http://policy.umn.edu/Policies/Education/Education/STUDENTRESP.html>.

Scholastic Dishonesty:

You are expected to do your own academic work and cite sources as necessary. Failing to do so is scholastic dishonesty. Scholastic dishonesty means plagiarizing; cheating on assignments or examinations; engaging in unauthorized collaboration on academic work; taking, acquiring, or using test materials without faculty permission; submitting false or incomplete records of academic achievement; acting alone or in cooperation with another to falsify records or to obtain dishonestly grades, honors, awards, or professional endorsement; altering, forging, or misusing a University academic record; or fabricating or falsifying data, research procedures, or data analysis. If it is determined that a student has cheated, he or she may be given an "F" or an "N" for the course, and may face additional sanctions from the University. For additional information, please see:

<http://policy.umn.edu/Policies/Education/Education/INSTRUCTORRESP.html>.

The Office for Student Conduct and Academic Integrity has compiled a useful list of Frequently Asked Questions pertaining to scholastic dishonesty: <http://www1.umn.edu/oscai/integrity/student/index.html>. If you have additional questions, please clarify with your instructor for the course.

Makeup Work for Legitimate Absences:

Students will not be penalized for absence during the semester due to unavoidable or legitimate circumstances.

<http://policy.umn.edu/Policies/Education/Education/MAKEUPWORK.html>.

Appropriate Student Use of Class Notes and Course Materials:

Taking notes is a means of recording information but more importantly of personally absorbing and integrating the educational experience. However, broadly disseminating class notes beyond the classroom community or accepting compensation for taking and distributing classroom notes undermines instructor interests in their intellectual work product while not substantially furthering instructor and student interests in effective learning. Such actions violate shared norms and standards of the academic community. For additional information, please see:

<http://policy.umn.edu/Policies/Education/Education/STUDENTRESP.html>.

Grading and Transcripts:

The University utilizes plus and minus grading on a 4.000 cumulative grade point scale. The two grading systems used are the ABCDF and S-N. Political science majors and minors must take POL courses on the ABCDF system. An S grade is the equivalent of a C- or better. Inquiries regarding grade changes should be directed to the course instructor. Extra work in an attempt to raise a grade can only be submitted with the instructor's approval.

For additional information, please refer to:

<http://policy.umn.edu/Policies/Education/Education/GRADINGTRANSCRIPTS.html>.

Incompletes:

The instructor will specify the conditions, if any, under which an “Incomplete” will be assigned instead of a grade. No student has an automatic right to an incomplete. The instructor may set dates and conditions for makeup work.

Sexual Harassment

"Sexual harassment" means unwelcome sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working or academic environment in any University activity or program. Such behavior is not acceptable in the University setting. For additional information, please consult Board of Regents Policy:

<http://regents.umn.edu/sites/default/files/policies/SexHarassment.pdf>

Equity, Diversity, Equal Opportunity, and Affirmative Action:

The University provides equal access to and opportunity in its programs and facilities, without regard to race, color, creed, religion, national origin, gender, age, marital status, disability, public assistance status, veteran status, sexual orientation, gender identity, or gender expression. For more information, please consult Board of Regents Policy: http://regents.umn.edu/sites/default/files/policies/Equity_Diversity_EO_AA.pdf.

Disability Accommodations:

The University of Minnesota is committed to providing equitable access to learning opportunities for all students. The Disability Resource Center is the campus office that collaborates with students who have disabilities to provide and/or arrange reasonable accommodations. If you have, or think you may have, a disability (e.g., mental health, attentional, learning, chronic health, sensory, or physical), please contact DS at 612-626-1333 to arrange a confidential discussion regarding equitable access and reasonable accommodations.

If you are registered with DS and have a current letter requesting reasonable accommodations, please contact your instructor as early in the semester as possible to discuss how the accommodations will be applied in the course.

For more information, please see the DS website, <https://diversity.umn.edu/disability/>.

Mental Health and Stress Management:

As a student you may experience a range of issues that can cause barriers to learning, such as strained relationships, increased anxiety, alcohol/drug problems, feeling down, difficulty concentrating and/or lack of motivation. These mental health concerns or stressful events may lead to diminished academic performance and may reduce your ability to participate in daily activities. University of Minnesota services are available to assist you. You can learn more about the broad range of confidential mental health services available on campus via the Student Mental Health Website: <http://www.mentalhealth.umn.edu>.

Academic Freedom and Responsibility:

Academic freedom is a cornerstone of the University. Within the scope and content of the course as defined by the instructor, it includes the freedom to discuss relevant matters in the classroom. Along with this freedom comes responsibility. Students are encouraged to develop the capacity for critical judgment and to engage in a sustained and independent search for truth. Students are free to take reasoned exception to the views offered in any course of study and to reserve judgment about matters of opinion, but they are responsible for learning the content of any course of study for which they are enrolled.

Reports of concerns about academic freedom are taken seriously, and there are individuals and offices available for help. Contact the instructor, the Department Chair, your adviser, the associate dean of the college, or the Vice Provost for Faculty and Academic Affairs in the Office of the Provost.

Students are responsible for class attendance and all course requirements, including deadlines and examinations. The instructor will specify if class attendance is required or counted in the grade for the class.