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# The United STATE of America

A CRITICAL EVALUATION OF  
AMERICA'S FEDERALIST SYSTEM



**FORGET FEDERALISM.** A system built on compromise and fear has lived far past its expiration date. After more than 220 years, America needs a change. *continued* ►

by Noah Weiss

# STATES ARE PASSÉ.

There are more than a hundred democracies in the world, and less than ten have federalist systems. Governments have followed the trend set by businesses: streamline and centralize. No longer are massive, multi-tiered, redundant bureaucracies necessary. No longer are national policies followed on the whim of governors. No longer are voters disenfranchised by the overprotection of the minority.

Europe has it right. European countries realize the strength in a unified voice and policy. They're embracing the idea of a unified Europe, the European Union. As the EU continues to develop, each state will progressively subordinate its sovereignty to the greater Europe. If the British, French, and Germans are willing to look past thousands of years of cherished history in the hopes for a better future, why can't American states look past only a few centuries worth of history?

## THREE PRESSING PROBLEMS

In the 2000 presidential election, the candidate who won by more than 540,000 votes lost. George Bush became America's new "popularly elected" president, despite not having the plurality of the votes.

In the Senate, Michael Enzi and Thomas Craig have the same voting power as Barbara Boxer and Dianne Feinstein. Enzi and Craig represent 501,242 people from the state of Wyoming, while Boxer and Feinstein represent 35,484,453 people from the state of California. That means that one person from Wyoming has the voting representation of 71 Californians. This is the nature of our pristine democracy.

In Massachusetts, you can get married to whomever you chose. In the rest of the country, your choice in Massachusetts can be ignored. Apparently marriage was not included in the constitutional provision that "the Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States."

## WHY FEDERALISM?

America's adoption of federalism was a knee-jerk reaction. After its initial battle against the monarchial oppression of the British King, and the subsequent disorder and disunity under the Articles of Confederation, America felt that it needed a radical change.

The constitution, then, was **not golden** ink scribed by Jefferson's divine pen, but rather a **rushed revision** of the **immensely flawed** Articles of Confederation.

After the Revolutionary War, a splintered and embittered group of colonies had earned their independence. They fought against tyranny, repression, and inequality. However, most people knew not what they were fighting for, but merely that there was a fight to be waged. The disarray after the Revolutionary War was a result of the disunity, ideologically and politically, of the colonies. With the monarchy and its magistrates still close in memory, Americans could not rid themselves of the fear of an overarching, omnipotent centralized government. The Articles of Confederation were designed to weaken the government—America was handicapping itself from the start. Anger at the king drove America to rebellion, and fear of a return of a king drove America to a loose confederation instead of a strong union.

Under the Articles of Confederation, each state acted as an autonomous nation, linked together only by a coalition meant to be weak and irreparable. There were no judicial or executive branches; congress could not regulate trade, impose taxes, nor compel any state to follow the laws it passed; nine out of thirteen colonies needed to agree to make a law; much-needed amendments required unanimity to be ratified. In addition to the national government's problems, the states made treaties with foreign nations, set tariffs against each other, and did not honor each other's laws. Because people felt allegiance to their states, not to their country, the nationalist movements of Europe were incomprehensible to America. After warring with Britain, the states resorted to warring with each other.

## THE NOT SO GREAT "GREAT COMPROMISE"

The Constitution was an imperfect product of irrational compromise and lack of forward-thinking.

After years of dysfunction under the Articles, a constitutional convention was desperately needed. The representatives realized the ineffectualness of the government under the Articles, but they believed a refortified federalist nation was the solution. While a stronger federal government would certainly help the quickly deteriorating union, many of the weaknesses of the Articles would invariably continue. In America's pursuit for a pure democracy, many of its people were grossly disenfranchised. Because the small states would refuse to ratify a constitution that lessened the power they had under the Articles of Confederation, the Connecticut Compromise, where

each state had equal representation in the senate, had to be made. The creation of the Electoral College further exacerbated the Connecticut Compromise's disservice to the big states. Each state receives a minimum of three electors, two senators and at least one representative, no matter how small. Because of the compromises made for the small states and the ever-increasing population disparities between states, America's pursuit for equal representation has been progressively more skewed.

The **dissolution** of the **federalist system** will create a **united state** that will both preserve and further the **democracy** the founding fathers hoped for.

Like the interstate conflicts during the confederation that the constitution only partially addressed, the problem of governing efficiency was only somewhat resolved. While the constitution strengthened congress and created judicial and executive branches, its ambiguity failed to enumerate their functions and relations with any degree of specificity. The constitution was nothing more than a sketch of how the government should function, and it would take hundreds of years before there was even a semblance of a completed painting. When a country has to redefine itself constantly—amending the constitution and interpreting its equivocalness, setting executive precedents—immediate issues often are neglected.

The constitution, then, was not golden ink scribed by Jefferson's divine pen, but rather a rushed revision of the immensely flawed Articles of Confederation that was more of a

subtle alteration than a revolutionary transformation. It took years under a dysfunctional government for America to realize the necessity of an executive, but irrational state pride could not be so easily reposed. Americans were so emotionally invested in their states, which were arbitrarily defined by royal magistrates, that they could not foresee the governing deadlock that would undoubtedly result from conflicting state demands. The founding fathers cannot be completely blamed for the faults and deficiencies of the constitution: their floundering confederation made a constitutional compromise seem like the last possible resort, one that needed to be immediately enacted. The direness of the situation made them “settle on an implausible compromise between a pure federation and a pure unitary government.”<sup>1</sup>

## THE FIX: STEPPING BACK TO MOVE FORWARD

This desperately created document needs not to be revered, but instead it needs to be revised. More than ever, America needs to have national cohesion, cooperation, and perhaps even identity, and the dissolution of the federalist system will create a United State that will both preserve and further the democracy the founding fathers hoped for and will create a government more efficient than they ever dreamed of.

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1 Derthick, Martha. 2001. “Keeping the Compound Republic: Essays on American Federalism.” The Brookings Institution. Page 2.

## THE PROBLEM: A BROKEN LEGISLATURE AND CONFUSED JUDICIARY

Political loyalty makes a congressman focus solely on getting government spending for his constituents. National improvement is a distant second priority to local pork. Layers of government create accountability gaps. The Supreme Court doesn't know which to honor more—a state's political sovereignty or the Constitution.

A bill designed to **help inner city schools**...grows to **have clauses** about a **dam** in Colorado, turnip **farms** in Wyoming, and port **reconstruction** in Oregon.

Instead of politicians working to better the nation, they work to better the lives solely of their constituents. Congressmen are constantly campaigning for reelection, and the transparency of governing brought about by Sunshine Laws, CSPAN, The Congressional Record, and mass media make each vote, speech, and appearance public. Policymaking becomes one continuous grandstand, with each member of congress appealing to their local constituents through quotable quotes and brag worthy voting



records.<sup>2</sup> Legislators “support projects that have geographically concentrated benefits” merely because these projects are a means of pursuing reelection.<sup>3</sup>

While Congress’s digression into logrolling may appease the interests of voters, it also breeds inefficiency. A bill that was designed to help inner city schools clean up asbestos grows to have clauses about a dam in Colorado, turnip farms in Wyoming, and port reconstruction in Oregon tacked on. As more representatives reach into the pork barrel, the bill becomes more and more likely to be passed because an increased number of representatives become invested in it. In the end, a hodgepodge of legislation that is severely mutated from the original bill is passed, and no one considers the fiscal or social impact. All that matters is each representative received their pork to feed their region. Indeed, the logrolling created by the demands of states and local constituencies perverts the legislative process.<sup>4</sup> Legislators can never meet the “demands for redistributive [programs] and [the] equally intense opposition to tax increases” from their local constituents.<sup>5</sup> Their only option is to increase government spending while cutting taxes, thus continuing America’s spiraling budget deficit.

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2 Easterbrook, Greg. 1984. “What’s Wrong With Congress?” *The Atlantic Monthly*, Volume 254, No. 6; pages 57–84.

3 Peterson, Paul. 1995. “The Price of Federalism.” The Twentieth Century Fund, Inc. New York, NY. Page 41.

4 Riker, W. H., and Brams, S. J. (1973) ‘The Paradox of Vote Trading,’ *American Political Science Review*, 62, 4: 1235–47.

5 Peterson, 44.

In addition to distorting policymaking, federalism creates a shifting system of accountability. Like an onion, America has layer upon layer of subnational governments. Each layer acts as an encapsulation, dependent, and provider for the national government. Each layer adds another level of complexity, another node on an ever-growing web that becomes increasingly difficult to traverse. Intergovernmental relations become so obfuscated in America's federalist system that responsibility is constantly

Paraplegics had to **crawl up** the courthouse steps for **lack of an elevator** and had to be carried into the bathroom...for lack of **proper facilities**.

displaced. But because “place has lost much of its importance in the American polity,” these location based relations have become antiquated and detrimental.<sup>6</sup> Legislators at the different levels of governments seek benefits only for their area, and “if at all possible, will shift governmental burdens to other levels of the federal system.”<sup>7</sup> Because of the confusion and complexity of intergovernmental relations, a large amount of “inefficiency in the administration of government programs” results.<sup>8</sup> When

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6 Derthick, 138.

7 Peterson, 16.

8 Peterson, 44.

the national government fails at implementing a program, it shifts it onto the states, as seen in the case of welfare. Because the government gives monetary rewards to states for lessening their welfare payroll, and because states now have to bear the economic burden of paying welfare checks, the welfare program has suffered immensely. In America, failures in governing are redressed instead of addressed.

The **13 smallest states**, consisting of **4.46%** of the population, **could outvote** the rest of the country when **ratifying** an **amendment**.

The confusion over accountability is now taking a political center stage because of the Rehnquist court's extreme propensity for conservatism and siding with states rights. Smaller national government is en vogue, and the court has been ruling accordingly. In a recent case in Tennessee, a group of disabled people sued the state for violating the Americans with Disabilities Act in "failing to make its courthouses accessible." (Tennessee v. Lane)<sup>9</sup> Paraplegics had to crawl up the courthouse steps for lack of an elevator and had to be carried into the bathroom and placed onto a toilet for lack of proper facilities. The court sided with Tennessee, despite the plaintiffs being treated

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<sup>9</sup> Cohen, Adam. January 11th, 2004. "Can Disabled People Be Forced to Crawl Up the Courthouse Steps?" *The New York Times*.

as “a second class of citizen who lack the full and equal opportunity to participate in civic life,”<sup>10</sup> as one of the plaintiffs, Mr. Lane, said. The ruling was justified by saying that the court “has to protect the dignity of the states.”<sup>11</sup> When protection of state rights so glaringly violates congressional mandates, when the Supreme Court finds constitutional backing to uphold these violations, when the divide between the federal and state governments is quickly becoming a gaping ravine—the federal system is fatally flawed.

America can ill afford to continue its experiment in federalism: the global trend in government is not towards devolution, but towards consolidation. As the European Union grows and centralizes, as China and India realize their industrial potential, as Southeast Asian countries continue their technological dominance, America continues to fall from the “superpower” nation status it had sole possession of after World War II.

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10 Cohen, January 11th.

11 *ibid.*

## IT IS TIME

While the rest of the world applies innovative business practices towards governing, America still longs to realize Hamilton's dream of the utopian federalist country, which Martin Diamond said was created "by people who were unable to decide whether to be one community or many."<sup>12</sup> It is time for America to learn from the Standard Oil monopoly of the 1800s; it is time for a massive reorganization, a complete vertical consolidation. The largest conglomerate in the world is the United States of America, and it desperately needs to integrate its subdivisions. It is time for the United State of America.

The dissolution of the states will bring about a new era of unitary government with truly proportional representation and a legislature working to better the country as a whole. Since federalism "is a political institution that democracy does not require,"<sup>13</sup> America can continue its democratic heritage even with only a national government. Without states, the Electoral College will be unnecessary. There will be no more winner-take-all states, insignificant campaigning, and useless voting. The president will

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<sup>12</sup> Derthick, 2.

<sup>13</sup> Dahl, Robert. 1998. "On Democracy." Yale University Press, p. 85.

be elected strictly by popular vote. Never again will the popularly elected candidate lose the election, as in the notorious Gore vs. Bush election of 2000. Instead of having a bicameral system, which merely slows the passing of bills by having unnecessary checks, congress will be unicameral. There will be 200 representatives, and every year the U.S. Census reaches another hundred million people, a two-thirds vote of the congress can change that number. The congressional elections will be held every four years, separated from the presidential elections by two years. Citizens will vote for

The governmental **paradigm shift** will initially be difficult to **understand** and **adjust** to, but these short-term hardships should **not inhibit** the **potential** for future **development**.

parties, ranking their top three choices, with the option of having an instant runoff to give their vote to the party receiving the most national votes at the end of the election. While an increase in partisanship is inevitable, every vote will count and have a substantial impact in congressional and presidential elections. Proportional representation solves the inequity of voting under the federalist system. Small states will no longer have an unfair sway in the electoral college, nor will they be able to band together to block an amendment from ratification. As of the 2000 Census, the 13 smallest states, consisting of 4.46% of the population, could outvote the rest of the country

when ratifying an amendment.<sup>14</sup> For the first time in American history, there will not only be universal suffrage, but also universal voting equality.

## Future generations of Americans will be able to feel secure relying on...social security, Medicare, welfare, and pensions.

Every cabinet level department will have an auxiliary, parallel organization added on to it to handle the execution and implementation of national policies on regional and local scales. Instead of having state, county, and city governments, each with their own departments, the national government will have departments that will subdivide to handle different regions. The benefits of consolidation, such as a more rapid diffusion of technology between divisions and a more cost-efficient use of capital by operating in bulk, will be applied to regional and local governing. While the federal bureaucracy will swell, the overall number of government workers will decrease because job redundancy will be lessened. Accountability will no longer be an issue, because there is only one, central government. However, it will not be an autocracy because congress, the president, and much of the judiciary will be democratically elected.

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14 U.S. Census Bureau, Census 2000 Redistricting Data (P.L. 94-171) Summary File and 1990 Census.

In addition, the transparency of the government under the federalist system will be maintained, so the public will still be able to hold the government accountable for its actions. This streamlined national government will maintain the local representation of the federalist system while vastly improving functional efficiency and intergovernmental relationships.

**Federalism** is the **unbearable weight** that **inhibits America** from growing and developing.

In combining the state courts and all the federal circuit courts, the judicial system will no longer be fragmented as it was under federalism. There will finally be uniform justice, where crimes are treated identically no matter where they are committed. Virginia will not be able to execute minors when Massachusetts does not even have a death penalty, and if gays can have civil unions in Vermont, they will be able to have civil unions in Texas. The court system will have an appellate and trial division, with civil and criminal courts still separated. All appeals can eventually end up in the Supreme Court, but there will be two parallel courts, one for constitutional issues and one for all other cases. Never again will the Supreme Court have to be concerned with whether its rulings will be enforced, since there are no states to disobey its rulings. America's history of moral division will finally end, because with one court system, differences in judicial opinion will have to be resolved and the resolutions will have a national effect. An auxiliary benefit of a united judicial system is a united penal system, which would



save money and better the conditions of inmates because of newly introduced national standards. The Supreme Court will be able to continue to “emerge as an aggressively nationalizing force,”<sup>15</sup> like it was under Earl Warren. As the religious right and radical left are forced to reconcile, a national identity will begin to take form. Political and ideological differences will still be valued, but radicals on both sides of morality will need to compromise as the judicial system is nationalized and justice is equalized.

## **THE COST OF IDEOLOGICAL DISCOMFORT; THE BENEFIT OF NATIONAL UNITY AND UNLIMITED POTENTIAL FOR PROGRESS**

Dissolving the federalist system, then, will bring about a new era of economic and cultural growth, where a national identity will finally be realized and the states will finally be united. For most Americans, the governmental paradigm shift will initially be difficult to understand and adjust to, but these short-term hardships should not inhibit the potential for future development.

Instead of resisting the global push towards consolidation and centralization, America will follow suit. After all, “among the 22 older democratic countries, only six are truly

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15 Derthick, 60.

federal, and in all six countries, federalism is the result of special historical circumstances.”<sup>16</sup> America’s heritage will be left mostly intact, since the dissolution of the federalist system does not require a complete restructuring of the national government. Increases in efficiency will cut costs and increase revenue, thus helping to stop the ballooning national deficit. Future generations of Americans will be able to feel secure relying on government redistributive programs such as social security, Medicare, welfare, and pensions, without the fear of massive spending cutbacks because of a spiraling deficit. Because of America’s diversity, fostering some semblance of a national identity and cohesion is incredibly important. Without the arbitrary borders of states serving as yet another boundary between people, on top of the often divisive racial, ethnic, and cultural differences, America can move towards a feeling of national unity.

## MOVING ON

America has outgrown the confining shackles of federalism, and it is ready for the next stage in its political development: it is ready to become The United STATE of America.

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<sup>16</sup> Dahl, 120.

## FEDERALISM MAINTAINS THE STATUS QUO. BREAK THROUGH IT.

America is stagnant. It is the world's sole superpower and largest economy, it is the champion of democracy, and it is the liberator of the oppressed. It is not, however, improving. Federalism is the unbearable weight that inhibits America from growing and developing.

You can help lighten the load. Start questioning the institutions that control our society.

- » Why is it that no third party has ever developed into a political force?  
.....
- » How come people in states dominated by either the democrats or republicans feel that it's useless to vote in a presidential election?  
.....
- » Why does America have some of the lowest voter turn out rates in the world?  
.....
- » Why is there such voter apathy?  
.....
- » Why are congressmen able to serve for decades, even if their performance deteriorates and their views become archaic?  
.....
- » Why can a legal marriage in one state be unrecognized in another?  
.....
- » Why can less than five percent of the population block an amendment to the constitution from passing?  
.....

- » Why can a presidential candidate who wins the majority of the vote not be elected president?  
.....
- » Why can a man who is a paraplegic be forced to crawl up a state court's steps in the name of protecting the dignity of the states?  
.....
- » Why do Wyoming and South Dakota have as much power in the Senate as California or Texas?  
.....
- » Why, if America is so riddled with racial, ethnic, social, and economic divides, does it have arbitrary divides in the form of the fifty states?  
.....

## STOP SETTLING FOR POLITICAL COMPLACENCY.

Ask why.

Ask your husband or wife, your children, your parents, your friends, your neighbors, and your colleagues. Ask your local assemblyman, your representative in the House, your senators, your governor, your justices, and your president.

Just because America has always been a federalist state, doesn't mean it has to be a federalist state.

Send this to everyone who needs to question why America is run the way it's run. Print out copies, and when you run into your governor, ask him why and hand him a copy. When you see the president campaigning, toss him a copy.

**If enough people ask the question, everyone will have to find the answer.**

## WINNERS AND LOSERS

Lots of people win because of America's federalist system. George Bush certainly wins. The senators from South Dakota, Wyoming, North Dakota, Delaware, Vermont—they all win. Every bureaucrat working at job ten other bureaucrats already do, in a department some big time bureaucrats unnecessarily created—they all win. Every employee of a state government, from Governor Pataki to Mayor Bloomberg to the garbage man—they all win.

And you lose.

As of 2002, according to the Census bureau, there are 87,849 local governments, 2,654,589 federal government employees, and 15,602,141 state and local government employees.

The winners are the over 18 million government employees.

The losers are the 275 million people left over.

Federalism is antiquated, undemocratic, and inefficient. But the people who have the power to change it—government employees—are the people who benefit from the system.

This is not a libertarian, government is useless, let the people rule themselves argument. This is a progressive, government needs to be reformed, let the people make the changes the government wont argument.

You need to be an agent of change. Complacency is not an option. Settling for what once worked, and what now barely gets by, is not an option. You need to spread these ideas, promote these ideas, and be an advocate for these ideas. Our federalist system serves only the government employees who run it. Internal reform will never happen by itself, so it's up to everyone to poke, prod, and provoke the government into making this change happen from the outside.

It is time for the United **STATE** of America.

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A lifetime New Yorker, Noah Weiss is heading out west to Stanford after graduating from Stuyvesant High School. Michael Jackson's "Moonwalker" incited a call-to-action for modern dance, and Noah has been jumping, spinning, and rolling around in classes and performances ever since. He is a man who wears many masks: writer, photographer, runner, programmer, dancer, designer, and above all, lover of stuffed artichokes. <http://outmedia.org/SeniorPortfolio/> Contact: noah@changethis.com

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