

FEDERALISM

by Honorable Jeffrey S. Sutton

In this essay, Judge Jeffrey S. Sutton explores federalism, the Constitution's system for dividing power between the national government and the states. Far from being an answer, federalism is an ongoing question: which issues should be handled locally, which should be handled nationally, and when should the two levels work together? Judge Sutton traces how this balance has shifted from the founding era to the present, showing how federalism creates a constant dialogue between different sources of authority.

Use the questions below to guide your reading.

Defining and Understanding Federalism

1. How would you describe the phrase *"split the atom of sovereignty"*?
2. Why do you think Americans struggle to describe the concept of federalism?
3. How did the innovation of federalism in the Constitution unleash a new experiment in government?

Federalism in the Constitution's Design

1. What are some ways the structure of the Constitution respects and protects local power?
2. In what ways have amendments shifted the balance of power between national governments and state governments?

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Federalism as a Laboratory for Innovation

1. What advantages are there for a state to act as a “laboratory” to experiment with possible solutions to problems?
2. Are there any disadvantages to states experimenting with solutions to problems?

Reflect and Discuss

1. Does federalism remain a compelling tool to handle the challenges of the modern era?
2. What is the danger in focusing on only a “single story” to constitutional questions?