



Chapter 4: Close Up on Primary Sources

American Presidents on Federalism

Read both articles. Answer the questions on a separate sheet of paper.

The issue of federalism, the division of power between the States and the Federal Government, is one that is never far away from presidential politics. In the second half of the 20th century, Presidents and presidential candidates often debated how power and authority should be divided between the Federal Government and the States. While all Presidents have upheld federalism—one of the basic principles of the Constitution—many Presidents have supported policies favoring a strong Federal Government at the expense of the States, contrary to federalist ideals.



President Dwight D. Eisenhower

Dwight D. Eisenhower and Federalism

Although he was a Republican—from the party that typically favors States' rights—Eisenhower produced a number of policies that asserted the priority of the Federal Government over State governments. In 1957, for example, Eisenhower ordered federal troops to Little Rock, Arkansas, to integrate Central High School, when that State's governor, Orval Faubus, refused to abide by a federal court ruling. Eisenhower also promoted the "biggest peacetime construction project" in the history of the United States—the creation of the federal highway system. Eisenhower later described the project:

More than any single action by the

government since the end of the [Second World War], this one would change the face of America...Its impact on the American economy—the jobs it would produce in manufacturing and construction, the rural areas it would open up—was beyond calculation.

Lyndon B. Johnson and Federalism

Lyndon B. Johnson, a Democrat, was also willing to promote the Federal Government. Johnson is perhaps best remembered for his "Great Society" programs, social and economic programs sponsored by the Federal Government to improve housing, education, and health for all Americans. And yet, Johnson viewed this program as a sort of federalism, when he proposed it in 1964:

The solution to these problems does not rest on a massive program in Washington, nor can it rely solely on the strained resources of local authority. They require us to create new concepts of cooperation, a creative federalism, between the national capital and the leaders of local communities.

Today, many opponents of expanded government power view the Great Society programs as an example of "big government" and the opposite of federalism. As the debate continues, Americans struggle to find an acceptable balance between promoting the welfare of the entire country and granting power to the States.

Questions for Discussion

1. Why would people consider sending United States troops to integrate a local school an action that goes against the principles of federalism?
2. What did Lyndon Johnson mean by "creative federalism" in his proposal for Great Society programs?



Themed Collection: SEPARATION OF POWERS

Baron de Montesquieu: The Spirit of the Laws, 1748

The French aristocrat Baron de Montesquieu (1689–1755) wrote *The Spirit of the Laws*, in which he concluded that the separation of the executive, legislative, and judicial powers was in the best interests of the people. Both the French revolutionary thinkers and the Framers of the United States Constitution were influenced by Montesquieu's ideas.

The principle of democracy is corrupted not only when the spirit of equality is extinct, but likewise when they fall into a spirit of extreme equality, and when each citizen would fain be upon a level with those whom he has chosen to command him. Then the people, incapable of bearing the very power they have delegated, want to manage everything themselves, to debate for the senate, to execute for the magistrate, and to decide for the judges.

When this is the case, virtue can no longer subsist in the republic. The people are desirous of exercising the functions of the magistrates, who cease to be revered....

Democracy has, therefore, two excesses to avoid—the spirit of inequality, which leads to aristocracy or monarchy, and the spirit of extreme equality, which leads to despotic power, as the latter is completed by conquest....

In the state of nature, indeed, all men are born equal, but they cannot continue in this equality. Society makes them lose it, and they recover it only by the protection of the laws.

Such is the difference between a well-regulated democracy and one that is not so, that in the former men are equal only as citizens, but in the latter they are equal also as magistrates, as senators, as judges, as fathers, as husbands, or as masters.

The natural place of virtue is near to liberty; but it is not nearer to excessive liberty than to servitude....

Democratic and aristocratic states are not in their own nature free. Political liberty is to be found only in moderate governments; and even in these it is not always found. It is there only where there is no abuse of power....

To prevent this abuse, it is necessary, from the very nature of things, that power should be a check to power. A government may be so constituted, as no man shall be compelled to do things to which the law does not oblige him, nor forced to abstain from things which the law permits....

When the legislative and executive powers are united in the same person, or in the same body of magistrates, there can be no liberty; because apprehensions may arise, lest the same monarch or senate should enact tyrannical laws, to execute them in a tyrannical manner....

Again, there is no liberty, if the judiciary power be not separated from the legislative and executive. Were it joined with the legislative, the life and liberty of the subject would be exposed to arbitrary control; for the judge would be then the legislator. Were it joined to the executive power, the judge might behave with violence and oppression.

There would be an end of everything, were the same man or the same body, whether of the nobles or of the people, to exercise those three powers, that of enacting laws, that of executing the public resolutions, and of trying the causes of individuals.

Questions for Discussion

1. What, according to Montesquieu, are two dangers to be avoided in a democracy?
2. Why does Montesquieu promote the separation of powers?