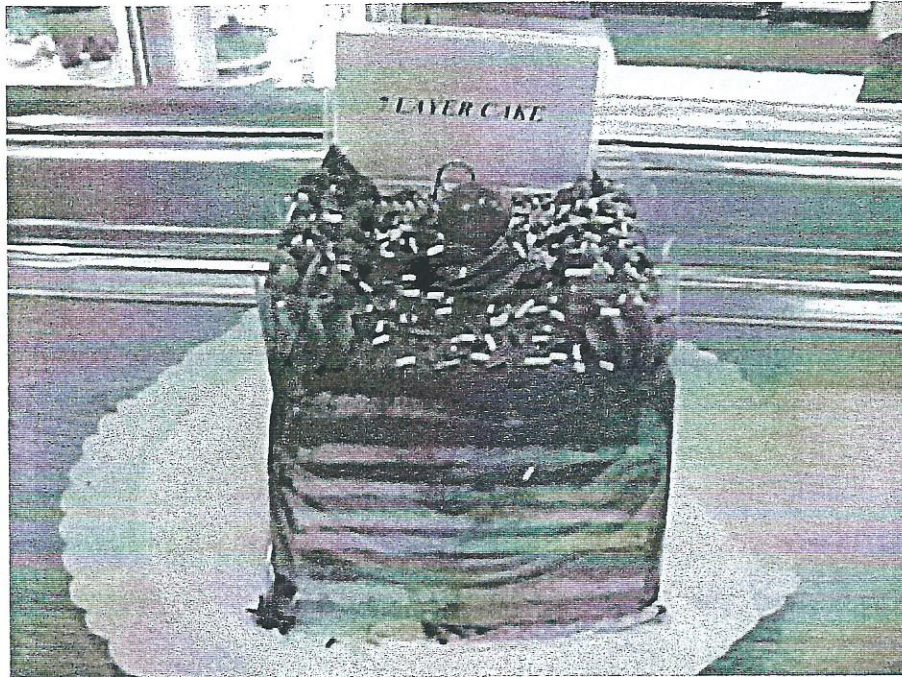


Dual Federalism “layer cake” federalism



dual federalism - holds that the federal government and the state governments are co-equals, each sovereign.

- In this theory, parts of the Constitution are interpreted very narrowly, such as the 10th Amendment, the Supremacy Clause, the Necessary and Proper Clause, and the Commerce Clause.
- In this narrow interpretation, the federal government has jurisdiction only if the Constitution clearly grants such (examples: coining money, regulating commerce, foreign affairs).
- In this case, there is a very large group of powers/roles belonging to the states, and the federal government is limited to only those powers explicitly listed in the Constitution (examples: education, race relations).
- This type of federalism dominated from the Founding (1788) to FDR's election in 1932.
- What does *dual federalism* have in common with a layer cake?