ABSTRACT

TITLE:	Federalism and Direct Democracy: Why States Dissent Against Federal Law
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ABSTRACT: This research examines the role of direct democracy in a federal system of government and why states choose to defy federal law. Ever since the adoption of the Constitution, America has been dealing with the issue of delineating which powers are reserved to the national government and which powers are reserved to the states. Scholars of federalism have long theorized about the nature of the relationship between the states and the federal government. While some scholars would describe the relationship of power as cooperative, this presentation continues the tradition of uncooperative federalism and establishes the theory of dissenters' federalism. This theory depicts states as subservient to the federal government and are implementers of policy. Individual states can choose to follow federal policies or dissent against them. By creating state laws that do not conform to federal policy, states can effectively dissent against their national government. The main focus of the research is, how direct democracy within a state affects the frequency of its dissent. As previous scholars have shown, state dissent is tied directly to partisanship. Democratic states are likely to dissent against laws made during a Republican Congress and vice versa. For the purposes of this study, six Democratic states were selected for analysis during a period of a Republican controlled congress. By understanding the nature of direct democracy in a federal system, it is possible for ordinary citizens to challenge federal laws through a state's institutions.