

Federalism:

the division of power.

key terms

- **Federalism:** a system of government in which a written constitution divides the power between a central, or national, government and several regional governments.
- **division of powers:** basic principle of federalism; the constitutional provisions by which governmental powers are divided on a geographic basis.
- **delegated powers:** those powers, expressed, implied, or inherent, granted to the national government by the constitution.

key terms

- **expressed powers:** those delegated powers of the national government that are spelled out, expressly, in the constitution; also called the “enumerated powers.”
- **implied powers:** those delegated powers of the national government that are suggested by the expressed powers; those “necessary and proper” to carry out the expressed powers.
- **inherent powers:** powers delegated to the national government because it is the government of a sovereign state within the world community.

key terms

- **reserved powers:** those powers that the constitution does not grant to the national government and does not, at the same time, deny to the states.
- **exclusive powers:** those powers that can be exercised by the national government alone.
- **concurrent powers:** those powers that the national government and the states possess and exercise.

Federalism defined

- federalism is a dual system of a government. provides for two basic levels of government, each having its own area of authority. operating over the same people and the same territory at the same time.
- federalism allows local action in matters of local concern, and national action in matters of wider concern

Powers of the national government

- the national government is a government of delegated powers. basically it only has those powers granted to it in the constitution. there are three types of delegated powers: expressed, implied, and inherent.
- **expressed powers:** are expressed in article 1 section 8 of the constitution.

Powers of the national government

- **implied powers:** they are not stated in the constitution but are suggested or implied, by the expressed powers. these are under the necessary and proper clause. also known as the elastic clause because they are stretched to cover many situations.
- examples: the 42,000-mile interstate highway. causes crimes of moving stolen goods, gambling devices, and kidnapped persons across state lines.

Powers of the national government

- examples cont'd: implied powers have also prohibited racial discrimination in granting access to such places as restaurants, theaters, hotels, and motels.
- congress has taken these actions, because the power to do so is reasonably implied by one of the expressed powers: the power to regulate interstate commerce.

Powers of the national government

- **inherent powers:** are possessed by the national governments, the congress does not expressly provide for them.
- examples: the power to regulate immigration, to deport undocumented aliens, to acquire territory, to give diplomatic recognition to other states, and to protect the nation against rebellion or other attempts to overthrow the government.

Powers denied to the national government.

- The Constitution delegates certain powers to the national government, it also denies the national government certain powers. it does this in three certain ways.
- First, the Constitution denies some powers to the national governments in so many words expressly. Congress may not deny freedom of religion, speech, press, or assembly; conduct illegal searches or seizures; or deny to any person accused of a crime a speedy and public trial or trial by jury.

Powers denied to the National government.

- Second, several powers are denied to the national government because of the silence of the constitution. the national government only has those powers of the constitution that gives it expressly, implicitly, or inherently.
- Such as powers to create a public school system for the nation, to enact uniform marriage and divorce laws, and to set up units of local government.

Powers denied to the national government.

- Third, some powers are denied by the federal system itself. The Constitution does not intend that the national government has any power to take action, because that would threaten the existence of that system.
- Such as the power to tax, congress cannot tax any of the states or their local units in carrying out of their governmental functions.

the States.

- the powers reserved to the states: the states are governments to reserved powers.
- These are denied to the states and granted to the national government. the states have many reserved powers, and they can do these because the Constitution does not give the national government the power to take these actions.
- examples: states forbid persons under 18 to marry without parental consent, or those under 21 to buy liquor. states require lawyers, doctors etc to be licensed.

The States.

- powers denied to the states: some powers denied by the Constitution are, no state can enter into any treaty, alliance, or confederation. States can not print or coin money or deprive any person of life, liberty, or property without due process of law.
- some powers are denied to the states inherently as well, by the federal system. Basically no state (and no local government) can tax any of the agencies or functions of the national government.
- Reminder: each state has its own constitution, that also denies many powers.

The exclusive and the concurrent powers.

- most powers that come from the constitution delegates to the national government these are the exclusive powers. these can only be exercised by the national government. some of these powers are expressly denied to the states.
- examples, coining money, to make treaties with foreign states, and to lay taxes on imports.
- concurrent powers are delegated to the national government, but the state possesses these too.

The exclusive and the concurrent powers.

- examples: power to levy taxes and collect taxes, to define crimes and set punishments for them, and to condemn private property for public use.

The supreme law of the land.

- The supreme court and federalism. The supreme court is the umpire in the federal system. Its biggest duty is to apply the supremacy clause to the conflicts that the dual system of government produces.

The supreme law of the land.

- the American federal system came up with a dual system of government which results in conflicts between national law and state law. So we have the supremacy clause.
- supremacy clause: this clause joins the national government and the states into a single governmental unit, a federal government. Basically it holds together the complex structure that is the American federal system.

The federal system and local governments.

- There are forms of government across the whole country. All of these local governments are parts or subunits of the various state governments.
- Local governments can provide services, regulate activities, collect taxes etc. When local governments exercise these powers, they are actually exercising State powers.

Types of Federal Grants to States

- Block Grants: One type of federal grants-in-aid for some particular but broadly defined area of public policy
- Categorical Grants- One type of federal grants-in-aid; made for some specific, closely defined purpose
- Project Grants- One type of federal grants-in-aid; made for specific projects to States, localities, and private agencies who apply for them

Article IV Section 1

- Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

Full Faith and Credit

- clause requiring that each State accept the public acts, records, and judicial proceedings of every other State
- Constitution's requirement that each State accept the public acts, records, and judicial proceedings of every other State.

Article IV Section 2

- The Citizens of each State shall be entitled to all the Privileges and Immunities of Citizens in the several States.