

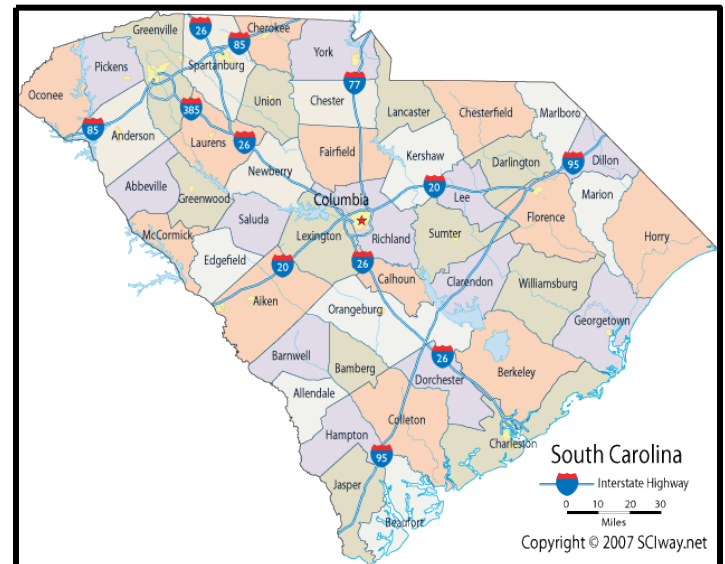
Federalism



The Division of Power

Federalism Defined:

- System of government in which a written constitution divides powers of government on a territorial basis between a central (national) government and several regional (state) governments.
- Each of these levels of government has its own set of powers but some may overlap (share)

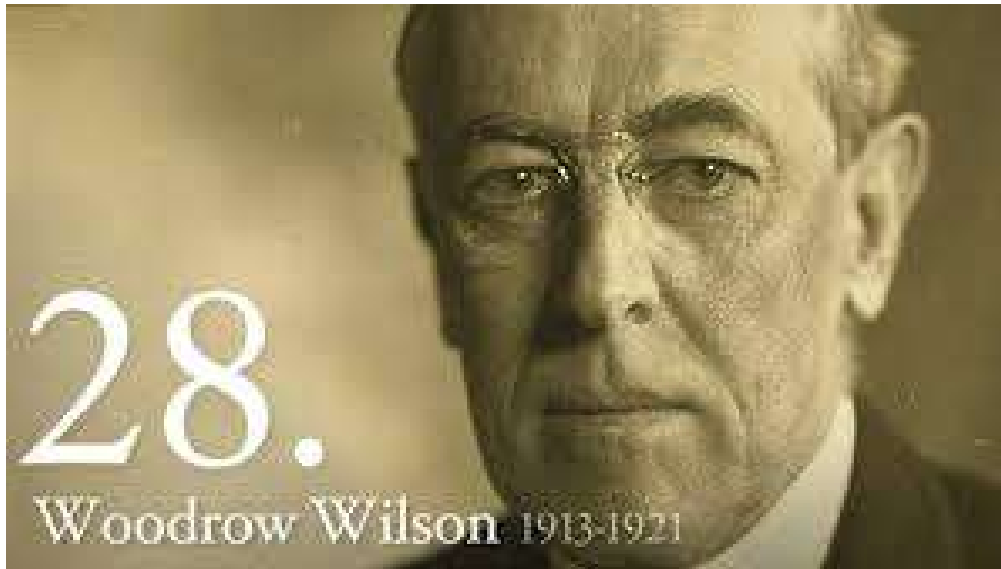


The Founding Fathers and Federalism

- The founders envisioned that both levels of government would have certain powers but neither would become too powerful (power is fragmented)
- The people could shift their support between the federal and state levels to keep the balance between the two
- The US Constitution does not explain the powers that the individual states would have, only the powers of the **national government**

The Cardinal Question

- President **Woodrow Wilson** (1913-1921) believed the **relationship between the national government and the states** “*is the cardinal question of our constitutional system*”
- Wilson further observed that the relationship “*cannot be settled by one generation because it is a question of growth, and every successive stage of our political and economic development gives it a new aspect, makes it a new question*”



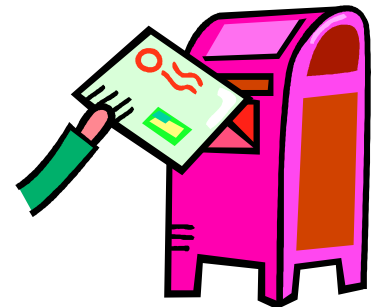
Federalism and the Constitution

- **10th Amendment:** “Powers not delegated to the United States by the Constitution, nor prohibited by to the States, are reserved to the States respectively, or to the people”
- **Delegated Powers:** Powers the national government have (**Expressed and Implied**)
- **Reserved Powers:** Powers only the state governments have
- **Concurrent Powers:** Powers that both the national and state governments share
- **Prohibited Powers:** Powers that neither the federal nor state government can exercise

Delegated Powers

- Powers granted to the national government by the US Constitution (2 types: expressed and implied powers)
- **Expressed (Enumerated) Powers:** powers granted to the national government by the US Constitution which are spelled out (written) specifically in the Constitution

Declare war
Establish a post office
Coin and print money
Raise and support an Army
Make treaties
Collect Taxes
Regulate foreign trade
Laws for immigration



Delegated Powers

- **Implied Powers:** powers granted to the national government that are NOT specifically spelled out (written) in the constitution but are implied:
- **Necessary and Proper Clause** (Article I, Section 8, Clause 18) *Congress has the power to “make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution...”* also called the **Elastic Clause**

Examples

Congressional Powers

- **Expressed Power: Raise an Army**

Implied Power: Establish a draft to raise an Army

Implied Power: Develop new armored tanks

Implied Power: Construct military bases

- **Expressed Power: Collect Taxes**

Implied Power: Establish the IRS (Internal Revenue Service)

Implied Power: Establish a national bank

Implied Power: Punish those who fail to pay their taxes

- **Expressed Power: Regulate commerce**

Implied Power: Prohibit the importation of certain goods

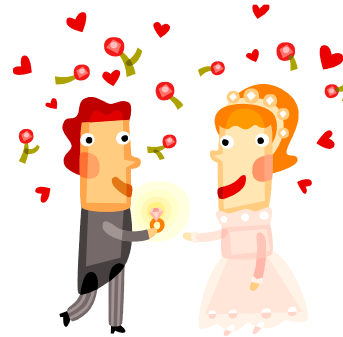
Implied Power: Prohibit the exportation of certain goods



Reserved Powers

- Powers that the states exercise but generally the federal (national) government does not

- Marriage and divorce laws
- Speed limits
- Regulate alcoholic beverages
- Establish public schools
- Licenses requirements for professionals
- Conduct elections
- Establish local governments

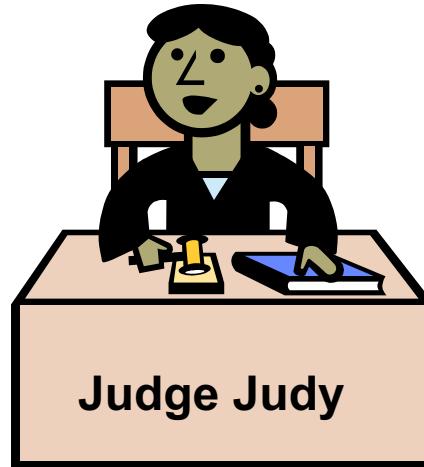


Concurrent Powers

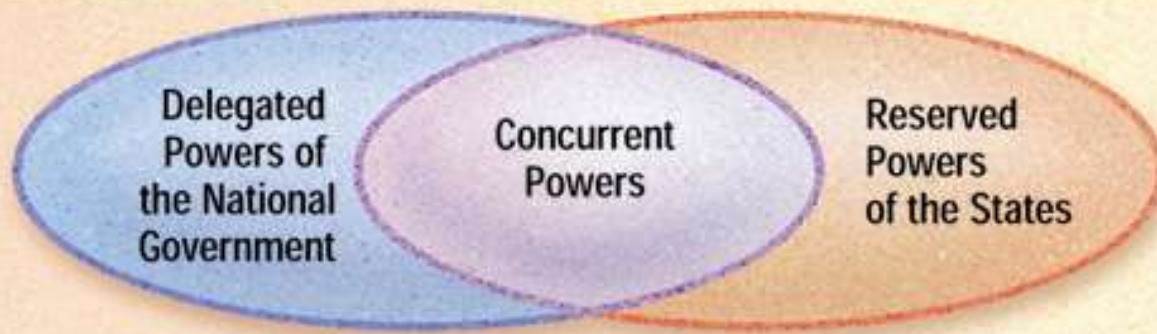
- Powers that both the National government and state governments possess and exercise or share together



- Collect taxes
- Borrow money
- Establish courts
- Define crimes and set punishments
- Claim private property for public use



The Division of Powers



National Powers	Concurrent Powers	State Powers
<ul style="list-style-type: none">• Coin money• Regulate interstate and foreign trade• Raise and maintain armed forces• Declare war• Govern U.S. territories and admit new States• Conduct foreign relations	<ul style="list-style-type: none">• Levy and collect taxes• Borrow money• Establish courts• Define crimes and set punishments• Claim private property for public use	<ul style="list-style-type: none">• Regulate trade and business within the State• Establish public schools• Pass license requirements for professionals• Regulate alcoholic beverages• Conduct elections• Establish local governments

Prohibited Powers

Powers prohibited by both the national and state governments

- The **Writ of Habeas Corpus** shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it
- No **bill of attainder** or **ex post facto law** shall be passed
- **No tax or duty** shall be laid on articles exported from any state
- **No title of nobility** shall be granted by the U.S.
- No person holding office shall accept any gift, emolument, office, or title from any **foreign government**