

Chapter 4: Federalism

Section 1

Lecture Notes

The title 'AMERICAN GOVERNMENT' is centered on the page. 'AMERICAN' is in a white, serif font with a slight shadow, and 'GOVERNMENT' is in a larger, bold, yellow, sans-serif font with a black outline. The text is set against a background of a stylized American flag with blue stars and red and white stripes. A thick yellow horizontal bar is located at the bottom of the page.

AMERICAN  
GOVERNMENT

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# ► Objectives

1. Define federalism and explain why the Framers chose this system.
2. Identify powers delegated to and denied to the National Government, and powers reserved for and denied to the States.
3. Explain the difference between exclusive and concurrent powers.
4. Examine the Constitution as “the supreme Law of the Land.”

# ▶ Key Terms

- **federalism:** a system of government in which a written constitution divides power between a central government and several regional governments
- **division of powers:** assigning some powers to the federal government and others to the States
- **delegated powers:** powers granted by the Constitution
- **expressed powers:** powers specified clearly in the Constitution
- **implied powers:** powers not specifically mentioned, but suggested by the expressed powers

## ▶ Key Terms, cont.

- **inherent powers:** powers that belong to all independent national governments
- **reserved powers:** powers not given to the national government or denied to the States
- **exclusive powers:** powers that can only be used by the national government
- **concurrent powers:** powers shared by the national and State governments
- **Supremacy Clause:** the provision declaring the Constitution to be the supreme law of the land

- How is power divided between the Federal Government and the States?
  - Certain **exclusive powers**, such as the power to coin money, are exercised only by the federal government.
  - **Reserved powers**, such as the power to establish public schools, are exercised only by the States.
  - **Concurrent powers**, such as the power to tax, are shared by the States and the federal government.

# ▶ Federalism

- The Framers believed that government power must be divided and limited so that it cannot threaten individual liberty.
- The Constitution divides power between the federal government and the States through federalism.
  - Federalism creates two basic levels of government that overlap.
  - Each level has some powers denied to the other level.

## ▶ Federalism, cont.

- Federalism allows local governments to handle local concerns while the national government deals with national issues.
  - This gives each of the States some flexibility when dealing with challenges.
  - Successful State programs, such as welfare reform, can influence national policies as well as policies in other States.
- Federalism also lets the nation respond in a united way to serious crises like war or natural disasters.

# ► Expressed Powers

- The congressional powers specified in the Constitution in Article I include the power to coin money, raise armed forces, and levy taxes.
- Other expressed powers are granted to the President in Article II and the Supreme Court in Article III.





# ► Implied Powers

- Checkpoint: Why is the Necessary and Proper Clause sometimes referred to as the Elastic Clause?
  - The **Necessary and Proper Clause** gives Congress the power to make all laws “necessary and proper” for carrying out its expressed powers, so it is said to stretch to cover many situations.
  - Congress exercises many **implied powers** that are based upon its expressed powers. These implied powers include building the interstate highway system and banning racial discrimination in public places.

# ► Inherent Powers

- Every national government has certain powers, called **inherent powers**. These inherent powers are not based on the Constitution.
- Inherent powers include acquiring territory, defending the nation, regulating immigration, and conducting diplomacy.



# ▶ Denied Powers

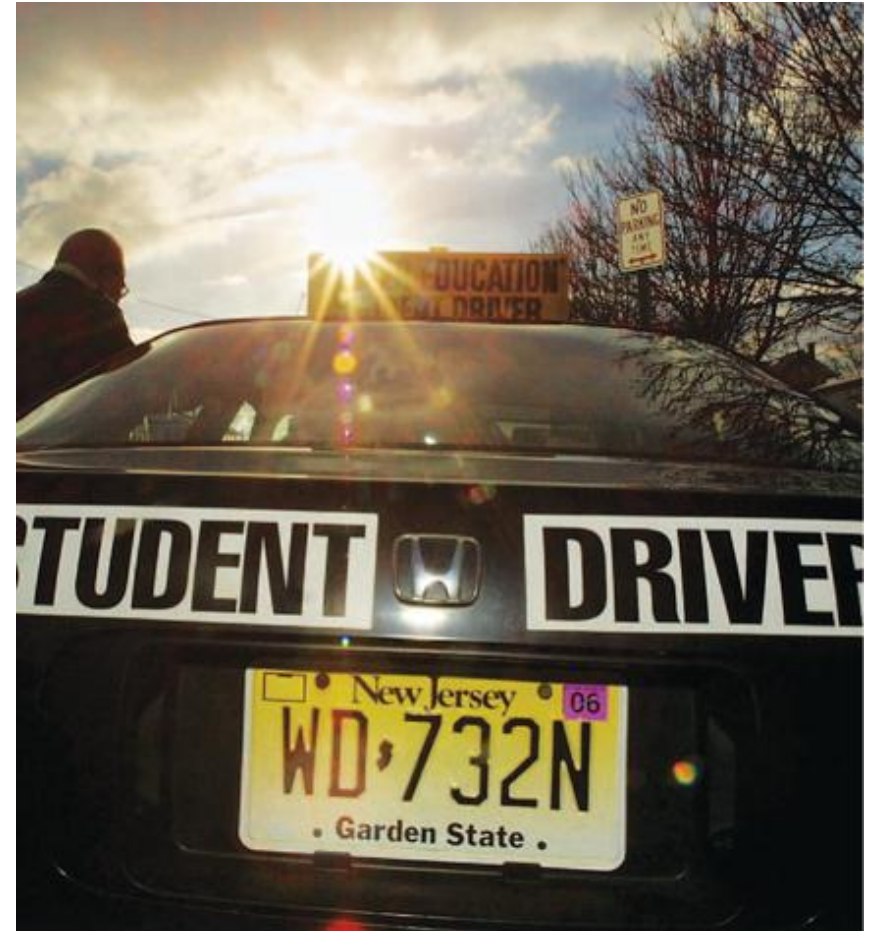
- The Constitution denies certain powers to the federal government.
  - Some powers are specifically denied, such as the power to prohibit freedom of religion, speech, press, or assembly.
  - Other powers, like creating a national school system, are denied because they cannot be based on expressed powers.
  - Finally, the national government cannot have powers that would undermine the existence of the federal system.

# ▶ State Reserved Powers

- The 10<sup>th</sup> Amendment reserves to the States all powers not given to the federal government or denied to the States.
  - These powers include the police power, which lets a State protect and promote public health, morals, safety, and general welfare.
  - State and local governments use the huge scope of the reserved powers to perform many of their daily actions.

## ▶ State Reserved Powers, cont.

- Issuing driver's licenses is a power reserved to the States.
  - Most States require a written, on-road, and vision test.
  - The age at which teenagers can get a license and the rules new drivers must follow vary from State to State.



# ▶ Powers Denied the States

- The Constitution specifically denies some powers to the States.
  - Some of these powers are also denied to the federal government.
  - Other powers denied to the States are *exclusive* to the federal government. For example, States cannot tax imports or coin money, but the federal government can.
- The States are denied some powers by the nature of the federal system.
  - No State can tax the federal government or regulate interstate trade.

# ▶ Concurrent Powers

- **Concurrent powers** are shared by the federal government and State governments. They allow the federal system to function.
- They include all powers not exclusive to the national government or denied to the States.
  - Local governments use these powers only with the permission of their State.

# ▶ Sharing Responsibility

- Some powers are exercised by both levels of government, as you can see in the circle.
  - Why do both levels of government have the power to establish law enforcement agencies?

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- Levy and collect taxes
- Borrow money
- Establish courts
- Define crimes and set punishments
- Set environmental and health standards
- Claim private property for public use
- Establish a police force
- Protect national borders





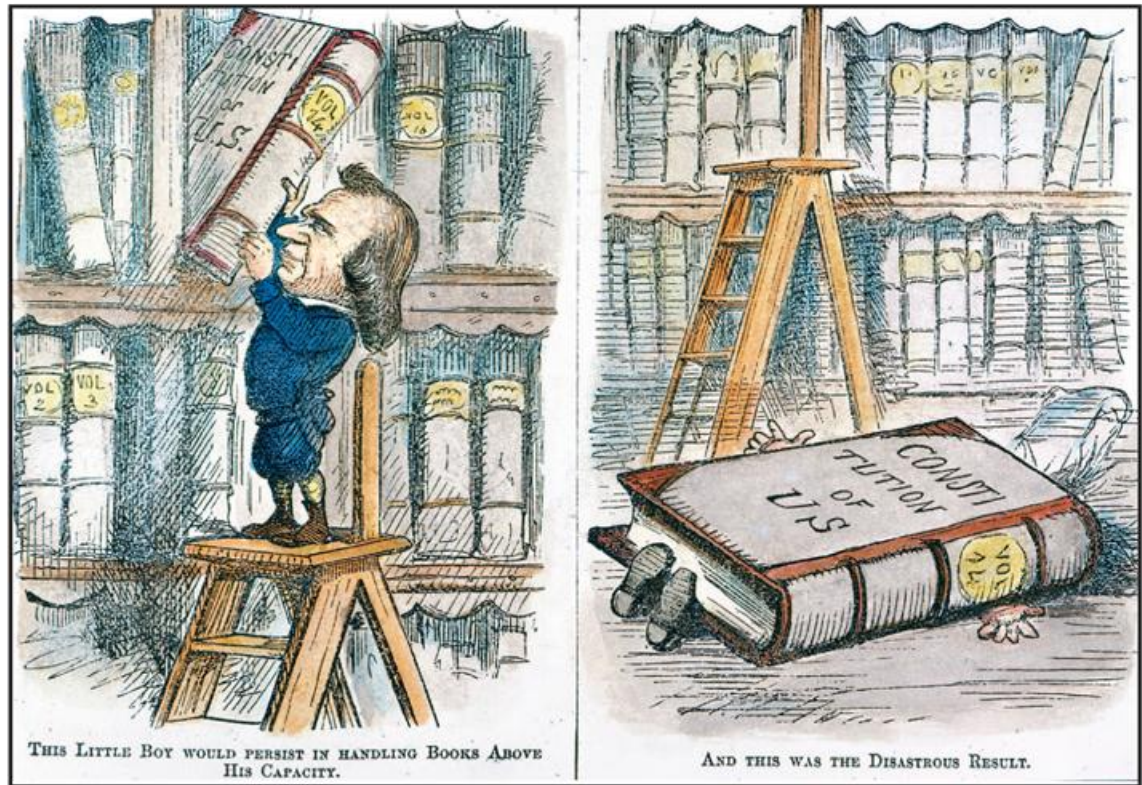
# ▶ Supreme Law

- The Constitution is the supreme law of the land, standing above all treaties and acts of Congress.
  - Below these federal laws come State laws.
- In a federal system, State and federal laws sometimes conflict.
- The Supreme Court settles conflicts between State and federal laws.
  - The Court can rule a State or federal law to be unconstitutional.

# ► Supreme Law, cont.

- In the 1819 case *McCulloch v. Maryland*, the Court ruled that when federal and State laws conflict, the federal law wins if it is constitutional.

- How does the disastrous result in this cartoon illustrate the Supremacy Clause?



## ► Review

- Now that you have learned about how power is divided between the Federal Government and the States, go back and answer the Chapter Essential Question.
  - Is the federal system the best way to govern the United States?