

Foundations of American Government

Unit 1

Chapter 4

“The Federal System”

Federalism

system of government in which a written constitution divides the powers of government between a central (national or federal) government and regional (state/local) governments.

Each level of government has its own set of powers--creates a system with ***division of powers.***

Powers of National Government

■ Delegated Powers

- the National Government is made up of delegated powers (powers granted to it in the Constitution).
 - Expressed
 - Implied
 - Inherent.

Powers of National Government

- **Expressed Powers** – directly expressed or stated in the Constitution
 - also called enumerated powers because they are numbered. Most found in Article I section 8.
 - Power to coin money, raise an army, declare war, establish courts, conduct foreign relations, etc.

Powers of National Government

- **Implied Powers** – not expressly stated but are reasonably suggested or implied by the expressed powers. They are required to carry out the expressed powers.
 - The power to draft people into the army is implied by the power to raise an army.
- **Necessary and Proper Clause (Article 1, Section 8)**
 - Congress shall have the power to make all laws which are “necessary and proper” to carry out their expressed powers.
 - AKA *the elastic clause* because it allows government to “stretch” its powers.

Powers of National Government

- **Inherent Powers** – powers that the national government has simply because it is a government.
 - Not expressly stated in the Constitution but powers that any government would have (immigration, diplomatic relations)

Powers of the State Government

- **Reserved Powers** – powers that are reserved for the states – they are not granted to the national government and not denied to the states (10th amendment).
 - Power to establish local government, run elections, regulate intrastate commerce, establish school systems, etc.

State & National Government

- **Concurrent Powers** – powers held by both the national and state governments.
 - Power to tax, enact and enforce laws, establish courts, define crimes and punishments, etc.
- **The Supremacy Clause** – if there is a conflict between a national and a state law, the national government is supreme. The Constitution is the “supreme law of the land”.

Guarantees to the States

- Republican form of government (representative government)
- Protection from invasion and disorder (keep the peace)
- Respect for territorial integrity of the states (government can't take land or change boundaries).

Admitting New States

- Only Congress has the power to admit new states.
 - States become territories and petition Congress.
 - Congress must pass an ***enabling act***
 - After Presidential authorization, people of the territory may draft a State Constitution.
 - Popular vote by people in the territory.
 - Congressional approval.
 - Congress must pass an ***act of admission*** and the president must sign.

Interstate Relations

- **“Full Faith and Credit”** – each state must recognize the laws and legal proceedings of the other states.
 - Includes marriages, divorces, birth certificates, death certificates, car registrations, etc.
 - Applies only to civil matters – criminal matters are handled by extradition.

Interstate Relations

- **“Privileges and Immunities”** – states cannot discriminate unreasonably against citizens of other states
 - Must provide all services but *can* discriminate or set standards for college tuition, voting, certain licenses, etc.

Interstate Relations

- **Extradition** – the legal process by which a fugitive is returned to the state where they committed a crime to face justice.

Interstate Relations

- **Interstate Compacts** – written agreements between two or more states as a means of settling disputes without the use of force.
 - Congress must approve the compacts.
 - Usually used to deal with matters like water, pollution, transportation, vehicle safety and licensing, public universities, etc.

Interstate Relations

- Lawsuits between states
 - Since 1789, 220 disputes have wound up in the court system.
 - Boundary issues (1970...Arkansas vs. Tennessee)
 - Water issues (Arizona, California, and Colorado)
 - Sewage issues (states polluting each other)

