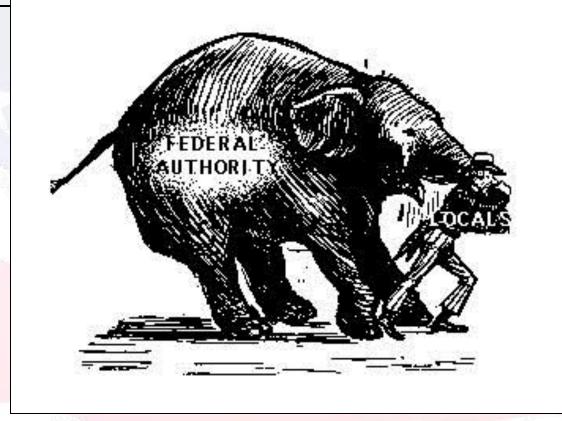
Federalism: The Power Puzzle

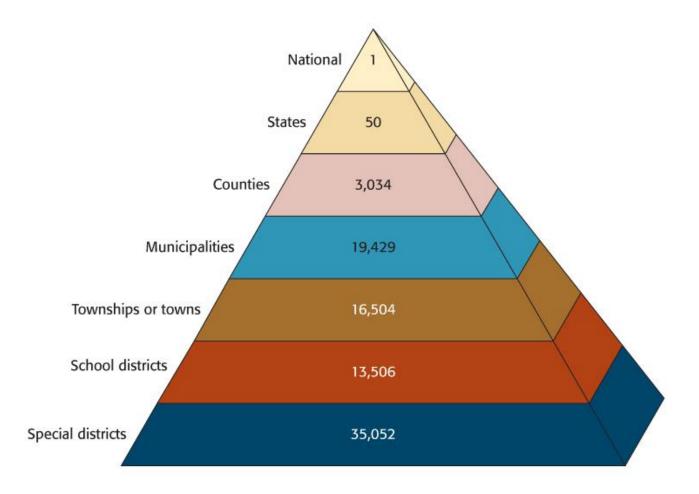


Who Has What Power at Your House?

 List 3 decisions you believe should be made by your parents.
 List 3 decisions you believe should be made together.
 List 3 decisions you believe should

be made by you alone.

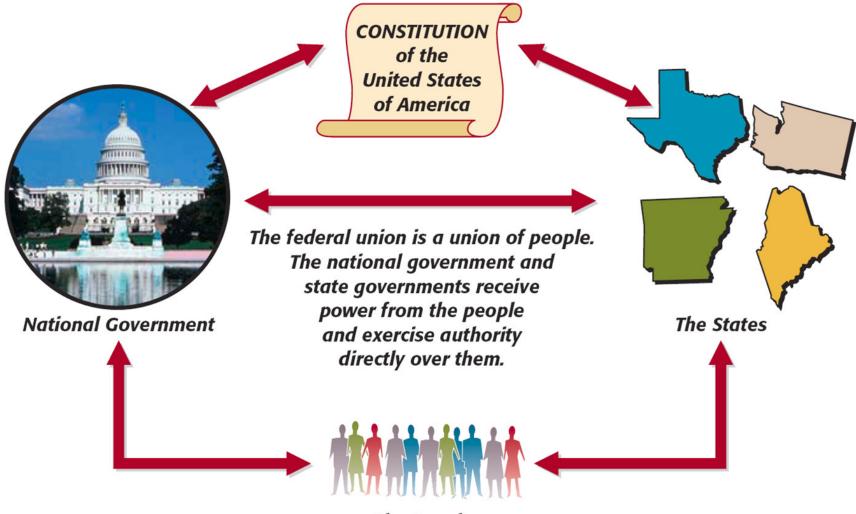
Understanding Federalism



Federalism defined

A constitutional division of the powers of government between national and state governments.

Government Under the U.S. Constitution (Federation) Since 1789



The People

What is Federalism???

- Alabama State Laws
- It is illegal for a driver to be blindfolded while operating a vehicle
- It is illegal to wear a fake mustache that causes laughter in church
- Louisiana State Law
- It is illegal to rob a bank and then shoot at the bank teller with a water pistol

What is Federalism???

- Texas State Laws
 - It is illegal to milk another person's cow
 - It is illegal for one to shoot a buffalo from the second story of a hotel.
 - It is illegal to carry wire cutters in your pocket (Austin)
 - It is against the law to throw confetti, rubber balls, feather dusters, whips or quirts (riding crop), and explosive firecrackers of any kind. (Borger)

Some basics about Federalism

- People must obey laws of both national and state governments
- Typical issues national government deals with: equality, economy, environment
 - Typical issues state governments deal with: social, family, moral **these sometimes become national issues if interest groups get involved. Ex. Candy Lightner and MADD

Establishing National Supremacy

Article VI- The Supremacy Clause-

"This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding."

- The Constitution
- Laws of the national government
- Treaties



Let's Review!

- Who is the "supreme" in the United States?
- What is an example of an expressed power?
- Example of implied power?
- Inherent power?
- Denied power?

Powers of the National Gov't.

- Powers can be given, denied by silence, or outright denied to the national government
 - <u>Expressed/delegated/enumerated powers-</u> powers given specifically to the federal government (in wording of Constitution)
 - <u>Implied powers-powers given through the wording of the</u> elastic clause or "necessary and proper" clause (Article 1, Section 8, Clause 18)
 - <u>Inherent powers</u>- powers belonging to all sovereign nations

Powers Denied to the National Govt

- No tax on exports from any state
 No suspension of writ of habeas corpus (legality of detention)
- No bills of attainder (punishment w/o trial)
- No titles of nobility
- No ex post facto laws

Among those Powers Denied to States...

- enter into treaties
- coin money
- keep troops or navies, make warlevy import or export taxes

The 10th Amendment-THE FEDERALISM AMENDMENT

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people."

10th Amendment

Reserved powers- held by the states

STATES LOVE THIS AMENDMENT!!

Concurrent powers- powers exercised by both levels of government

Look at chart!

NATIONAL POWERS (ENUMERATED POWERS)

CONCURRENT POWERS

A Martine

Coin money **Conduct foreign relations** Regulate commerce with foreign nations and among the states Provide for an army and a navy Declare and conduct war Establish a national court system Make laws necessary and proper to carry out the foregoing powers Govern US territories & admit new states Fix standard weights & measures Establish post offices & construct post roads Patents & copyrights **Regulate immigration** Make all laws "necessary & proper" to carry out powers Loose (AH) vs. strict construction (TJ)

Borrow money Establish courts Make and enforce laws Charter banks and corporations Spend money for the general welfare Take private property for public purposes, with just compensation

Tax

Set time, place, and manner of elections Ratify amendments to the federal Constitution Take measures for public health, safety, and morals Exert powers the Constitution does not delegate to the national government or prohibit the states from using Establish local governments Regulate commerce within a state

STATE POWERS

(RESERVE POWERS)

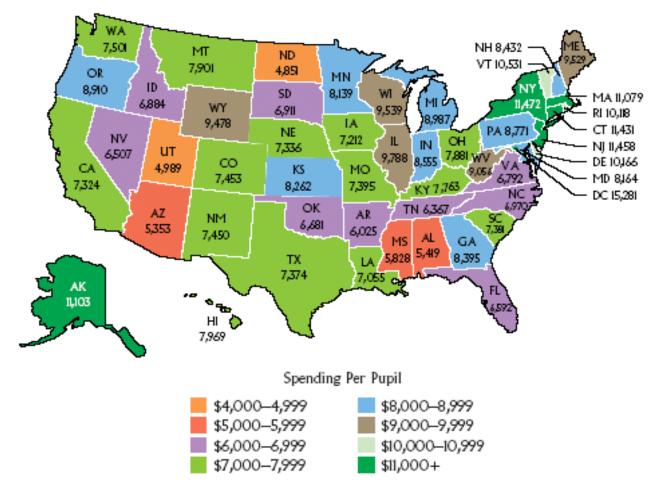
Determine voter qualifications Establish & support public schools Pass laws regulating businesses w/i state borders Make civil & criminal laws License professionals

Interstate Relations (cooperation among the 50 states)

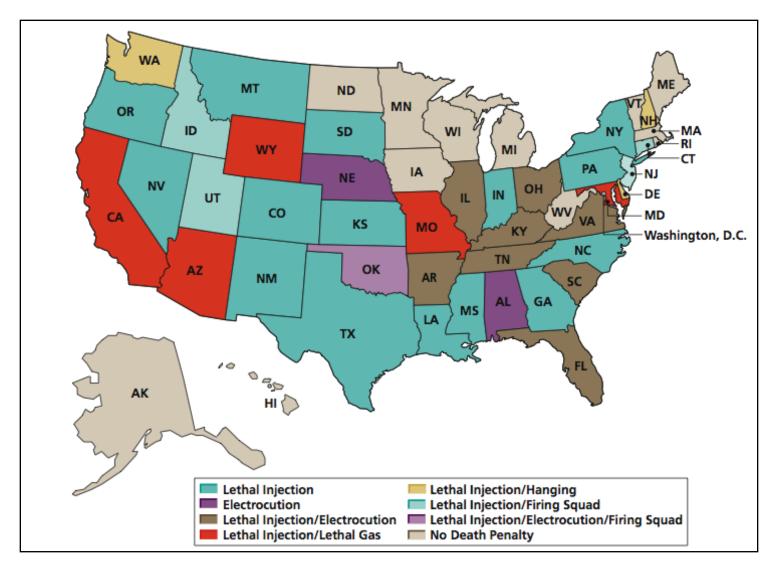
- A. Interstate compacts-agreements among states
- B. Full faith and credit-states have to honor one another's public acts, laws, and court actions (EXCEPTION?)
- C. Extradition- return of a fugitive in one state to the state he/she fled

Understanding Federalism

• Spending on Public Education (Figure 3.4)



Death Penalty across US



Advantages vs. Disadvantages

More opportunities for participation.	Confusion who does what? Vast # of governments (87,500)
Laboratories of Democracy	Diversity among states creates inequality between citz of diff states (ex. welfare, education, death penalty)
Uniform laws often don't make sense (ex. Speed limits, drivers' license). Local problems solved locally	Motivated interest groups can block will of the majority for extended time (ex. Civil rights, ERA)
Helped to quiet fears of a strong, central government	