

Presentation Pro

Magruder's American Government

CHAPTER 4 *Federalism*

Federalism

SECTION 1

Federalism: The Division of Power

SECTION 2

The National Government and the 50 States

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Interstate Relations

Federalism: The Division of Power

- What is federalism, and why was it chosen by the Framers?
- What powers are delegated to and denied to the National Government, and what powers are reserved for and denied to the States?
- What exclusive powers does the National Government have, and what concurrent powers does it share with the States?
- What place do local governments have in the federal system?



Why Federalism?

The Framers were dedicated to the concept of limited government. They were convinced

- (1) that governmental power poses a threat to individual liberty,
- (2) that therefore the exercise of governmental power must be restrained, and
- (3) that to divide governmental power, as federalism does, is to curb it and so prevent its abuse.



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Federalism Defined

Federalism is a system of government in which a written constitution divides the powers of government on a territorial basis between a central, or national, government and several regional governments, usually called states or provinces.

The Constitution provides for a **division of powers**, assigning certain powers to the National Government and certain powers to the States.



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Powers of the National Government

The National Government is a government of **delegated powers**, meaning that it only has those powers delegated (granted) to it in the Constitution. There are three types of delegated powers:

- The **expressed powers** are those found directly within the Constitution.
- The **implied powers** are not expressly stated in the Constitution, but are reasonably suggested, or implied by, the expressed powers.
- The **inherent powers** belong to the National Government because it is the government of a sovereign state within the world community. There are few inherent powers, with an example being the National Government's ability to regulate immigration.



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Powers Denied to the National Government

Powers are denied to the National Government in three distinct ways:

- Some powers, such as the power to levy duties on exports or prohibit the freedom of religion, speech, press, or assembly, are expressly denied to the National Government in the Constitution.
- Also, some powers are denied to the National Government because the Constitution is silent on the issue.
- Finally, some powers are denied to the National Government because the federal system does not intend the National Government to carry out those functions.



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The States

Powers Reserved to the States

- The 10th Amendment declares that the States are governments of reserved powers.
- The **reserved powers** are those powers that the Constitution does not grant to the National Government and does not, at the same time, deny to

Powers Denied to the States

- Just as the Constitution denies many powers the National Government, it also denies many powers to the States.
- Powers denied to the States are denied in much the same way that powers are denied to the National Government: both



The Exclusive and Concurrent Powers

Exclusive Powers

- Powers that can be exercised by the National Government alone are known as the **exclusive powers**.
- Examples of the exclusive powers are the National Government's power to coin money, to make treaties with foreign states, and to lay duties (taxes) on

Concurrent Powers

- The **concurrent powers** are those powers that both the National Government and the States possess and exercise.
- Some of the concurrent powers include the power to levy and collect taxes, to define crimes and set punishments for them, and to claim private property for



The Federal System and Local Governments

- There are more than 87,000 units of local government in the United States today.
- Each of these local units is located within one of the 50 States. Each State has created these units through its constitution and laws.
- Local governments, since they are created by States, are exercising State law through their own means.



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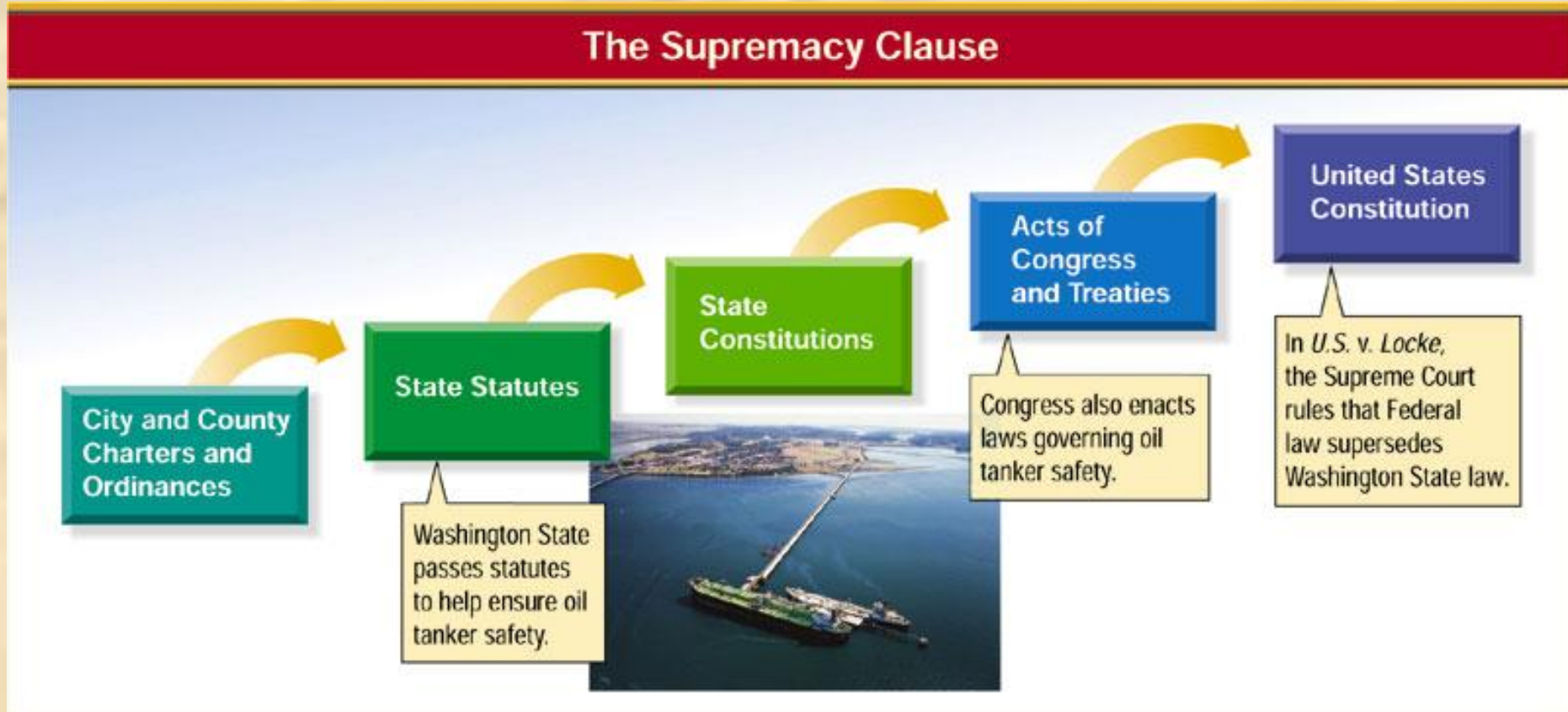
The Division of Powers

The federal system determines the way that powers are divided and shared between the National and State governments.



The Supreme Law of the Land

The Supremacy Clause in the Constitution establishes the Constitution and United States laws as the “supreme Law of the Land.”



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Section 1 Review

- 1. The expressed powers granted to the National Government are found**
 - (a) in the Constitution.
 - (b) in the Declaration of Independence.
 - (c) in common law.
 - (d) in State constitutions.

- 2. The reserved powers**
 - (a) are granted by the Articles of Confederation.
 - (b) are powers granted to only local governments.
 - (c) are those powers that the Constitution does not grant to the National Government and does not, at the same time, deny to the States.
 - (d) are those powers that the Constitution grants only to National Government.

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The National Government and the 50 States

- What obligations does the Constitution place on the nation for the welfare of the States?
- How are new States admitted to the Union?
- What are the many and growing areas of cooperative federalism?



The Nation's Obligations to the States

Republican Form of Government

- The Constitution requires the National Government to “guarantee to every State in this Union a Republican Form of Government.”

Invasion and Internal Disorder

- The National Government is also required to provide defense of the States from foreign invasion, and aid in protecting against “domestic Violence” in the States.

Respect for Territorial Integrity

- The National Government is constitutionally bound to



The Major Disaster Process

STEP 1	Local Government Responds. If overwhelmed, turns to the State for assistance.
STEP 2	The State Responds with State resources, such as the National Guard and State agencies.
STEP 3	Damage Assessment by local, State, Federal, and volunteer organizations.
STEP 4	A Major Disaster Declaration is requested by the governor, based on damage assessment.
STEP 5	FEMA Evaluates the request and recommends action to the White House.
STEP 6	The President Approves the request or FEMA informs the governor it has been denied.

SOURCE: Federal Emergency Management Agency

Admitting New States

- Only Congress has the power to admit new States to the Union.
- Congress first passes an **enabling act**, an act directing the people of the territory to frame a proposed State constitution.
- If Congress agrees to Statehood after reviewing the submitted State constitution, it passes an **act of admission**, an act creating



Cooperative Federalism

Even though the basis of federalism is the division of powers between levels of government, there is still much cooperation between them.

Federal Grants-in-Aid

- **Grants-in-aid programs** are grants of federal money or other resources to the States and/or their cities, counties, and other local units.

Revenue Sharing

- **Revenue sharing**, used between 1972 and 1987, gave an annual share of federal tax revenues to the States and their local governments.



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Federal Grants

Congress appropriates money for three types

Categorical Grants of grants-in-aid:

- **Categorical grants** are made for some specific, closely defined purpose, such as school lunch programs or the construction of airports or water treatment plants. There are usually conditions, or “strings,” attached to regulate the use of these funds.

Block Grants

- **Block grants** are portions of money allocated to States to use for broader purposes, such as health care, social services, or welfare. Block grants often are granted with fewer strings attached.

Project Grants

- **Project grants** are provided to States, localities, and sometimes private agencies that apply for them. They are used for a variety of purposes ranging from medical research to job training and employment programs.



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Section 2 Review

1. **The Constitution requires the National Government to provide all of the following to the States EXCEPT**
 - (a) a republican form of government.
 - (b) protection from invasion or internal disorder.
 - (c) a national health care system.
 - (d) respect for territorial integrity.

2. **An example of cooperative federalism is seen in**
 - (a) admitting new States.
 - (b) federal grants-in-aid.
 - (c) the Supreme Court.
 - (d) the exclusive powers.

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Interstate Relations

- Why do States make interstate compacts?
- What is the purpose of the Full Faith and Credit Clause?
- What is *extradition*, and what is its purpose?
- What is the purpose of the Privileges and Immunities Clause?



Interstate Compacts

No State may enter into any treaty, alliance, or confederation.

However, the States may, with the consent of Congress, enter into **interstate compacts**—agreements among themselves and with foreign states.

More than 200 compacts are now in force, and range in a variety of uses from sharing law-enforcement data to resource development and conservation.



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Full Faith and Credit

The Full Faith and Credit Clause of the Constitution ensures that States recognize the laws and, documents, and court proceedings of the other States.

There are two exceptions to the clause though:

(1) One State cannot enforce another State's criminal laws.

And,

(2) Full faith and credit need not be given to certain divorces granted by one State to residents of another State.



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Extradition

- Extradition is the legal process by which a fugitive from justice in one State is returned to that State.
- Extradition is upheld through Article IV, Section 2, Clause 2 of the Constitution.
- Governors are the State executives that handle the extradition process.
- If a governor is unwilling to return a fugitive to a State, federal courts can intervene and order that governor to do so.



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Privileges and Immunities

- The **Privileges and Immunities Clause** provides that no State can draw unreasonable distinctions between its own residents and those persons who happen to live in other States.
- States cannot, for example, pay lower welfare benefits to newly arrived residents than it does to its long-term residents, *Saens v. Roe*, 1999.
- However, States can draw *reasonable* distinctions between its own residents and those of other space, such as charging out-of-State residents higher tuition for State universities than in-State residents.



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Section 3 Review

- 1. The Full Faith and Credit Clause guarantees that in most cases**
 - (a) a State will recognize the laws, documents, and court rulings of another State.
 - (b) States will provide for consumer credit cards.
 - (c) a State will be able to supercede the laws of the Constitution.
 - (d) States can ignore the laws and regulations of the other States.

- 2. States can charge higher tuition rates for State universities to out-of-State residents under the**
 - (a) Full Faith and Credit Clause.
 - (b) extradition clause.
 - (c) Privileges and Immunities Clause.
 - (d) Northeast Dairy Compact.

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