Chapter 4: Federalism

4.1 Dividing Govt Power Notes

* Essential idea:
  + The Framers of the Constitution established a federal system that divides powers and responsibility between the national and state governments.

Why Federalism?

* To \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ between the nation and the states
  + Influenced by experiences from Articles of Confederation and knowledge of European political philosophers

The Division of Powa!

* + We have a \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ system which means:
    - Power is divided between nat’l and state govts
    - Some powers of nat’l govt are \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
    - Some powers are \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ only for states
    - Some powers are \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
    - Some are straight up \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

National Power

* Constitution gives 3 types of delegated power to the nat’l govt
  + \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Expressed Nat’l Power

* Expressed powers are also called \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ cuz they are listed in the Const!
  + Levy collect taxes
  + Coin money
  + Make war
  + Raise an army/navy

Implied Nat’l Power

* Implied powers: logical extensions of expressed powers but not written in Const.
  + Ex: power of Congress to enstate a draft is implied by the power to make war
* Basis for implied powers is the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Inherent Nat’l Power

* Inherent powers: powers the nat’l govt may exercise just cuz it is a govt!
  + Ex: acquire new territory and conduct foreign affairs

What about the States?

* Certain powers are \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ for states
  + Reserved powers: not listed but granted through the 10th amendment
  + Ex: regulate marriage, form local govt, conduct elections, control public school sytems, establish and enforce criminal laws

Who is Supreme?

* What happens if states pass laws that are in conflict with national laws?
  + Const. makes acts and treaties of the US nat’l govt supreme: called \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
* States can’t interfere with the Const. yo!

Shared Power

* \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
  + Powers that are shared by the national and state govt
  + Citizens are subject to two levels of authority
  + Ex: taxing, courts, build roads

Limits of Power

* Denied powers
  + Limits on nat’l:
    - Article I, Section 9
    - Can’t interfere with states’ reserved powers
    - Violating the Bill of Rights
  + Limits on States:
    - Article I, Section 10
    - Coin money, tax imports and exports, create army
  + Denied to both levels:
    - Ex post facto laws, deny trial by jury

What are the States guaranteed?

* \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
  + Happens when congressional reps take their seats
* \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
  + From invasion, domestic violence, natural disasters
* \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
  + The nat’l govt cant take territory from the states

The Umpire

* Federalism divides power which often leads to conflict
* SC plays the umpire in arguments between nat’l and state govt
  + \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ set the precedent that the nat’l govt is supreme
* Depending on social/political/economic climate the SC often flip flops

Interstate Relations

* There are 3 major requirements of states by the Constitution
  + Full Faith and Credit
  + Privileges & Immunities
  + Extradition

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

* The Const. states that “full faith and credit” shall be given in each state to acts, records, and judicial proceedings of other states
  + Ex: Car registration is recognized in all states
* Why important?
  + States could treat each other like countries and peeps could flee to avoid responsibility

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

* States cannot discriminate against other states
* All peeps must get the same privileges
  + Ex: Colorado cannot treat a Arizona citizen as an alien
* Some reasonable discrimination allowed
  + Ex: discounted college tuition for state residents…why?

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

* States are independent of each other
* For this reason, there is a need to prevent criminals from fleeing to another state to escape justice
* Const. requires that states must extradite: return criminals to states where their crimes were committed