

# 3.3

## **Federalism: Powers Divided**



## **As a Young Political Scientist, I will be able to...**

- **Define federalism and explain why the Framers adopted a federal system instead of a unitary system.**
- **Categorize powers delegated to and denied to the National Government, and powers reserved for and denied to the States, and the difference between exclusive and concurrent powers.**
- **Summarize the obligations that the Constitution, as the 'the supreme Law of the Land,' places on the National Government with regard to the States.**

# Federalism

The background of the slide is a close-up, slightly blurred image of the American flag, showing the stars and stripes in warm, golden tones.

**System of Government in which a written constitution divides the powers of government on a territorial basis**

**We have local, state, & national!**

**Division of Powers-** Powers split between the national government & the states.

**Each of the two basic levels of government can make certain decisions & do certain things the other level cannot.**

The background of the entire slide is a close-up, slightly blurred image of the American flag, showing the stars and stripes in warm, golden tones.

# **What are Federalism's Strengths?**

**It allows local action in matters of local concern & national action in matters of wider concern.**

**It also allows for experimentation & innovation in solving public policy problems**

**It provides for the strength for union, such as national defense & foreign affairs.**

**HOWEVER...a disadvantage is that redundancy can occur to overlapping jurisdictions**



# Delegated Powers

The background of the slide is a close-up, slightly blurred image of the American flag, showing the stars and stripes in warm, muted tones.

**Powers granted to it in the constitution, & it has 3 types of Federal Powers**

**1. Expressed Powers-** Powers spelled out in the constitution.

**2. Implied Powers-** Powers not spelled out, but reasonably suggested. “convenient & useful”

**3. Inherent Powers-** Powers that belong to the National Government.

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# **Powers Denied to Federal Government**

- 1. The Constitution denies some powers to the National Government in so many words-expressly.**
- 2. Several powers are denied because of the silence of the Constitution.**
- 3. Powers are denied because of the federal system itself.**

# Powers of the 50!

**Reserved Powers-** Powers that the constitution does not grant to National Government, but does not deny to the states

These are specific state laws such as marriage age, gambling, job licenses, etc.

**MOST** of what the government can do today is done by State & Local government rather than the National Government



The background of the entire image is a close-up, slightly blurred view of the American flag. The stars are visible in the upper left, and the stripes flow across the bottom and right. The colors are somewhat muted, with a soft, painterly quality.

# **DENIED!**

**States cannot enter into any treaty, alliance, or confederation.**

**We have Federal Currency, not state.**

**National Government has power over the states for laws.**



# Exclusive Powers

**Powers that can be exercised ONLY by the National Government & not the States.**

**Power to regulate interstate commerce is an Example**

## Concurrent Powers

**Powers that BOTH the State & National Government have. Such as taxes, & define crimes**

**Local Governments only have power because the State allows them too.**

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# **The Constitution is Supreme**

**Supremacy Clause-** The Constitution is the Supreme law of the land & all laws must follow it.

**This allows the federal system & cooperation between State & National Government**

**The Supreme Court applies the Supremacy Clause & looks over the law of the land.**

# The Court & Cases

The background of the slide is a stylized, painterly representation of the United States flag, featuring stars and stripes in muted colors.

**John Marshall-** Supreme Court Justice who cemented the idea of the Supremacy Clause

***McCulloch v Maryland-*** Reversed a bank decision that States could place a tax on notes. *We have a Federal Bank System*

***Fletcher v. Peck-*** First state law to be unconstitutional, said that a grant of land purchase is protected by the Constitution