

# Federalism

- The Division of Power
- The States and Interstate Relations

# **Federalism: The Division of Power**

# Delegated Powers

- Powers granted to the National Government in the Constitution

# Expressed Powers

- Powers spelled out in the Constitution

# Implied Powers

- Powers reasonably thought to be granted, but not spelled out specifically, in the Constitution

# Inherent Powers

- Powers that belong to the National Government because it is a sovereign state

# Concurrent Powers

- Powers possessed and exercised by both National and State governments

# Why does the United States have a federal system of government?

- The United States has a federal system of government because that system was implied in the Constitution and expressed in the 10<sup>th</sup> Amendment.



# Give an example of an expressed power

- The power to collect taxes
- The power to coin money
- The power to declare war

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# Why is the Necessary and Proper Clause called the Elastic Clause?

- It is called the Elastic Clause because over time, it has stretched to cover so many implied powers.

# According to the Supremacy Clause, what is the correct order of the “ladder of laws” in the United States?

- The U.S. Constitution, acts of Congress and treaties, State constitutions, State statutes, local laws

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# Does the power belong to the National or State Governments?

Collecting  
Taxes

- Both
- Expressed

# Does the power belong to the National or State Governments?

Build an  
interstate  
highway system

- National
- Implied

# Does the power belong to the National or State Governments?

Regulate  
Immigration

- National
- Inherent



# Does the power belong to the National or State Governments?

License Doctors

- State

# Does the power belong to the National or State Governments?

**Make Treaties**

- National
- Expressed

# Does the power belong to the National or State Governments?

Maintain Armed  
Forces

- National
- Expressed

# Does the power belong to the National or State Governments?

**Declare War**

- National
- Expressed

# Does the power belong to the National or State Governments?

**Deport Aliens**

- National
- Inherent

# Does the power belong to the National or State Governments?

Prohibit racial  
discrimination in  
access to  
restaurants

- National
- Implied

# Does the power belong to the National or State Governments?

Set up public  
school system

- State

# Does the power belong to the National or State Governments?

**Punish Crimes**

- Both
- Implied



# Does the power belong to the National or State Governments?

**Coin Money**

- National
- Expressed

# Does the power belong to the National or State Governments?

Regulate the  
sale of liquor

- State

# Does the power belong to the National or State Governments?

Regulate  
Interstate  
Commerce

- National
- Expressed

# **Federalism: The States and Interstate Relations**

**What is generally understood when the Constitution requires the National Government to “guarantee to every State in this Union a Republican Form of Government?”**

This term is generally understood to mean a “representative government. It is one to be decided by political branches of the government – the President and Congress – and not by the courts.

# **What is the Major Disaster Process?**

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- **Step 1**
- **Local Government Responds**
  - If overwhelmed, turns to the State for assistance



# What is the Major Disaster Process?

- **Step 2**
- **The State Responds**
  - With state resources, such as the National Guard and State agencies.

# What is the Major Disaster Process?

- **Step 3**
- **Damage Assessment**
  - With state resources, such as the National Guard and State agencies.

# What is the Major Disaster Process?

- **Step 4**
- **A Major Disaster Declaration**
  - Is requested by the governor, based damage assessment.

# What is the Major Disaster Process?

- **Step 5**
- **FEMA Evaluates**  
the request and  
recommends action to  
the White House.

FEMA = Federal Emergency  
Management Agency

# What is the Major Disaster Process?

- **Step 6**
- **The President Approves**  
the request **OR** FEMA informs the governor it has been denied.

# What are the steps to admitting a new state?

- Only Congress has the power to admit new States
  - A new state can not be created by taking territory from one or more of the existing States without the consent of the legislatures of the States involved.
1. Ask Congress
  2. Congress passes an enabling act.
    - Act directing the people to frame a proposed State constitution
  3. A convention prepares the constitution which is put to popular vote in proposed state
  4. Constitution is sent to Congress for approval.
  5. If Congress approves, it passes an Act of Admission.
    - An act creating a new State
  6. If President signs the act, the new state enters the Union.

# What is an enabling act?

- Act directing the people to frame a proposed State constitution

# What is an act of admission?

- An act creating a new State



# What is a grant-in-aid program?

- Grants of federal money or other resources to the States and/or their cities, counties, and other local units.

# Describe revenue sharing. What is it?

- Was in place from 1972 to 1987.
- Congress gave an annual share of the huge federal tax revenue to the States and their cities, counties and townships.
- No strings were attached to the money. Only that it could not be used on any program that discriminated on the basis of race, sex, national origin, age, religious belief, or physical disability that was evident.

# Describe the following grants?

Categorical Grants	Block Grants	Project Grants
<ul style="list-style-type: none"><li>•Made for some specific, closely defined purpose.</li><li>•Usually made with conditions attached.</li><li>•EX. School Lunches</li></ul>	<ul style="list-style-type: none"><li>•Made for much more broadly defined purposes.</li><li>•Fewer strings are attached</li><li>•EX. Health Care</li></ul>	<ul style="list-style-type: none"><li>•Money given to States, localities, and sometimes private agencies.</li><li>•EX. Support scientists in research on cancer</li></ul>

# What are examples of state aid to the National Government?

- State and Local units of government finance national elections.