

CHAPTER SUMMARY * * * * *



The Federal System

NATIONAL AND STATE POWERS * * * * *

The U.S. Constitution divides authority among the national government, the states, and the people.

POWERS GRANTED BY THE CONSTITUTION TO THE NATIONAL GOVERNMENT	
Powers	Examples
Expressed, or enumerated, powers are stated in the Constitution.	the power to levy and collect taxes, to coin money, and to regulate commerce
Implied powers are the unstated powers needed in order to carry out expressed powers. The "elastic clause" gives Congress the authority to make all laws that are "necessary and proper" to carry out its other powers.	the power to draft people into the armed forces in order to raise an army and a navy
Inherent powers are those that the national government may exercise simply because it is a government.	the power to control immigration

Reserved powers are the unlisted powers that the Constitution says belong strictly to the states. They include any right not delegated to the national government, reserved to the people, or denied to states by the Constitution. Reserved powers do not give states the right to make laws that conflict with the Constitution. The supremacy clause says that the law of the United States Constitution shall be the supreme law of the land.

The federal government and the states also have concurrent powers, which both have and each exercises independently, such as maintaining courts. Finally, the Constitution specifically denies some

powers to government. For example, the national government cannot interfere with the ability of states to carry out their responsibilities. One of many powers denied to states is the right to coin money.

The Constitution obliges the national government to guarantee states a republican form of government and to protect them from invasion and domestic violence. The national government also cannot take territory from an existing state to create a new one without permission. If conflicts arise between national and state governments, the federal courts settle the dispute.

RELATIONS AMONG THE STATES * * * * *

The Constitution defines relations among the states. Article IV requires that the states:

- give "full faith and credit" to the laws, records, and court decisions of other states;
- give one another's citizens all the "privileges and immunities" of its own citizens;
- extradite—that is, return fugitives who flee across state lines.

Full faith and credit means that each state must recognize the civil laws and legal proceedings of

other states. However, one state cannot enforce another state's criminal laws.

Mutual privileges and immunities prevent one state from discriminating unreasonably against citizens of another. Examples are the right to pass through or live in any state. This clause does not prohibit reasonable distinctions, such as treating nonresidents differently with respect to tuition payments in state colleges.

The Constitution requires states to settle disputes among themselves without the use of force. They

(continued)

Copyright © by The McGraw-Hill Companies, Inc.

CHAPTER 4 SUMMARY CONTINUED

RELATIONS AMONG THE STATES *(continued)*

often do this through interstate compacts, or written agreements that must be approved by Congress. The Supreme Court has sole jurisdiction when a dispute between states results in a lawsuit.

Congress has the power to admit new states, with two restrictions. Congress must respect territorial integrity, and the president can veto any acts of admission

with which he disagrees.

The admission procedure begins with an enabling act. This enables the people of a territory to draft a constitution. If Congress approves the constitution, it passes an act admitting the new state. Once admitted, each state is the equal of every other state with respect to privileges and obligations.

★ DEVELOPING FEDERALISM

Two schools of thought exist on how federalism should operate. The states' rightists believe:

- Any doubts concerning whether a power is delegated to the national government or reserved to the states should be settled in favor of the states.
- The Constitution is a compact among the states which created the national government and gave it narrowly defined powers.
- State governments are better able to resolve problems because they better reflect the people's wishes.

The nationalists believe:

- Delegated powers of the national government should be expanded as necessary to solve social and economic problems.
- People, not the states, created the national government and did not intend it to be subordinate.
- The national government represents all the people; each state speaks for only a part of the national population.

The Supreme Court has supported one viewpoint or the other at various stages of history. Over time,

the national government has grown in size and power. Three constitutional provisions, in particular, have contributed to this expansion of the powers of the federal government:

- the war powers
- the power to regulate interstate commerce
- the power to tax and spend

War powers expanded the national government's influence; in the modern world, the strength of the economy and the educational system affect a nation's military might. The Supreme Court has consistently interpreted commerce to include activities concerned with production, buying, selling, and transporting of goods and allowed Congress to extend its authority based on its power to regulate interstate commerce. For example, in 1964 the Court ruled that Congress could prohibit racial discrimination in hotels and restaurants because it hindered travel and therefore restricted interstate commerce.

Congress has used its power to tax and spend to expand government regulation of business. Heavy taxes on certain dangerous products have made them too expensive to make and sell.

★ FEDERALISM AND POLITICS

A policy is a stated course of action, a conscious, deliberate way of handling an issue. Federalism affects public policy, or government courses of action, in two ways: it affects how and where new policies are made, and it sets limits on government policymaking.

Federalism encourages state and local governments to try new policies such as sunshine laws and sunset laws. Sunshine laws prohibit public officials from

holding meetings that are not open to the public. Sunset laws require periodic checks of government agencies to see if they are still needed.

Federalism makes it possible for rival parties to win elections at state and local levels, and lessens the risk of one party monopolizing power. It also creates political bases from which the opposition party can develop new policies to challenge the majority.

Copyright © by The McGraw-Hill Companies, Inc.

CHAPTER SUMMARY Activity



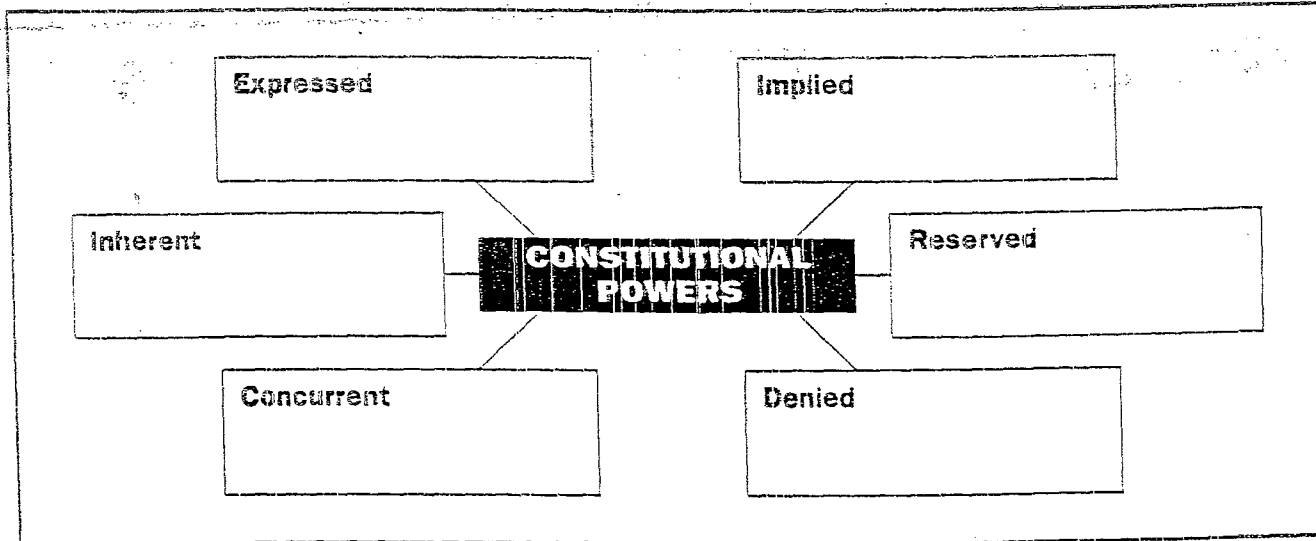
The Federal System

DIRECTIONS Match each term in Column A with the statement that best applies to it in Column B. Write the correct letters in the spaces provided.

- COLUMN A**
- _____ 1. elastic clause
 - _____ 2. supremacy clause
 - _____ 3. states' rights
 - _____ 4. nationalism
 - _____ 5. sunshine law
 - _____ 6. sunset law

- COLUMN B**
- A. The powers of the federal government should be expanded as necessary to solve problems.
 - B. States do not have the right to make laws that conflict with the Constitution.
 - C. Public officials may not hold meetings closed to the public.
 - D. Federal agencies are regularly checked to see if they are still needed.
 - E. Congress has authority to make all laws "necessary and proper" to carry out its other powers.
 - F. The states created the national government and gave it narrowly defined powers.

Organizing Information Write each power from the fact bank under the appropriate heading.



- regulate public schools
- draft people into the armed forces
- maintain courts
- regulate interstate commerce
- silence unpopular opinions
- control immigration

Critical Thinking Answer the following question on a separate sheet of paper.

7. Recently, some people have urged Congress to regulate the Internet. If Congress did, what kind of power would it be exercising? Explain.