

Federalism

The division of power between a national government and several state governments.

Where does it say this in the Constitution?

Implied in the Constitution

Spelled out in the 10th Amendment

“The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the states respectively, or to the people”

Strength of Federalism

- It allows local action in matters of local concern and national action in matters of wider concern.
- Local traditions, needs, & desires vary from state to state.
- What are some examples that you can up with this?

Examples of Local Control

1. In NJ and OR, motorists cannot pump gas themselves. No self-serve!
2. In ND, voters can cast a ballot without registering.
3. NE has a unicameral house in its state legislature
4. OR allows assisted suicide
5. No sales tax in AK, DE, NH, MT, & OR

Pair up and Work with Text

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Supremacy Clause

“The Constitution...shall be the Supreme Law of the Land; and the judges in every state shall be bound to thereby,...

Article VI, Section 2

McCulloch v Maryland

- Second Bank chartered by Congress in 1816 in Maryland
- Maryland tried to tax it out of existence
- James McCulloch, the branch cashier refused to pay
- Convicted of the crime
- Supreme Court reversed the decision...

Court is umpire in all conflicts between nation and state!

Meaning that the Constitution and Acts of Congress are the Supreme Law of the Land.

Federal Obligations to the State

- Guarantee a Republican form of government (undefined)
- To protect against invasion or domestic violence (riots, natural disasters)
- Respect the territorial integrity of each state

How else does the National Government help the States?

1. FBI helps state and local police
2. Army and air force equip and train State's national guard
3. Census Bureau statistics help local planning
4. Federal money to local areas where large federal landholdings exist. (Fermi Lab, Argonne National Research)

State Aid to National Gov't

- Funds national elections
- Regulates national elections
- Naturalization takes place in state courts
- State and local police officers often pick up and jail federal criminals

Interstate Relations

- Interstate compacts – agreements made among states regarding things like the environment, ports, motor vehicle safety, and use of colleges.

Full Faith and Credit Clause

- The Constitution commands:
“Full Faith and Credit shall be given in each state to the public acts, records, and judicial proceedings of every other states”
Article IV, Section 1
- Except in criminal cases and divorces where one spouse is not a resident of the state granting the divorce.

Extradition

“A person charged in any state with treason, felony, or other crime, who shall flee from Justice, and be found in another state shall on demand of the executive authority fo the state from which he fled, be delivered up to be removed to the state having jurisdiction of the crime”

Article IV, Section 2, Clause 2

Privileges and Immunities Clause

“The Citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.”

Article IV, Section 2, Clause 1

Unreasonable distinctions - can marry, buy, own, rent, or sell property, and use courts, must not allow hiring preferences

Reasonable distinctions – residency and voting requirements, fishing/hunting rights, out-of-state tuition is ok to charge.