

American Citizenship
Chapter 4: Federalism

Notes:

Section 1

Federalism: The Division of Power

A. Why Federalism?

a. In 1787, the framers struggled with ideas _____

i. Federalism was the compromise

b. Federalism Defined

i. Federalism

1. _____

c. Divisions of Powers

i. Certain powers to _____ and
certain power to _____

ii. Effectively a dual (two) system of government

1. _____

a. However, same people, same
territory, at the same time

iii. Examples

1. North Dakota does not require registration
before voting

2. Massachusetts and California allow Gay
Marriage

3. New Jersey and Oregon do not allow
motorist to fuel their own vehicles

B. Powers of the National Government

Notes:

a. Delegated Powers

i. _____

b. Kinds:

i. Expressed Powers

1. _____

a. Article 1 Section 8

b. Article 2 Section 2

c. Article 3

ii. Implied Powers

1. _____

a. Article 1 Section 8, Clause 18

b. Gives Congress the “necessary and proper power”

i. _____

2. Example

a. Building Interstate Highway

b. Building of Hydroelectric Dams

c. Labor-Management

iii. Inherent Powers

1. _____

2. Example

a. _____

b. Protection from rebellions

c. Acquire Territory

C. Powers Denied to the National Government

a. _____

b. _____

D. The States Powers

Notes:

a. Reserved Powers

- i. _____

ii. Basically the ability to protect and promote _____, the _____, the public safety, and the general welfare

b. Powers Denied to States

- i. _____
- ii. Print their own money
- iii. _____

E. The Exclusive and Concurrent Powers

a. Exclusive Powers

- i. _____
- ii. Example
 - 1. _____
 - 2. Make Treaties with Foreign States
 - 3. _____

b. Concurrent Powers

- i. _____

 - 1. Levy Taxes
 - 2. _____

F. The Federal System and Local Governments

a. All local governments are part of the state government

- i. _____
- ii. _____

- iii. Example
 - 1. Public Schools

G. The Supreme Law of the Land

Notes:

- a. _____
 - i. Article 6 Section 2
 - ii. _____
 - 1. Acts of Congress and Treaties next in supremacy
- b. _____
 - i. Court Case McCulloch v. Maryland
 - ii. Maryland was taxing the Congress created 2nd Bank of the United States
 - iii. John Marshall (Then Chief Justice) ruled it illegal to tax the bank due to supremacy clause

Section 2

The National Government and the 50 States

H. The Nation's Obligations to the States

- a. Mostly Found in Article 4
- b. Republican Form of Government
 - i. Meaning the National Government must make sure State Constitutions _____
 - ii. Only time National Government was broadly demanding this action was after Civil War
 - 1. Required Southern States to Accept the _____
- c. Invasion and Internal Disorder
 - i. _____
 - ii. _____
 - 1. Pearl Harbor (Attack on Hawaii) and September 11 (Attack on New York) caused all 50 states into wars
 - ii. Also protects states _____
 - iii. Otherwise, National Government does not bring it's army into the states if requested by the state governments

- 1. Example: Hurricane Katrina
- d. Respect for Territorial Integrity
 - i. _____ allow representatives from each of the states participate in Congress
 - 1. Unless that government does not have a “representative Government”

Notes:

I. Admitting New States

- a. _____
- b. Admission Process
 - i. The area must ask Congress for admission
 - ii. Congress then passes the Enabling Act
 - 1. Directing people to frame a state Constitution
 - 2. _____
 - iii. Congress Reviews the Constitution and might pass an act of admission
 - iv. Then the President signs it into law
 - v. State then is admitted into the United States
- c. Conditions for Admission
 - i. Congress can set some conditions
 - 1. _____
 - ii. However, once the state is admitted, the state holds equal power as every other state

J. Cooperative Federalism

- a. Continual Fight between _____
- b. However, there is also Cooperation between National and State Governments

c. Federal Grants-In-Aid

- i. _____

- 1. Most Public Universities
- 2. New Deal Programs by FDR in the 1930's
- 3. Very Common Today
 - a. _____
- 4. Constitutionality is questioned by some today

d. Revenue Sharing

- i. Sharing of Federal Tax Revenue from 1972 to 1987
 - 1. _____

- ii. Part of Fighting in Iraq is over Revenue Sharing with the countries oil revenue

Notes:

Section 3

Interstate Relations

K. Interstate Compacts

- a. _____
- b. _____
 - i. Validity of legal documents will be recognized in each of the 50 states
 - ii. Exceptions
 - 1. _____
 - 2. The permanent residency of the individuals also determines the legality of documents
 - a. _____
 - b. Gay Marriage
- c. Extradition
 - i. Legal process to transfer a fugitive from one state (or nation) to another
 - 1. _____

Name: _____ Date: _____ Block: _____

d. Privileges and Immunities

- i. _____
- ii. Exceptions
 - 1. Voting
 - 2. Hunting and Fishing taxes
 - 3. _____

Notes: