

Main Idea

The Framers of the Constitution established a federal system that divides powers and responsibility between the national and state governments.

Reading Focus

1. Why did the Framers choose federalism?
2. What powers does the national government have?
3. What powers do state governments have?
4. What powers are shared by both the national government and the state governments?
5. How does the Constitution limit the powers of the state and national governments?
6. How does the Constitution guide the relationships between the nation and the 50 states?

Key Terms

expressed powers
implied powers
inherent powers
reserved powers
concurrent power
full faith and credit clause

Why Federalism? (pp. 97–98)

The national government established under the Articles of Confederation was not strong enough to deliver the stability and economic unity that the United States needed. The delegates to the Constitutional Convention knew they needed to create a new system. The Framers wished to create a republic with divided powers and faced a difficult balancing act. How could they address the needs of the nation, preserve states' rights, and ensure a republican government?

The Framers created a government with a federal form—they carefully divided powers between two levels of government, state and national. They gave all powers having to do with states' common interests, such as national defense and control over currency, to the national government. All other powers remained with the states. The rules they wrote were brief and flexible enough to meet the future needs of the nation's people.

Reading Check Identifying

Supporting Details Why did the Framers choose federalism?

National Powers (pp. 98–99)

In the U.S. federal system, some powers belong to the national government, others are reserved for the states, and still others are shared by both. Much of the Constitution deals with the expressed, implied, and inherent powers of the national government.

Expressed Powers The Constitution lists powers granted to the national government. These powers are called **expressed powers** and are sometimes referred to as enumerated powers. The expressed powers of Congress are listed in Article I. The expressed powers of the other two branches are listed in Articles II and III.

Implied Powers The national government also has **implied powers**. In contrast to expressed powers, implied powers are not specifically listed in the Constitution, but they are logical extensions of expressed powers. The constitutional source for implied powers is the last clause of Article 1, Section 8. It says Congress has the power to “make all Laws which shall be necessary and proper” for using its other specifically listed powers. The necessary and proper clause is also referred to as the elastic clause because it has been used to stretch the powers of Congress. An example of an implied power is the power to create interstate highways.

Inherent Powers The national government also has **inherent powers**, or powers that historically have been recognized as naturally belonging to all governments that conduct the business of a sovereign nation. An example of an inherent power is the power to conduct foreign affairs.

Reading Check Contrasting How do expressed, implied, and inherent powers differ from one another?

State Powers (p. 99)

The Constitution does not go into great detail about state powers. The Tenth Amendment was included in the Bill of Rights to protect states’ powers. It says that “The powers not delegated [given] to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.” This provision is often called the reserved powers clause. **Reserved powers** are not specifically mentioned in the Constitution, but they belong to the states because the Constitution neither delegates, or gives, these powers to the national government nor prohibits them to the states.

States draw heavily on their reserved powers to regulate the areas that affect the day-to-day life of their citizens. For example, state laws tell you how fast you can drive on the highway.

Reading Check Summarizing What powers does the Tenth Amendment give to the states?

Shared Powers (p. 100)

If the Constitution does not specifically state that a power belongs only to the national government, then the states may exercise that power, too. For example, when Americans file their income tax returns, many people file two forms, one for their state government and another for the national government. This is because the power to collect taxes is a **concurrent power**, or a power held by the national government and the state governments at the same time. What happens if a national law and a state law come into conflict? Article VI of the Constitution deals with this question. It states that the Constitution, national laws, and treaties form the “supreme Law of the Land.” This supremacy clause states that national laws are supreme over state laws, as long as the national laws follow the Constitution.

Reading Check Identifying Supporting Details What is the supremacy clause?

The Limits of Power (pp. 100–101)

The U.S. Constitution also denies certain powers to the national and state governments. By placing limits on both levels of government, the Framers hoped to prevent a too-powerful government and protect individual liberties.

Limits on National Government The Framers included protections in the Constitution to prevent the national

government from becoming too powerful. For example, Article I, Section 9, keeps the government from denying a person the right to trial by jury. The national government also may not exercise powers that are reserved to the states, and it may not pass laws that threaten the federal system created by the Constitution. Powers are further limited by the Bill of Rights.

Limits on State Governments Article I, Section 10, denies specific powers to state governments. For example, states cannot coin their own money.

Powers Denied to Both Levels Some powers are denied to both the state and the national governments. Neither level can pass *ex post facto* laws, or laws made “after the fact.” This protects people from being convicted of an offense that was not a crime at the time the offense was committed.

Reading Check Summarizing What limits did the Framers place on the national government?

Nation and State Relations (pp. 101–102)

The Constitution does more than divide government power. It also describes the responsibilities that the national government and the states have toward one another.

The Nation and the Fifty States The Constitution states that the national government must “guarantee to every State in the Union a Republican form of government.” In other words, the national government will only officially recognize representative state governments. The national government is also responsible for protecting the states from foreign and domestic threats. The Constitution also ensures that the states be treated as equals by the national government. Finally, although the national government can admit new

states, it cannot split up states that already exist or change state boundaries in any way.

Relations between States The Constitution gives states the right to manage affairs within their borders. It also encourages states to cooperate with one another. For example, a person cannot escape punishment for a crime by running from one state to another. The Constitution requires that states extradite, or return, a person charged with a crime to the state in which the offense was committed for prosecution. Article IV of the Constitution, often referred to as the **full faith and credit clause**, ensures that extradition can take place. Article IV requires that states give “full faith and credit,” to the public acts, official records, and judicial proceedings of every other state.

The Constitution also takes measures to prevent states from discriminating against the citizens of other states. It does this in a clause of Article IV, Section 2, that is often called the privileges and immunities clause. This clause specifies that citizens of each state should receive all the “privileges and immunities” of any state in which they happen to be.

What about Local Government? The U.S. Constitution does not include a single word about local government. Each state outlines a plan for local government in a state constitution.

Native American Sovereignty The Constitution says little about the sovereign Native American nations that existed in the United States before the arrival of Europeans. Article I, Section 8, does grant the national government the power “to regulate Commerce ... with the Indian Tribes.” The national government used this power to make treaties with Native American nations. In most cases, the treaties resulted in loss of land, sovereignty, and

individual rights for native peoples. Native Americans did not gain full citizenship until 1924.

Reading Check Summarizing How does the full faith and credit clause affect relations among states?

SECTION 1 ASSESSMENT

1. **Recall** What kinds of powers belong to the national government in the U.S. federal system?
2. **Define** What are **inherent powers**?
3. **Identify** What does the Tenth Amendment have to do with American federalism?
4. **Recall** What is an ex post facto law?
5. **Define** What is **concurrent power**?
6. **Recall** How does the **full faith and credit clause** affect relations among the states?