

Section 1: National and State Powers

Slide 1:

Constitution grants three types of power to the national government

1. Expressed
2. Implied
3. Inherent powers

Delegated powers: powers the Constitution grants or delegates to the national government

Slide 2:

1. **Expressed power:** those powers directly expressed or stated in the Constitution by the founders
2. Most of these powers found in first three articles of the Constitution
3. Power to levy and collect taxes, to coin money, to make war, raise an army and regulate commerce
4. Also known as enumerated powers

Slide 3:

1. **Implied powers:** authority that the national gov't requires to carry out the powers that are expressly defined in the Constitution
2. Not specifically listed, implied powers spring from and depend upon expressed powers
3. The power to draft people into the armed forces is implied by the power given to the gov't to raise an army
4. **Elastic clause (necessary and proper clause):** allows the powers of Congress to stretch. Re

Slide 4:

1. **Inherent powers:** powers that the national gov't may exercise simply because it's a gov't
2. National gov't must control immigration and establish diplomatic relations with other countries
3. These powers are not specified in the constitution

Slide 5:

1. **Reserved powers:** Powers reserved for the states
2. States have authority over matters not found in the Constitution like the regulation of public schools
3. **Supremacy clause:** No state law or constitution may conflict with any form of national law
4. States create local governments so they are bound by the supremacy clause as well

Slide 6:

Concurrent powers: powers the national and state gov't share.

Power to tax, maintain courts, define crimes and to appropriate private property for public use

Slide 7:

1. Constitution specially denies some power to all levels of gov't
2. National gov't cannot tax exports or interfere with states ability to carry out their responsibilities
3. States cannot make treaties with foreign governments, coin money, and others.

Slide 8:

- Constitution obliges the national gov't do three things for states outlined in Article IV Sections 3 and 4.
1. Republican form of government.
 - During the Civil War Congress ruled that these states did not have a republican form of gov't and did not seat their senators and representatives until they ratified Civil War amendments

Slide 9:

1. National government must protect states from invasion and domestic violence
2. An attack on one state is considered an attack on entire U.S.
3. When national laws are violated, federal property is threatened, or federal responsibilities are interfered with, the president may send troops to a state without the request of local authorities
4. National gov't extended its definition of domestic violence to include natural disasters such as earthquakes, floods and hurricanes

Slide 10:

1. National government has the duty to respect the territorial integrity of each state
2. National gov't cannot use territory that is part of an existing state to create a new state unless they have permission.

Slide 11:

1. Process for admitting a new state starts with the **Enabling Act:** Allows people in a territory interested in becoming a state to prepare a constitution.
2. Constitution is then approved by a popular vote in the area before being submitted to Congress
3. If Congress agrees, it passes an act admitting the territory as a state

Slide 12:

1. Congress or the president may impose certain conditions before admitting a new state including requiring changes in the draft constitution submitted by a territory
2. Once admitted to the Union, each state is equal to every other state and has rights to control its internal affairs.

3. Each state is also legally separate from every other state

Slide 13:

- States perform two important functions for the national government
1. State and local governments conduct and pay for elections of all national government officials (senators, representatives and presidential electors)
 2. No amendment can be added unless 3/4ths of the states approve it

Slide 14:

1. Conflicts arise between state and national gov'ts so the court acts as an umpire
2. McCulloch v. Maryland Supreme Court ruled the national government is supreme
3. Early on court system favored states until the 1960 civil rights movement
4. With more conservative judges they tend to rule in favor of the states as seen in the 1995 case U.S. v. Lopez

Slide 15:

1. Federal judges serve as umpires for the federal system when they review the actions of state and local governments
2. Fourteenth Amendment prohibits states from depriving any person of life, liberty or property without "due process"
3. Broad interpretation allows a judge to question nearly every action of a state and local official.