

## Government Chapter 4 Materials Study Sheet for 10-18-11 Quiz

Federalism: the division of power between a national government and state governments

- Constitution is the document that provides for the division of power between the National Government and the States
- Each level of government in a federal system is responsible for governing the same people at the same time

Powers of the National Government

- Delegated Powers: those powers given to the National Government by the Constitution
  - Expressed Powers: powers specifically spelled out in the Constitution
  - Implied Powers: not expressly stated in the Constitution, but powers that are reasonably suggested
    - Necessary and Proper Clause says that Congress has the power to make all laws necessary and proper to carry out the expressed powers
    - Examples:
      - Building the Interstate Highway System
      - Prohibiting racial discrimination
      - Building Hydroelectric Dams
  - Inherent Powers: powers that belong to the National Government because all governments have these powers
    - Examples:
      - Immigration
      - Acquire territory
      - Protect the nation from rebellion

Powers Denied to the National Government

- Expressly denied: things that the Constitution says that the National Government cannot do
  - Laws prohibiting freedom of religion
  - Conducting illegal searches or seizures of property
  - Denial of trial by jury
- Denied by Silence of the Constitution
  - Example: National School System—Constitution says nothing about education
- Denied by Federalism
  - National Gov. cannot tax states—if it could, then it could control them completely
- Reserved Powers: 10<sup>th</sup> Amendment reserves (leaves) powers NOT granted to the National Government to the States
  - Examples: marriage, alcohol sales, regulation of professionals (doctors, lawyers, etc.)

**Exclusive Powers:** Can be used by the National Government alone—Cannot be used by the States

**Concurrent Powers:** Powers that the National and State Governments possess at the same time

Supremacy Clause:

- The Constitution and Federal law always win
- If National and State law conflict, the National law wins
- *McCulloch v. Maryland* (1819)—case decided by the Supreme Court of the United States
  - If there is a conflict between the National and State governments, the law of the National government wins

Invasion and Internal Disorder: National Government must protect the state from invasion and internal disorder

- Examples: riots, natural disasters, invasion from a foreign power

Grants-in-Aid—National Gov. makes policy on a topic by offering money to states with conditions

- Categorical Grants—made for a specific defined purpose with strings attached
  - Examples: school lunches, the construction of airports, or No Child Left Behind (education)
  - State or local government usually must make its own contribution of money
  - State or local government usually must obey guidelines in exchange for the money
- Block Grants—used for broader purposes with fewer conditions (fewer strings attached)
  - Examples: health care, social services, or welfare
  - Became popular during the Reagan Administration
- Project Grants—Grants are applied for by states for research projects, usually in a health or science-related area

Full Faith and Credit

- Full credit is given in each state to the “Public Acts, records, and judicial proceedings of every other State”
  - Example: Birth Certificates and Marriage Licenses are recognized in other states
- Does not apply to Criminal matters—each state applies its own criminal laws
- Federal Defense of Marriage Act (Clinton Administration)
  - Federal Law that says that a state is able to disregard same-sex marriage performed in other states