

-- Federalism --



the sharing of powers between the different levels of government

10th Amendment: powers not explicitly given to the federal government go to the states

Delegated Powers	Concurrent Powers	Reserved Powers
<ul style="list-style-type: none"> * aka expressed powers * powers given to the federal government by the Constitution * ex. military, coin money 	<ul style="list-style-type: none"> * powers held by the federal and state government * ex. taxing, law-enforcement, establish courts 	<ul style="list-style-type: none"> * powers not mentioned in the Constitution, meaning they go directly to the states * ex. education, marriage laws

Types of Federalism

Dual	Cooperative	Fiscal	New
the federal and state gov. are the supreme power in their "areas"	the national, state, and local governments work together to help their citizens	the federal government taxing, spending, and providing grants to state/local gov.	more distinct differences between the powers of the federal and state gov.

Clauses

Commerce	Necessary and Proper	Full Faith and Credit	Privileges and Immunities	Extradition
<ul style="list-style-type: none"> * first article * federal gov regulates interstate and international trade 	<ul style="list-style-type: none"> * first article * fed gov. may do stuff not delegated to them if it's needed to carry out expressed powers 	<ul style="list-style-type: none"> * fourth article * states honor the actions of other states 	<ul style="list-style-type: none"> * fourth article * you have the same rights no matter what state you're in 	<ul style="list-style-type: none"> * fourth article * states must deliver criminals back to state where they committed the crime
federal gov. monitors trading going on between california and nevada	the national bank was created to store money collected from taxes	if you're married in one state, other states must honor that you're married	states can't make laws that give priority to a resident over a nonres.	if you rob a bank in florida and captured in georgia, you'll be tried in florida

Grants

Block Grants	Mandates	Categorical Grants
states can do anything with the money given to them through this grant (numerous possibilities)	federal gov. will give states money if they comply with a federal regulation	states must spend the grant money in a specific category
federal gov. provides states with money to reduce the amount of substance abuse	federal gov. will give states money to improve highways if they raise legal driving age to 17	federal gov. will provide states money to specifically open new magnet schools

McCulloch v Maryland

- * the United States **opened a national bank** in order to store tax money (allowed under **necessary and proper clause**). it was located in maryland.
- * maryland believed this was an abuse of power and taxed the bank. mcculloch was a bank teller who refused to pay the tax
- * the Supreme Court had to decide **if the bank was allowed to be created, and if so, did maryland have the power to tax it?**
- * under the necessary and proper clause, the federal government has the power to open the bank
- * under the supremacy clause, maryland cannot tax the bank
- * the ruling **expanded the powers** of the federal government

United States v Lopez

- * the United States passed the Gun Free Schools Act, which **banned people from carrying a gun in a school zone** (they claimed they could pass this under the **commerce clause**)
- * Lopez was arrested for breaking that law. He said that he should not be tried in a federal court since the government had no right to pass the law in the first place
- * the Supreme Court had to decide if **Congress had the power to pass the law**
- * they ruled no, the federal government was overextending the jurisdiction of the commerce clause
- * **limited the powers** of the federal government