US Constitution & Federalism

Shared Power Between National, State, & Local Gov’t
Basics of the Constitution

- Three Branches = Legislative, Executive, & Judicial
- Separation of Powers
- Checks & Balances
- Bi-cameral legislature (House of Rep’s & Senate)
- Enumerated Powers vs. Implied Powers
- Bill of Rights (Amendments 1 thru 10)
Unitary vs. Confederation

• Unitary System = Central gov’t has supreme power over governing the nation
• Confederation = The local provinces or state governments have most of the power.
• Federalism = The national, state, and local governments all have a role in governing (shared power)
Unitary Systems

[Flags of South Korea, Japan, Israel, and France]
Confederate Systems
American Federalism

• Supremacy Clause (Article 4) vs. The 10th Amendment
• Some powers given the Nat’l Gov and some powers give to the State Gov
• Many areas of gov’t ~ shared powers between many levels of gov’t
• Dual Federalism vs. Cooperative Federalism
Dual Federalism

• “layered cake model” ~ Fed’s & states have clearly defined roles
Cooperative Federalism

• "Marble Cake Model" ~ Fed’s and states share power
Multi-layered Gov’t

- Just like a “marble” cake
- Cooperative Federalism (shared responsibility)
- We live in many jurisdictions all at once
- Local = school districts, fire districts, cities or counties
- State = Washington gov’t (State Constitution)
- National (Federal) = US Constitution (Congressional representation; federal court jurisdiction)
- Numerous examples of Federalism
Funding of public schools:
- National gov’t allocates money based on student population (per pupil) (income taxes)
- State gov’t = also per pupil (property taxes)
- Local = school district levies/bonds
- Standards (all levels)
Murder or Other Crimes

Where did the crime happen?

- Post Office (Federal gov’t)
- Convenience Store (local/state gov’t)
- Most crimes are not Federal crimes!
Transportation/Road Improvements

• Transportation improvements always include federal, state, & local taxes
Different Roles at Each Level

National government domestic policies:
- Internal improvements
- Subsidies (mainly to farmers)
- Tariffs
- Management of Public Lands
- Immigration laws
- Foreign policy
- Copyrights
- Patents
- Currency
- Military
State Gov’t

State government policies
• Property law
• Estate and inheritance law
• Banking and credit laws (shared with Fed’s)
• Labor and union laws (shared with Fed’s)
• Insurance laws (shared with Fed’s)
• Family laws (marriage/divorce)
• Public health and quarantine laws (shared with Fed’s)
• Public works projects & laws, including eminent domain
• Building codes
• Corporations law
• Land use laws
• Water and mineral resource laws
• Judiciary and criminal procedure laws
• Election laws, including parties
• Local government framework/laws
• Civil service laws
• Occupations and professions laws
Counties/Cities/Special Districts

Local government policies

- Public works/Utilities
- Transportation
- Contracts for public works
- Licensing/Permitting
- Collection of local & state taxes
- Basic public services (sidewalks, sewers, parks)
- Land-use planning
- Public Safety
States vs. Federal Government
More Debate

Before there was a national drinking age

The National Minimum Drinking Age Act of 1984 essentially created a national drinking age of 21. Now some states are trying to lower it again.

MINIMUM LEGAL DRINKING AGE BY STATE IN 1984

- **18** (7 states and D.C.)
- **19** (17 states)
- **20** (4 states)
- **21** (22 states)

*Age for beer and wine only; 21 for hard liquor

SOURCE: Congressional Research Service

TRIBUNE GRAPHIC
How many levels of government impact you daily?