

## National versus State Government

The first type of government in America was based primarily on state government. Prior to the signing of the Constitution, America had been made up of thirteen colonies, which had been ruled by England. Following the Revolutionary War, these colonies, although they had formed a league of friendship under the Articles of Confederation, basically governed themselves. They feared a strong central government like the one they lived with under England's rule. However, it was soon discovered that this weak form of state government could not survive and so the Constitution was drafted. The Constitution:

- defines and limits the power of the national government,
- defines the relationship between the national government and individual state governments, and
- guarantees the rights of the citizens of the United States.

This time, it was decided that a government system based on federalism would be established. In other words, power is shared between the national and state (local) governments. The opposite of this system of government is a centralized government, such as in France and Great Britain, where the national government maintains all power.

Sharing power between the national government and state governments allows us to enjoy the benefits of diversity and unity. For example, the national government may set a uniform currency system. Could you imagine having 50 different types of coins, each with a different value? You would need to take along a calculator to go shopping in another state. By setting up a national policy, the system is fair to everyone and the states do not have to bear the heavy burden of regulating their currency.

On the other hand, issues such as the death penalty have been left up to the individual states. The decision whether or not to have a death penalty, depends on that state's history, needs, and philosophies

## Exclusive Powers of the National Government and State Governments

### National Government

- Print money
- Regulate interstate (between states) and international trade
- Make treaties and conduct foreign policy
- Declare war
- Provide an army and navy
- Establish post offices
- Make laws necessary and proper to carry out the these powers

### State Governments

- Issue licenses
- Regulate intrastate (within the state) businesses
- Conduct elections
- Establish local governments
- Ratify amendments to the Constitution
- Take measures for public health and safety
- May exert powers the Constitution does not delegate to the national government or prohibit the states from using

In addition to their exclusive powers, both the national government and state governments share powers. Shared powers between the national government and state governments are called concurrent powers. Current powers of the national government and state governments include the ability to:

- Collect taxes
- Build roads
- Borrow money
- Establish courts
- Make and enforce laws
- Charter banks and corporations
- Spend money for the general welfare
- Take private property for public purposes, with just compensation

## Powers Denied to the National Government and State Governments

### National Government

- May not violate the Bill of Rights
- May not impose export taxes among states
- May not use money from the Treasury without the passage and approval of an appropriations bill
- May not change state boundaries

### State Governments

- May not enter into treaties with other countries
- May not print money
- May not tax imports or exports
- May not impair obligations of contracts
- May not suspend a person's rights without due process

In addition, neither the national government nor state governments may:

- Grant titles of nobility
- Permit slavery (13th Amendment)
- Deny citizens the right to vote due to race, color, or previous servitude (15th Amendment)
- Deny citizens the right to vote because of gender (19th Amendment)

## State Government

State governments have their own constitutions, similar to that of the national Constitution; however, the laws made in individual states cannot conflict with the national Constitution. The state constitutions all differ because each state has unique histories, needs, philosophies, and geography.

During the first 100 years of United States history, the states did most of the governing that directly affected the people. The national government mainly concentrated on foreign affairs. This is known as "dual federalism," where each level of government controlled its own sphere. However, during this time a rift began to form between the two over the issue of who had sovereignty that would culminate in the Civil War.

This issue was resolved following the Civil War. After the war, a series of constitutional amendments were passed that spelled out the federal government's control over social and economic policy and protection of the civil rights of citizens.

### The Civil War Amendments

- Thirteenth Amendment: "Neither slavery nor involuntary servitude, except as a punishment for crime . . . shall exist within the United States."
- Fourteenth Amendment: "All persons born or naturalized in the United States . . . are citizens of the United States . . . No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."
- Fifteenth Amendment: "The rights of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude."