



The Federal System

Step 1. Reading

Read Section 9.8 and answer the questions below:

1. Why did the framers create a federal system of government in which power is shared between the national and state governments?

2. What is *federalism*, and why do you think it has caused controversy during our nation's history?

Step 2. Constitution Question Cards

Get a set of Federal System cards. To answer each question, refer to either Section 9.8 or the Constitution, which starts on page 474 in *History Alive! The United States Through Industrialism*. Record the answers below in complete sentences. For bonus points, record the article and section where the answer can be found.

Answer	Article/Section
27. _____ _____	_____
28. _____ _____	_____
29. _____ _____	_____
30. _____ _____	_____



The Constitution divides power between the federal and state governments. The idea behind the separation of powers is to create a unified nation while also protecting local control.

interstate commerce trade and other business dealings that cross state lines

9.8 The Federal System Connects the Nation and the States

The framers of the Constitution wanted a strong national government, but they also wanted the states to keep significant powers. They accomplished both goals by creating a federal system of government in which power is shared between the national and state governments.

Powers Belonging to the National Government Some powers are given solely to the national government. In general, these are powers best exercised by one central authority, such as declaring war and making treaties. The Constitution also says that only the national government can print and coin money. The framers had learned from bitter experience that having separate state currencies made no sense.

Similarly, Article I gives Congress the power “to regulate Commerce with foreign Nations, and among the several States, and with the Indian tribes.” Known as the “commerce clause,” this provision gives the national government the power to regulate **interstate commerce**. For example, a state cannot try to protect its own businesses and industries by taxing goods imported from other states. Under the Articles of Confederation, many states had done just that. As a result, interstate trade threatened to grind to a halt. In effect, the commerce clause made the entire United States a common market, or “free-trade zone.”

There were several advantages to having the states share a common market. First, goods and resources could flow more easily across the country. This is important because different regions do different things well. For example, New Englanders might be very good at making cloth, but their region is not good for cotton growing. Southerners, meanwhile, might have lots of cotton but few factories for turning it into cloth. Making interstate trade easier for cloth makers and cotton growers helps both businesses thrive.

Second, the common market made it easier to create large businesses that crossed state lines. This was very important to companies like those that built the nation’s railroads in the 19th century.

Third, the common market helped to create a single national economy. Under the Articles of Confederation, it was almost as if the country had 13 small economies. These could never have grown so diverse or powerful as the United States economy did.

Notice that the commerce clause also gives the national government the right to regulate trade with Indian tribes. In effect, the Constitution treats native tribes as foreign governments. Relations with these “nations within a nation” are the responsibility of Congress, not the states.

In the decades that followed, the national government made hundreds of treaties with different tribes, as if they were separate countries. But the promises made in those treaties were seldom kept. You will learn more about the fate of Native Americans in later chapters.

Powers Belonging to the States The Constitution does not spell out specific powers of the states. Instead, it says that the states retain any pow-

ers that are not given to the national government. For instance, the Constitution does not say anything about schools, marriage, establishing local governments, owning property, licensing doctors and lawyers, or most crimes. The states make the laws that guide these areas of American life.

The Constitution does, however, outline the responsibilities of states to each other. Article IV says that each state must give “full Faith and Credit” to the laws and court decisions of other states. This means accepting other states’ laws and decisions as legal. For example, a marriage or divorce legalized in one state is legal in every state. Similarly, states cannot negate contracts that people have made in other states. Like the commerce clause, the “full faith and credit” provision brings stability to business dealings.

States are also required to help each other track down fleeing criminals. Criminals cannot escape justice by fleeing to another state.

Finally, the Constitution does not allow one state to discriminate unreasonably against a citizen of another state. A state may not, for example, refuse to let a child who was born in another state attend its public schools.

Shared Powers Federal and state governments also share some powers. For example, both can raise taxes, build roads, and borrow money.

If you think **federalism**, or the sharing of power, sounds complicated, you’re right. Consider presidential elections. Congress sets the date for national elections, but the states register voters and run the elections. States count the ballots, but the national government organizes the Electoral College vote, which determines who will be president.

Federalism is also complicated because the Constitution provides only a general framework for the sharing of powers. Of course, there was no way for the framers to spell out rules for every possible situation. The federal system continues to evolve through new laws, court decisions, and constitutional amendments. No doubt it will continue to evolve long into the future.

The Law of the Land Americans may disagree about how to interpret the Constitution, but they may not ignore it. Article VI states that the Constitution and the laws flowing from it are the “supreme Law of the Land.” This means that a state’s constitution, laws, and judicial decisions must agree with the Constitution. They must also not conflict with any other federal laws or treaties. In addition, everyone who holds a state or federal office must promise to support the Constitution.



Under the Constitution, states make their own laws in most areas of everyday life, such as marriage. But states must honor marriages and other legal arrangements made in other states.

federalism the constitutional system that shares power between the national and state governments