Federalism in the United States

Under the Constitution, the United States Government operates under a system known as Federalism. Federalism is a system of government in which two governments share power in the same geographic area. In the United States, Federalism is divided between a national (federal) government and various state governments. The U.S. Constitution gives certain powers to the federal government, other powers to the state governments, and yet other powers to both.

States have their own legislative branch, executive branch, and judicial branch. The states are empowered to pass, enforce, and interpret laws, as long as they do not violate the Constitution.

The federal government determines foreign policy, with exclusive power to make treaties, declare war, and control imports and exports. The federal government has the sole authority to print money. Most governmental responsibilities however, are shared by state and federal governments and these include taxation, business regulation, environmental protection, and civil rights.

Federalism in the United States has evolved quite a bit since it was first implemented in 1787. Two major kinds of federalism have dominated political theory. There is dual federalism, in which the federal and the state governments are equals. Under this theory, there is a very large group of powers belonging to the states, and the federal government is limited to only those powers explicitly listed in the Constitution. As such, the federal government has jurisdiction only to the extent of powers mentioned in the constitution. When looking for an analogy, a popular visual is a piece of layered cake. Each layer is separate and doesn't mix with another. Easily defined layers just like easily defined powers.

Under the second theory of federalism, known as cooperative federalism, the national, state, and local governments interact cooperatively and collectively to solve common problems. Cooperative federalism asserts that the national government is supreme over the states. Looking at a slice of cake, this method would resemble marble cake with undefined powers mixing together.
In the country’s early history, theory one, Dual Federalism, was the dominant method. The federal government remained small and only had the powers specifically granted to it under the constitution. After the Civil War and into the early 1900’s there was a significant shift to the second theory known as Cooperative Federalism. From 1900 to today we have been operating under this system.

Regardless of the kind of federalism, the Constitution does provide some very specific powers to both the states and the federal government. They are:

**Delegated Powers** – Delegated powers are those powers specifically assigned to the Federal Government. The national government has very specific enumerated powers including the regulation of interstate and international trade, coinage and currency, war, maintenance of armed forces, postal system, enforcement of copyrights, issuing of patents and entrance into treaties.

**Reserved Powers** – In this case, all powers not specifically delegated to the Federal Government are to be reserved, or saved, for the State Governments. These powers include power to establish schools, establishment of local governments, police powers, regulation of trade within the state, and even conducting elections.

**Concurrent Powers** – Concurrent means “at the same time.” Often times this is referred to as “shared powers.” Concurrent powers are those that both the federal and state governments share simultaneously. For example, the power to tax, charter banks, borrow money, maintain courts, establish criminal justice, construct and maintain roads, and provide for the general welfare, or well-being, of the people.

**Implied Powers** – These are powers that are NOT specifically delegated in the Constitution, but are understood to be necessary or allowed. The “necessary and proper clause” of the Constitution states that Congress has the power “to make all laws which shall be necessary and proper for carrying into execution the foregoing powers”. Implied powers include establishing a military draft, government provided health care, and establishing daylight savings times.

The line between the powers of the U.S. government and those of the states is usually clear. Sometimes, it is not. Whenever a state government’s exercise of power might be in conflict with the Constitution, we end up with a battle of “states' rights” which must often be settled by the Supreme Court. Probably the greatest battle over states' rights -- segregation -- took place during the 1960's civil rights struggle.