

Module 2: The Constitution

Topic 5 Content: National Power vs. State Power

Introduction



Glover Mint: In a federal system of government, power is shared between the national and regional levels. Some powers overlap, while others are restricted to both levels. Jamie Madson joins us to discuss areas where the power of the national and state governments are shared and areas where power is denied.

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Concurrent Powers



The graphic features a cartoon character with dreadlocks and a beard, wearing a tan sweater, standing behind a wooden podium. To the right, a dark blue panel with a yellow border contains the text "Concurrent Powers" in white. Below this, it says "Please make your selection below" in yellow. There are four buttons with yellow borders: "Taxation", "Education", "Establishing Laws", and "Transportation".

Jamie Madson: In America's federal system, there are certain powers that belong to both the national government and the state governments. These powers are referred to as concurrent powers.

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Taxation

Next

Taxation

- Has the power to tax your income
- Taxes are used to pay for different programs and policies at the national level

National

VS.

- Has the power to tax your income
- Taxes are used to pay for different programs and policies at the regional level

State

Jamie Madson: Take a look at any paystub and you will notice that both the federal government and the state government tax your income. When you earn an income, you are required to pay taxes to both the national government and the state government. These taxes pay for programs and policies that affect you on the national and regional level.

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Education

Education

Next

- Sets national standard of education and ensures equality in the access of education
- Offers financial assistance through federal grants and loans
- Distribution of federal funds monitored by Department of Education

VS.

- Maintain and operate public schools through school board
- Sets educational requirements that adhere to the national standard
- State universities receive government subsidies
- State universities meet requirements to receive federal funds

Jamie Madson: States are tasked with maintaining and operating public schools within their jurisdiction. Typically, this is done through a state school board, which is appointed by the state legislature. States are allowed to set their own educational requirements, as long as they adhere to the national standard. The national government's main concerns are maintaining a certain level of education and equality in the access of education.

State universities receive subsidies from their state government in order to operate. Students attending these schools may receive financial assistance from the national government to contribute toward the cost of tuition. The U.S. Department of Education institutes policies involving federal financial aid for education. This agency also manages the distribution of funds and monitors their use, since state universities must meet certain requirements in order for these federal funds to be used at their institutions.

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Establishing Laws

Establishing Laws

Next

- Can create laws
- Federal law overrides state law
- Can establish courts and administer justice
- Federal crimes tied in federal courts



VS.



Jamie Madson: Both the federal government and the state government have the power to create laws. In Article VI, the Constitution explains that it is “the supreme Law of the Land.” If there is ever a conflict between a federal law and a state law, the federal law will prevail. The federal government and state governments also share the power to establish courts to administer justice. Crimes that involve a violation of a state law are tried in state courts. Crimes that involve a violation of a federal law are tried in federal courts.

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Transportation

Transportation

Next


- Maintain roadways that connect states (interstates and highways)
- Gives money to state governments to maintain all roads within the state
- Sets certain conditions for funding (legal drinking age of 21)



National

VS.

- Maintain roadways within the state (neighborhood roads)
- Maintain all roads within its borders using both federal and state funding
- Required to follow conditions for funding
- Accepted legal drinking age as 21, due to funds and public support



State

Jamie Madson: The national and state governments share responsibilities in maintaining the transportation infrastructure throughout the United States. The national government is responsible for maintaining the roadways that connect states, like interstates and highways, while state governments are responsible for maintaining the roadways within their state, like neighborhood roads.

In modern America, the national government provides states with money from tax revenue to maintain all roads within their state. This is done because the national government takes in far more tax revenue than state governments, but states know their biggest transportation needs.

When the national government gives the states money for transportation, they often attach rules to influence state transportation laws. An example of this is the legal age to drink alcohol. Technically, each state sets their own laws about what the legal drinking age will be. However, the national government requires states to set their drinking age as no younger than 21 in order to receive federal transportation money. The national government did this because when the drinking age was 18 in many states, studies showed that 18-21 year olds were more likely to drive while intoxicated than other age groups. State governments did not resist this change because the general population was accepting of it.

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Denied Powers

Denied Powers

Please make your selection below

Ex Post Facto Laws

Taxing Exports

Granting Titles of Nobility

Jamie Madson: The framers feared that establishing a government with too much authority would lead to abuse of power and tyranny. They made sure that the Constitution established limits on the power of government, both at the state and national levels.

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Ex Post Facto Laws



Ex Post Facto Laws

- Make a particular action illegal and retroactively assign consequences
- Prevent individuals from being aware that their action was illegal
- Prohibited by the Constitution

Please make your selection below

Ex Post Facto Laws Taxing Exports

Granting Titles of Nobility

Jamie Madson: Ex post facto laws establish a particular action as illegal and retroactively assign consequences. Ex post facto laws, Latin for “after the fact,” prevent individuals from being aware ahead of time that their action was illegal.

To help illustrate this, imagine that a controversial movie is released. You purchase a ticket for the movie to see for yourself what all of the hype is about. The controversy over this film grows to the point that the government gets involved. Months after the movie’s release, a new law is passed declaring that it will be pulled from all theaters and anyone who purchased a ticket is subject to a large fine. It was not illegal to buy a ticket when you did, but this law would punish you for that action after the fact. The Constitution specifically prohibits both the national government and the state government from passing any ex post facto laws.

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Taxing Imports



Taxing Imports

“Both the national government and state governments are also prohibited from placing taxes on exports. **No Tax or Duty shall be laid on Articles exported from any State.**”

Article I, Section 9, Clause 5

Please make your selection below

Ex Post Facto Laws Taxing Exports

Granting Titles of Nobility


Jamie Madson: Article I, Section 9, Clause 5 of the U.S. Constitution states, “Both the national government and state governments are also prohibited from placing taxes on exports. No Tax or Duty shall be laid on Articles exported from any State.”

There was a concern during the drafting of the Constitution that an export tax would put an unfair burden on the southern states, since the majority of their economies were based on exports. They were worried that the northern states would exploit the outnumbered southern states financially. This prohibition of export taxes soothed their concerns and also helped to facilitate trade and support the economy.

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Granting Titles of Nobility



Granting Titles of Nobility

- Restricted to both levels of government
- Ensures that the U.S. will remain democratic and avoid becoming a monarchy

Please make your selection below

Ex Post Facto Laws Taxing Exports

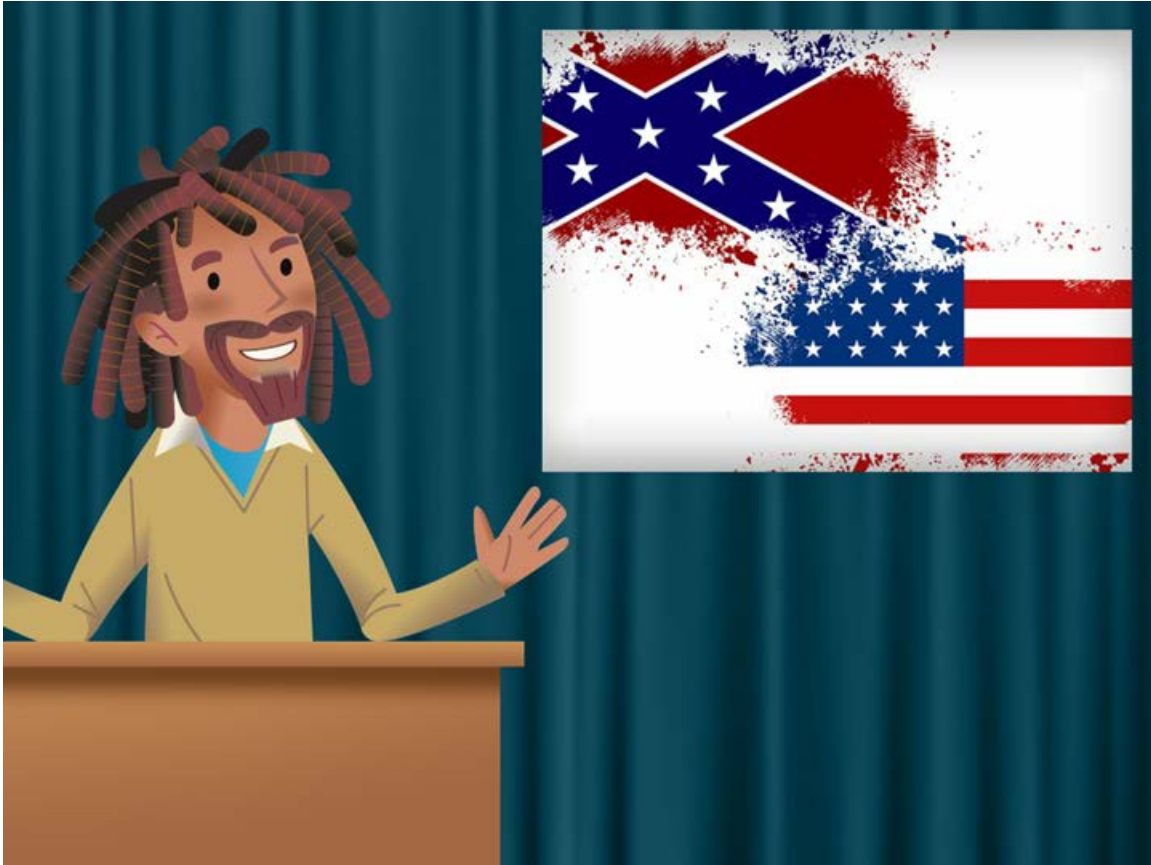
Granting Titles of Nobility Next

Jamie Madson: Both levels of government are restricted from granting individuals titles of nobility. The newly independent United States wanted to ensure that its government remained a democracy and avoided the chance of ever becoming a monarchy.

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The Debate



Jamie Madson: The distribution of power between the national and state governments has always been a source of considerable political debate. The conflict over concurrent powers has ranged from heated debate to outright war.

Leading up to the American Civil War, states believed that they were sovereign and could decide the legality of slavery for themselves. They believed that they had the right to choose not to uphold national laws and, if necessary, could secede from the United States. The South eventually seceded from the Union and established itself as a Confederacy, triggering the Civil War. The Union's victory re-established the supremacy of the national government.

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Ending of Episode



Glover Mint: That was Jamie Madson, with another episode of *The Constitutional Connection*. As always, we appreciate you joining us for today's WUSG News broadcast. We'll see you next time!