

# The Constitutional Convention

## State Gov't vs. National Gov't

### The Great Debate

The Federalist Arguments	The Anti-Federalist Arguments
<ul style="list-style-type: none"> <li>Wanted a strong national government to provide order and protect rights of people.</li> </ul>	<ul style="list-style-type: none"> <li>Wanted a weak national government so that it would not threaten the rights of the people or the powers of the states.</li> </ul>
<ul style="list-style-type: none"> <li>Claimed that a bill of rights was unnecessary because the new government's powers were limited by the Constitution.</li> </ul>	<ul style="list-style-type: none"> <li>Wanted to add a bill of rights to protect the people against abuses of power.</li> </ul>

## The Federal System

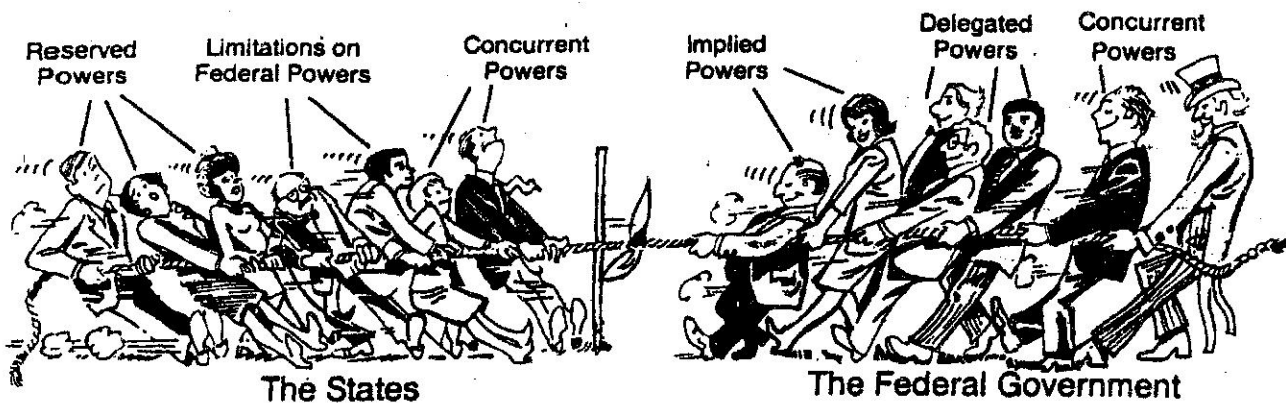
The U.S. Constitution set up a new form of government based on the principle of *federalism*. Under federalism, the *federal (central) government shares powers with the state governments*. The Constitution spells out the division of powers. The federal government's powers may be either *delegated* (specifically mentioned), *implied* (indirectly indicated), or *concurrent* (shared). The powers of state governments may be either concurrent or *reserved* (for the exclusive use of those governments).

"The Congress shall have the power to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested in the Constitution in the Government of the United States, or in any Department or Officer thereof."

The Implied Powers = \_\_\_\_\_

Article I Section VIII #18  
The Constitution

## States' Rights—A Losing Battle



### Powers Denied The Federal Government:

- suspending writs of habeas corpus (written court order informing an accused person of the charges against them [speedy arraignment]), except in times of rebellion or invasion
- passing **bills of attainder** (legislative acts declaring people guilty without a trial)
- passing **ex post facto laws** (laws that declare an act a crime after it has been done)
- levying **direct taxes** on people (the income tax of the 16th Amendment is an exception)
- taxing exports** (goods leaving the country)
- spending money without appropriation** (Congressional approval)
- granting titles of nobility**

## A FEDERAL SYSTEM OF GOVERNMENT

### Delegated Powers

#### POWERS OF THE FEDERAL GOVERNMENT

- Declare and wage war
- Make treaties
- Conduct foreign policy
- Raise and maintain armed forces
- Coin and print money
- Regulate interstate commerce
- Regulate foreign trade
- Regulate immigration and naturalization

### Concurrent Powers-

#### POWERS SHARED BY FEDERAL AND STATE GOVERNMENTS

- Maintain courts
- Make and enforce laws
- Borrow money
- Levy taxes
- Charter banks
- Provide for public health and welfare

### Reserved Powers

#### POWERS OF STATE GOVERNMENTS

- Set up and regulate local governments
- Set up and regulate schools
- Set standards for state and local elections
- Pass marriage and divorce laws
- Pass traffic and licensing laws
- Pass corporation laws
- Provide for public safety
- All other powers not given to the federal government or prohibited to the states

**FEDERAL-STATE POWER SHARING**

POWER	DELEGATED	IMPLIED	CON-CURRENT	RESERVED
1. Controlling public education				
2. Borrowing money				
3. Declaring war				
4. Establishing post offices				
5. Selling bonds				
6. Governing the national capital				
7. Setting up voting requirements				
8. Creating a national bank				
9. Regulating television				
10. Establishing a navy				
11. Licensing dentists				
12. Controlling marriages and divorces				
13. Coining money				
14. Providing health services				
15. Controlling United States citizenship				
16. Collecting taxes				

Directions: For each power that is listed, place an X in the proper column to show whether the power is delegated, implied, concurrent, or reserved. If a power is concurrent, place a second X to show whether the federal share of that power is delegated or implied.