Constitutional Federalism

The Constitution of The United States was created to provide the Federal government laws and regulations to help govern the people of this country. The amendments of the Constitution provide the foundation for rights given to the people and the extent of the Federal government’s ability to rule over these people. The Federal government is looked upon as the supreme ruler over this nation and therefore given powers, described in the Constitution, to act as such. Throughout the Constitution the Federal government is granted delegated powers. These powers, also known as enumerated powers, give the Federal government the ability to rule over specific issues concerning this nation. Delegated powers are divided among the three branches of our government; however the majority of these powers are given to the legislative branch, or Congress. The legislative branch has the power to raise money, taxing, and spend it. It also has the ability to regulate interstate and international trade. This branch may also coin money, set standards for weights and measures, create post offices and aide in defending the nation by raising and supporting armies. These are just a few examples of the delegated powers given to the legislative branch. The executive and judicial branches have far less powers. The executive branch has the power to enforce these laws and rules created by Congress. The President may also grant pardons and appoint ambassadors, judges, and other officials. The judicial branch’s power is to make sure that everything thing created by the other two branches fall under the amendments and laws set by the Constitution.

Implied powers are the powers given to the Federal government that are not specifically mentioned in the Constitution. These are powers that support the delegated powers given to the Federal government. The best example of this, and the one our text book describes, is the authority to establish a draft to increase armed personnel. Implied powers may not be mentioned in the Constitution but most of them do fall under the Necessary and Proper Clause located in Article I of the Constitution.

The Constitution is the supreme law of this country. It states in article VI, the National Supremacy Clause, that if there is any conflict between state law and Federal law, that Federal law has precedence over state law. The states recognize and understand that the Constitution rules the nation. Most conflicts result from federal mandates imposed on states by the Federal government that are opposed by the states. These mandates, even though opposed, have to be obeyed by the state because of the clause established in the Constitution.

A major case that recognized the power that the Federal government had over the states is *McCulloch v. Maryland*. A short summary of this case is that the Federal government chartered the Second Bank of the U.S. The states believed that the bank was responsible for an economic downfall which harmed investors. To combat this Federal established bank, the state of Maryland levied a substantial tax on it which would force the bank to close due to insufficient funds. McCulloch, a bank employee, refused to pay the tax and fought Maryland in the case. The Supreme Court ruled that a state may not tax an arm of the national government. The ability to establish a bank was an implied power of Congress established by the Constitution. This decision supported the Supremacy Clause of the Constitution and made it known to all states that they do not have the power to interfere with any Federal government operation that is protected by the Constitution.