

State Power: Got a Reservation?

Name: _____

States Have Power

If you've ever been to a wedding, you probably heard the officiant wrap things up by saying, "By the power vested in me by the State of _____, I now pronounce..." The person performing the wedding got the power to perform weddings from the state. But where did the state get the power to give that power?



In many ways, states are independent and govern themselves.

Little Countries?

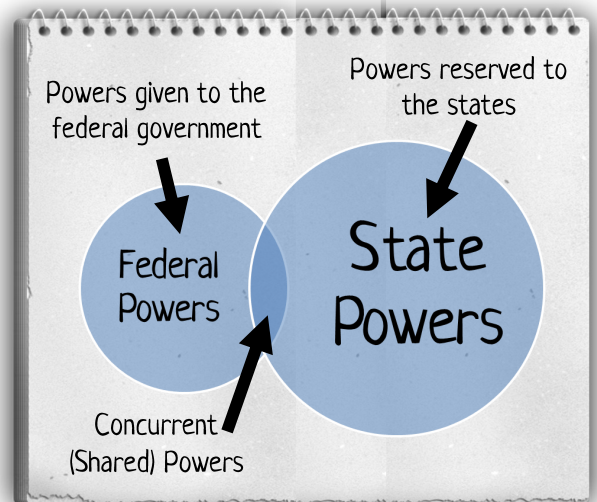
If you look up "state" in the dictionary, one of the definitions will sound a lot like the definition for "country." That's because *state* is another word for country or nation. A **state** is a political unit that has the authority to govern itself. The **United States** is a group of states that decided to unite themselves under a single government. When states do that, they are not considered countries. And yet... they have their own governments. And they have their own power. The Constitution treats states partly as if they were independent countries and partly as small units within one big country. It lets states have power to do a lot of things, but it gives some powers only to the federal government.

Hey—That's Reserved!

The Constitution gives a specific list of powers to the federal government. But even if you read the entire Constitution, you won't find a list of powers for states. Instead, the Constitution says this:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Delegated means assigned or given. *Reserved* means set aside for. So under the Constitution, if a power isn't specifically given to the federal government, it's a power set aside for the states—unless the Constitution says it's something states aren't allowed to do. There are no reserved powers for the federal government. It only has the powers the Constitution says it has.



Aw, That's No Fun

So what can't states do? You might want a cool title, like Sir Brandon or Princess Kaitlyn, but you won't be getting one from your state government—it's not allowed. Granting titles of nobility is one of many things the Constitution says states can't do. (It's also something the federal government can't do.) Other no-no's include things that would interfere with the federal government's ability to exercise its own powers. These are things like making treaties with other countries or starting a war. The Constitution also says "no" to states causing problems for other states. For example, a state can't charge taxes on goods brought in from other states.

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Go For It!

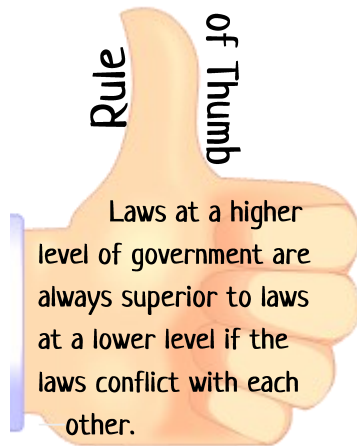


So what powers have the green light for states? That's like saying you can't have pizza, tacos, or mac & cheese for dinner—now go list everything you *can* have. There are lots of powers the Constitution doesn't say anything about at all. There's nothing about education, health care, fire protection, police, marriage, driver's licenses, how many dogs you can have, what happens to your stuff when you die, or whether skateboards are allowed at the park. State and local governments have the power to make rules about all that and much, much more. They exercise this power by adopting constitutions of their own and by passing their own laws.

Share and Share Alike

What if the Constitution says the federal government can do something but doesn't say states *can't* do it? For example, the Constitution gives the federal government the right to collect taxes, but it doesn't say states *can't* collect taxes. Does that mean they can both collect taxes? In this case, yes. One collecting taxes doesn't stop the other from collecting taxes.

Shared powers are called **concurrent powers**. (*Concurrent* means "at the same time.") States can't share a power the Constitution gives only to the federal government. And if sharing a power would cause a conflict, then the power can't be shared. Other concurrent powers include running a court system, enforcing laws, and borrowing money.



Speaking of Local Governments...

The Constitution says nothing about counties, cities, towns, boroughs, or any other small unit of government. It's up to states to decide what kinds of smaller governments to create and what powers those local governments will have. States rely on local government to deliver certain kinds of services to people. That's because the smaller the unit of government, the closer that government is to the people. States also give local governments the power to make their own decisions about things like whether your dog needs to be on a leash or whether UglyMart can build a 100-foot purple store downtown. Local governments are also usually empowered to collect property and sales taxes.

State Power and Federal Funding

Sometimes the federal government would like to pass a nationwide law, but because of the state/federal power split, it can't. But in some cases, it can influence states to change their own laws. This is because, over time, cash-strapped states have become more and more dependent on federal money in order to provide services to state citizens. One example is federal highway funds. Years ago, research showed many fatal accidents were caused by young people who had been drinking. The federal government didn't have the power to raise the drinking age—so in 1984 it told states they would not receive highway funds unless they raised the state drinking age to 21. All the states have complied.



Federal money is a controversial subject. Some believe the federal government should not restrict how states use federal money. Others believe restrictions are an important tool.