

Power to the States!

Name: _____



Fifty Sovereign Nations?

The United States is exactly what its name says: a group of states united together to form a single nation. But what are these states? Are they independent nations? Just areas of land with boundaries drawn around them? A **state** is a geopolitical unit that has *sovereignty*—the authority to govern itself. Mexico and China are states, but so are Georgia and Pennsylvania. The difference

is, Mexico and China have complete authority inside their borders, just like all sovereign nations do. Georgia and Pennsylvania could have had that, too, but they chose not to. After winning independence from Great Britain and basically becoming a group of sovereign nations, the states in the U.S. gave some of their authority away by agreeing to a little contract called the United States Constitution.

Power Sharing

The Constitution is really just an agreement that the original states put together in order to form a nation they could all be part of. That nation needed a government, and that government needed power. There was only one place that power could come from: the states. Each state already had its own leaders, laws, and legal system. Each state had also developed its own constitution years before the U.S. Constitution was written. The states held all the power, and in order to empower a central government, states would have to give up some of their own. Generally speaking, states did not love this idea. They worried that a government too far from the people, with too much power, could destroy individual liberty.



State power is a big deal because state governments are closest to the people.

Let's Just Be Clear...

In the Constitution, the states created a **federalist system** where they would share power with a central government and give it a specific list of powers. Because states were so freaked out about giving away any power at all, the **10th Amendment** to the Constitution makes it super clear how the power-sharing between the states and the federal government was supposed to work:

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.

In other words, if the Constitution doesn't specifically give a power to the U.S. government or prohibit states from having it, then state governments (or the people) keep that power. Powers the states kept are called **reserved powers**.

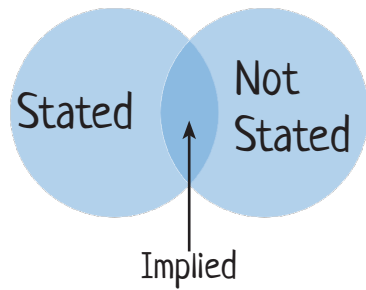


What the States Gave Up

The list of powers the states gave the federal government in the Constitution are called **expressed powers** because they are directly stated. Even though states didn't like giving up power, some things just made sense—for example, it would be pretty messy to have thirteen different states declaring war, so that power went to the federal government. Other examples include the power to maintain a military, make treaties with other nations, coin money, and make rules about who gets to be a U.S. citizen. Ultimately, the states tried to give the federal government only the powers that were absolutely necessary for a strong nation that could run smoothly.



One of the first United States coins



Not Stated, but Not Reserved

In addition, there are **implied powers** hidden within the express federal powers. For example, the power to make rules about citizenship *implies* the power to monitor the flow of people through the nation's borders. The Constitution lets the federal government do things that aren't specifically stated but are "necessary and proper" for carrying out the other federal powers.

There are also **concurrent powers** that both states and the federal government have, and that both can exercise at the same time — as long as they don't interfere with each other. Normally, interference isn't an issue because federal and state governments operate as two separate systems. For example, both have the power to tax, spend, and borrow money because both levels of government need money to function and provide services. Both levels have the power to define crimes and determine the punishment for those crimes, so both levels have the power to create a justice system. But the states put one big limit on themselves in the Constitution: If state and federal laws do interfere with each other, federal laws are supreme.



Police Power: Not What it Sounds Like

The biggest power the states kept for themselves is one you won't find defined in any constitution: the **police power**. This is a sweeping power that lets states do things like this:

- Protect the health, safety, and morals of the community
- Pass and enforce laws that promote the general welfare
- Limit private rights for the good of the public
- Address major needs in the community

While the police power is the reason police departments can exist, this power is about a lot more than police officers. Laws based on the police power can be wildly different from state to state, and they can cover everything from the kind of electrical wire allowed in new construction to noise ordinances that limit how loud motorcycle pipes can be. Each state has its own needs and priorities, and states use their police powers to address issues in ways that make sense for their own citizens.

MORE Power to the States?

When the states agreed to the Constitution, the states were the only ones with power to keep or give away. Because the states also have the power to amend the Constitution, the states could—in theory—strip the federal government of its powers by changing the Constitution. Changing the Constitution is really difficult because it requires getting a huge portion of people and states to agree on something that will become "the law of the land." America also has over 200 years of history built on the system of federal-state power-sharing that the Founders created, along with a history of respecting that system instead of trying to change it. So a state-power revolution probably won't happen. But it could, and that's the point.

