



# The Enduring Constitution: Six Basic Principles of the Constitution

## Federalism

### Understanding the Principle

Like the separation of powers, the principle of federalism also seeks to limit the power of government. Federalism involves a different kind of separation of powers—the division of power between the National Government and the State governments.

The Constitution spelled out the areas in which the Federal Government was to have control—national defense, currency, foreign affairs, and regulating commerce with foreign nations and among States, to name just a few. It left to the States and local governments power over matters closer to home—birth, marriage, death, education, running elections, and police powers needed to protect the health, safety, and welfare of citizens.

### The Constitution at Work

Because the principle of federalism was rather skeletally drawn in the Constitution, it was not long before court cases challenged where federal power ended and State power began. One such case, *Gibbons v. Ogden*, arose in 1824 when the Supreme Court had to decide whether the Federal Government had the ultimate power over interstate commerce. The Court found the Federal Government’s authority does preside over the State’s authority on such matters. In subsequent decades, disagreement between the North and South over slavery, tariffs, and other matters brought the issue of States’ rights to the boiling point. Southern States declared that they had the right to secede from the federal union, thus denying that the Federal Government had any power to govern them. Northern States fought the Civil War in part to prove that Southern States did not have the right to secede. Although the South lost, conflicts between federal rights and States rights did not end there.

Since the Civil War, the Federal Government’s role in and authority over State affairs has varied. The Great Depression of the 1930s opened the door for the Federal Government to move further into areas of State authority. With



a large segment of the population unemployed, poverty was rampant and State and local governments could not afford to provide for the welfare of impoverished citizens. The Federal Government stepped in, providing programs and funding to help rejuvenate the economy.

The Federal Government’s power extended into the primarily State-run education system when the Supreme Court ordered schools desegregated in the case of *Brown v. Board of Education of Topeka*, 1954. And in the 1960s, the Federal Government passed several social and economic programs that further expanded its authority in education and welfare.

In recent times, the pendulum has begun to swing back a little. Congress has taken steps to return control over traditional State matters to the States. Even though some or all funding for many social and economic programs, such as the welfare system, may come from the Federal Government, State governments have assumed greater control over such programs’ goals, design, and execution.

### Questions for Review and Discussion

1. Summarize the purpose of federalism and how it works.
2. Why do you think the line between the powers of the Federal Government and those of State governments was often not clearly drawn?

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