

The Federal System of American Government

The United States government is a **federal system**. A federal system (or **federalism**) is a form of government in which powers are divided between the national government and the state governments.

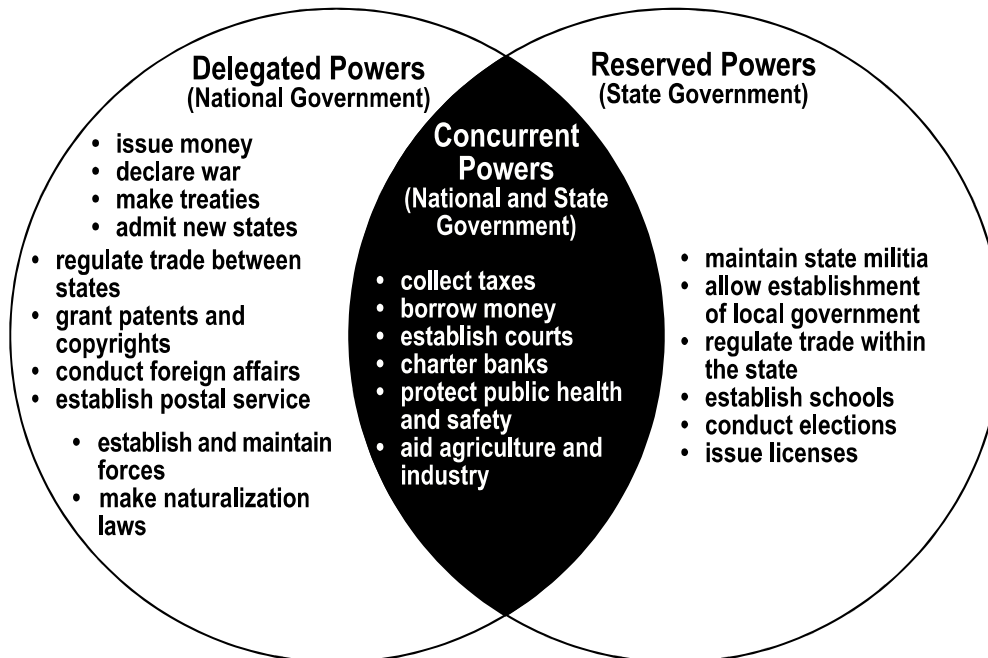
5 Basic Principles of American Government

1. Federal System
2. Popular Sovereignty
3. Separation of Powers
4. Checks and Balances
5. Limited Government

Division of Powers

The Constitution divided government authority by giving certain powers to the national and state governments. The national government has certain specified powers, while all other powers are reserved to the states or to the people. In the Constitution, there are also some shared powers and some specifically denied powers to each level of government.

There are three terms that describe the different powers in our government. The first type of powers is called **delegated powers**. Delegated powers are powers given to the national government. The next type of powers is called **reserved powers**. Reserved powers are those given to the states. The third type of powers is called **concurrent powers**. These are powers shared by the national and state governments.



Expressed Powers

The expressed powers are those powers directly expressed or stated in the Constitution. In our federal system, the powers of the national government are listed in the Constitution. The Bill of Rights gives power to the states in the areas not specifically mentioned in the Constitution. In addition, both national and state governments share some powers.

Implied Powers

The constitution states the powers of the national government. While not specifically listed, **implied powers** spring from and depend upon the powers expressed in the Constitution. For example, the power to draft people into the armed forces is implied by the power to raise an army or navy.

The basis for the implied powers is the necessary and proper clause of Article I, Section 8, and is often called the **elastic clause**. It states the following:

Congress shall have 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 Government of the United States....

The founders of the Constitution wanted to make sure the national government would have the power to expand its authority to meet the many problems they could not foresee. For example, Congress has used the implied powers to develop the space program. Traveling into space was not something our founding fathers would have dreamed possible.

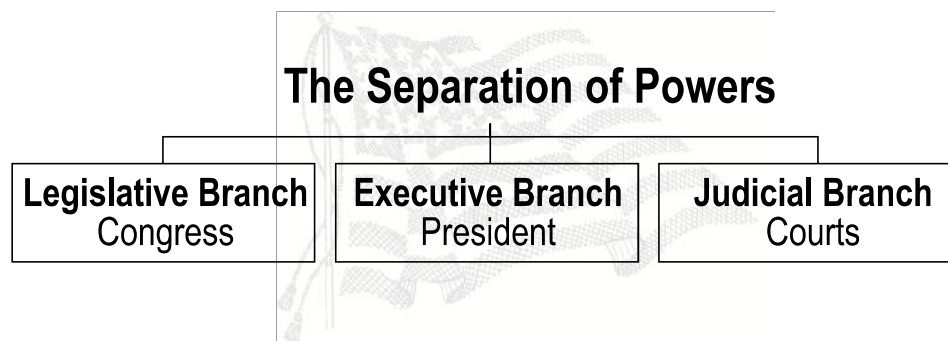


Popular Sovereignty

Popular sovereignty refers to the idea that power rests with the people. The real power to rule is in the hands of the people who elect government officials. Government cannot act without the consent of the people.

Separation of Powers

The first three sections, or articles, of the Constitution separate the United States government into three branches. This **separation of powers** was intentional. The framers of the Constitution assigned different duties and responsibilities to each branch of government in order to make sure that no one person or group of people had too much power. The three branches were designed so that power would be shared more or less equally. The three branches of government are the **legislative branch** (Congress), which makes laws; the **executive branch** (the President), which enforces laws; and the **judicial branch** (the courts), which explains the meaning of laws. As a further precaution, the **principle of checks and balances** was also established.

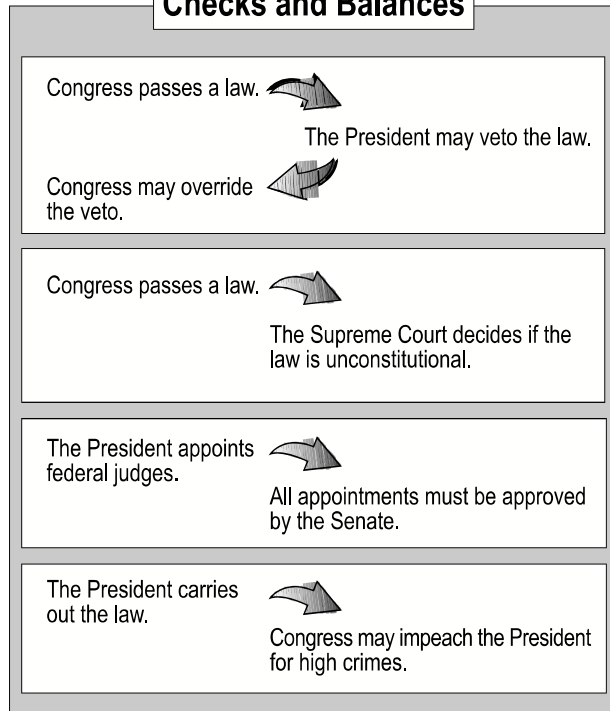


Checks and Balances

While each branch of government has its own duties to perform, it is also given the responsibility of watching the other two branches. In this way, one branch may check, or limit, the power of another branch. Some examples of checks and balances are listed below and in the graphic on the following page.

1. Congress passes laws. If the President does not agree with a law, he or she may **veto** (refuse to sign) it. Congress, however, may override the veto.
2. The President appoints federal judges, but all appointments must be approved by the Senate.
3. The Supreme Court looks at laws passed by Congress. If the Supreme Court decides that a law goes against the Constitution, it must be thrown out. The power of the courts to declare a law unconstitutional is known as **judicial review**.

Checks and Balances



Further powers of the three branches are discussed in Unit 4.

Limited Government

While the Constitution spells out what government can do, it also includes some information about what government cannot do. The limits placed on government (called **denied powers**) were included to protect the citizens. Some powers denied to the national government include taxing American goods being sent to other countries, punishing a person without a trial (**bill of attainder**), and secret spending of money. Others include not allowing a prisoner to see a judge (**habeas corpus**) and passing **ex post facto** laws, which make actions illegal after they have already happened. Powers denied to the states are also listed in the Constitution.

Amending the Constitution

No document, such as the Constitution, is perfect. When the Constitution was written, it included ways that it could be amended, or changed, to meet changing needs. It is not easy, however, to change the Constitution. An amendment must first be proposed and then **ratified** (approved).

1. The first step is to propose the amendment. There are two ways to propose an amendment.
 - a. A two-thirds majority of each House of Congress votes to amend the Constitution.
 - b. Two-thirds of the state legislatures ask Congress to call a National Constitutional Convention. (This method has never been used.)
2. The second step is to ratify, or approve, the amendment. There are two ways to ratify an amendment.
 - a. Congress submits a proposed amendment to the state legislatures. Three-fourths of the legislatures must approve the amendment (38 of the 50 states).
 - b. Congress orders a special state convention in each state. Conventions in three-fourths of the states must approve the amendment. (This method has been used only once. It was used in 1933 to approve the 21st Amendment.)

Below is a chart which shows the two methods to propose and the two methods to ratify amendments.

The arrows show that either proposal method can be used with either ratification method to amend the Constitution, making a total of four amendment methods.

