

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?

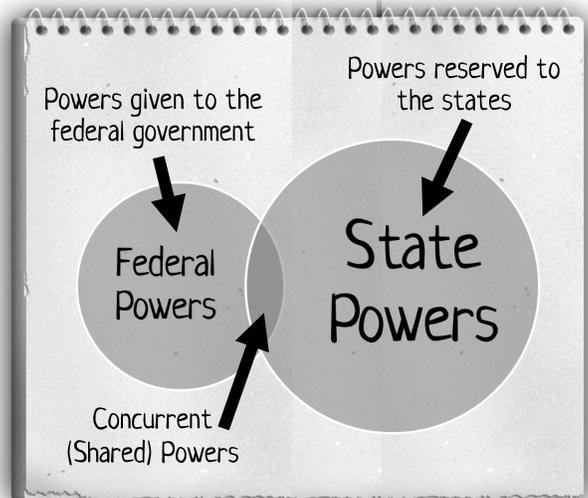
If you look up "state" in the dictionary, one of the definitions will sound a lot like the definition for "country." That's because *state* is another word for country or nation. A **state** is a political unit that has the authority to govern itself. The **United States** is a group of states that decided 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!

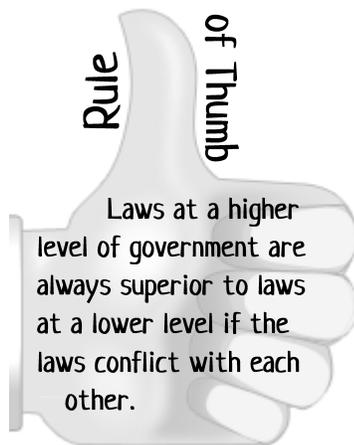


So what powers have the green light for states? That's like saying you can't have pizza, tacos, or mac & cheese for dinner—now go list everything you *can* have. There are lots of powers the Constitution doesn't say anything about at all. There's nothing about education, health care, fire protection, 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.

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Federal Power Cheat Sheet

Article I, Section 8 of the U.S. Constitution

The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States;

To borrow money on the credit of the United States;

To regulate commerce with foreign nations, and among the several states, and with the Indian tribes;

To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

To provide for the punishment of counterfeiting the securities and current coin of the United States;

To establish post offices and post roads;

To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;

To constitute tribunals inferior to the Supreme Court;

To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations;

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

To provide and maintain a navy;

To make rules for the government and regulation of the land and naval forces;

To provide for calling forth the militia to execute the laws of the union, suppress insurrections and repel invasions;

To provide for organizing, arming, and disciplining, the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;

To exercise exclusive legislation in all cases whatsoever, over such District (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings; - And

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

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Activity: Strike It! Things are getting out of control in the state of Pendiana. The state legislature has seriously overreached its power with its new set of laws!

- 1) Read Pendiana's new laws and compare them to the Federal Power Cheat Sheet.
- 2) Then ~~STRIKE~~ (cross out) any law that the state of Pendiana does not have the power to pass. (Careful: Some powers are *concurrent*, so both states and the federal government have them.)

LAWS OF THE STATE OF PENDIANA

A. Weights and Measures. The standards of measure in the state of Pendiana shall be:

Length: hands
Weight: stones
Volume: hogsheads

B. Vehicles. All vehicles owned by citizens of Pendiana must be registered with the state. Registration must be renewed each year.

C. International Relations.

War. By a 3/4 vote, the legislature of the State of Pendiana may declare war on any sovereign nation of the world.

Treaties. The Governor of Pendiana may negotiate treaties with other nations.

D. Education. The State of Pendiana shall provide a free education to every child.

E. Taxes. Tax rates for the State of Pendiana shall be:

Income Tax: 5%
Property Tax: 2.5%
Sales Tax: 3%

In addition, there shall be a tax of 10% on all goods manufactured in any state except Pendiana.

F. Local Governments. Every city in the State of Pendiana must provide its own police force inside city limits.

G. Courts. For each county of the state, there shall be a superior court. One judge shall be appointed for each 30,000 residents.

H. Immigration. No citizen of a foreign country may live or work in the state without passing the Pendiana Citizenship Knowledge Test.

I. Cities & Towns. Each city and town in the state shall adopt a long-range general plan for growth and development.

J. Animal Shelters. Each county shall maintain a shelter for lost or stray animals.

K. International Commerce. A 20% charge will be added to all products manufactured outside the United States of America and sold in the state of Pendiana.

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A. State or Local? Some laws are intended to apply to everyone in an entire state, while other laws make more sense applied to a smaller, local area. Can you tell which is which? Read each law below and decide whether it sounds like a state law or a local ordinance (law), rule, or policy.

- 1) No one living in the area may breed livestock of any kind.
 LOCAL or STATE
- 2) It is unlawful to turn water service on or off without approval.
 LOCAL or STATE
- 3) Every child between ages 6 and 16 must attend a school or be homeschooled.
 LOCAL or STATE
- 4) Temporary structures such as circus tents may not be put up without approval.
 LOCAL or STATE
- 5) A person between ages 16 and 18 must have a parent's permission in order to get married.
 LOCAL or STATE
- 6) It is against the law to change or destroy any sidewalks without first receiving approval.
 LOCAL or STATE
- 7) At any time between sunset and sunrise, vehicles on the road must have their headlights on.
 LOCAL or STATE
- 8) All sidewalks, buildings, fences, signs, and other surfaces must be kept free from graffiti.
 LOCAL or STATE
- 9) Elementary school begins at 8:30 a.m. and the middle and high school begins at 7:30 a.m.
 LOCAL or STATE
- 10) It is unlawful to take, injure, or harass any bird upon its nest, except in agriculture.
 LOCAL or STATE

B. Local Officials. Local officials are responsible for carrying out local laws. But who does what? Match these local officials with the services they are responsible for. Write the letter of the official on the box he or she is standing on.

- | | |
|----------------------------|------------------------------|
| A. Prosecutor | F. School superintendent |
| B. Elections supervisor | G. Mayor/City manager |
| C. Recorder/clerk | H. Assessor |
| D. Engineer | I. Council member/supervisor |
| E. Sheriff/chief of police | J. Medical examiner |

1) I keep people safe by enforcing laws.

2) I investigate unnatural deaths and perform autopsies.

3) I estimate the value of property so it can be taxed.

4) I lead the city government.

5) I manage public buildings and structures.

6) I keep track of property deeds, marriage certificates, and other records.

7) I'm in charge of the local public education system.

8) I help make decisions that affect the entire city or county.

9) I make sure criminals are prosecuted for their crimes.

10) I make sure the polling places and ballots work properly when it's time to vote!