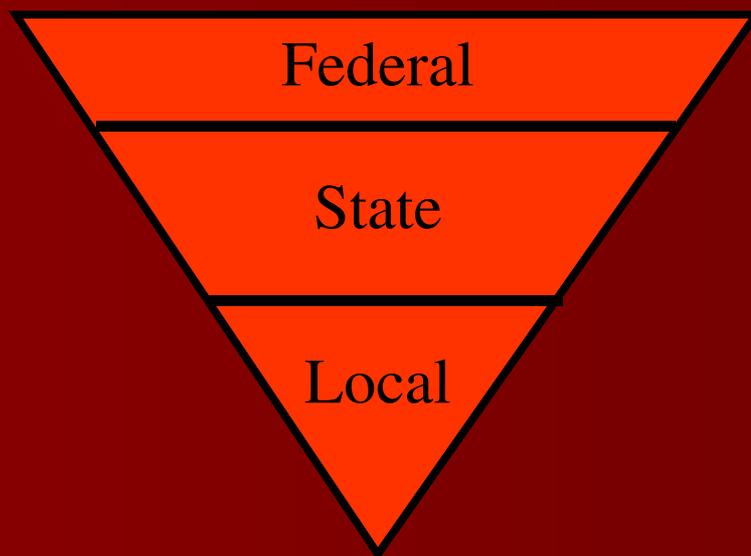


Federal, Confederal, and Unitary systems of government

Standard 12.9.3: Discuss the advantages and disadvantages of federal, confederal, and unitary systems of government.

The United States government is a federal system

- The people have not delegated all the powers of governing to one national government.
 - Certain powers are delegated (enumerated) to the national government
 - All other powers are reserved by the states or the people
 - The division of power helps to limit the growth of tyranny

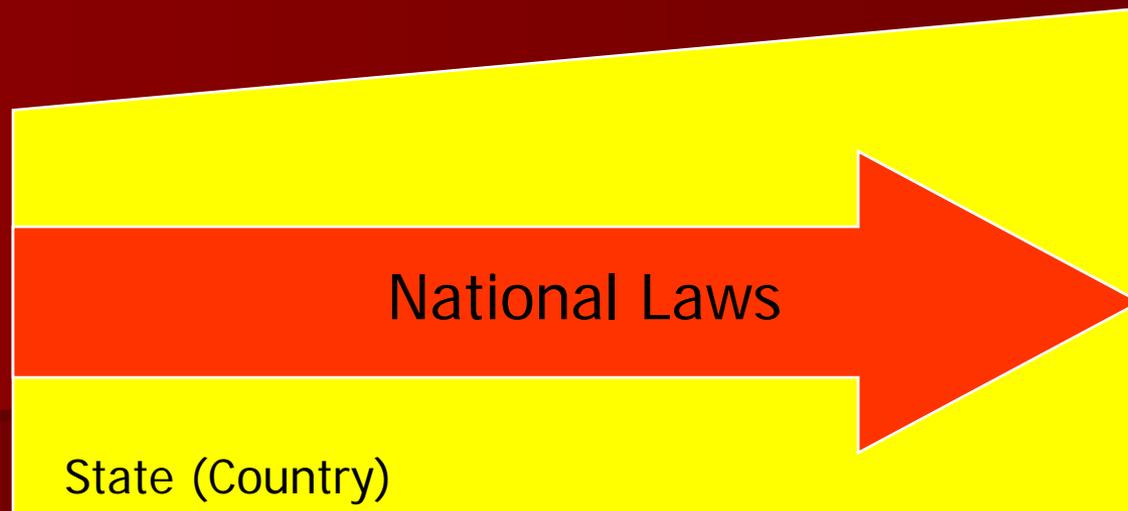


Prior to the federal system created by the Constitution, most nations had been organized in one of two ways.

1. Unitary systems of government
2. Confederal systems of government known as confederations

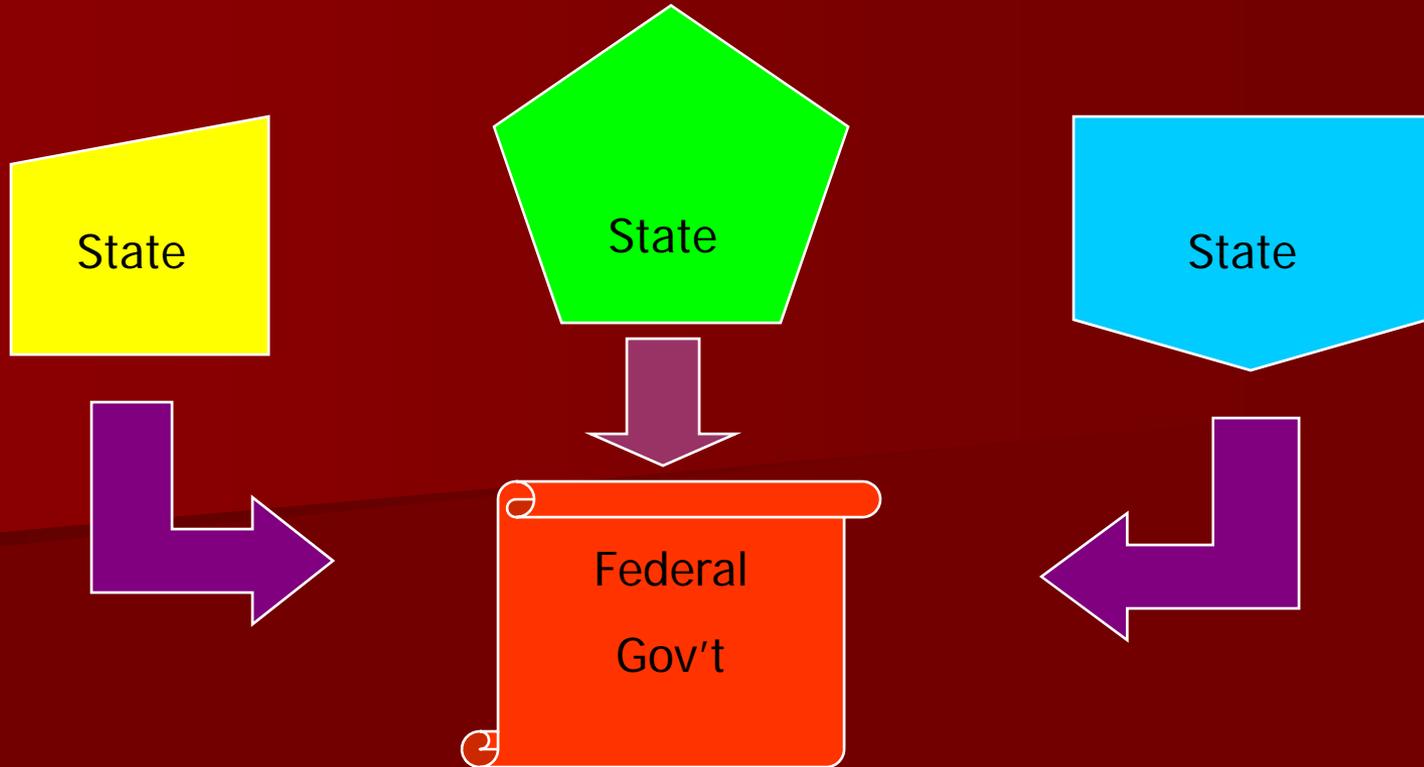
Unitary Governments

- Central governments acts directly on the citizen
- Local governments exercise powers granted to them by the central government
 - Great Britain has a unitary government
 - Efficient, laws must be general for ALL people



Confederal Governments

- A confederation is a system of government in which sovereign states delegate power to a central government for specific purposes.
 - Examples: defense and the regulation of trade
- Lack of central authority can result in inefficiency and conflict
- The government of a confederation acts on the member states, not on the citizens of those states.
 - American government under the Articles of Confederation was a confederation.
 - Switzerland is a modern example of a confederation.



US Government

- The Constitution established a system that is a combination of both unitary and confederate systems.
 - It is like a unitary government
 - Members of the House of Representatives are elected by the people from electoral districts of equal population and its acts directly on the people in fulfilling the responsibilities it has been given by the Constitution
 - It is like a confederation
 - The Constitution was ratified by state conventions, amendments are ratified by states, senators were originally chosen by state legislatures, and each state is represented by the same number of senators. The national government's power is limited to certain responsibilities.

Constitution

- Federal powers are superior to state powers
 - Article VI of the Constitution
 - *This constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made...under the authority of the United States, **shall be the supreme law of the land**; and the judges in every state shall be bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding.*
 - Known as the supremacy clause
 - It has been interpreted to mean that the United States Supreme Court can declare that state laws in violation of the Constitution or of federal laws “made in direct pursuance” of the Constitution should not be enforced.
 - The first Congress also made this power clear in the Judiciary Act of 1789

National v. State Powers

- Some powers of the national government
 - Article I, Section 8 gives Congress power to organize the militia of the states and to set a procedure for calling the militia into service when needed
 - Subsection 18-The necessary and proper clause or elastic clause. Allowed Congress to make laws necessary and proper.
 - Article IV, Section 3 gives Congress the power to create new states
 - Article IV, Section 4 gives the national government the authority to guarantee to each state a republican form of government
 - Article IV, Section 4 also requires the national government to protect the states from invasion or domestic violence

National v. State Powers

- Some powers of State governments
 - State governments have the power over education, family law, property regulations, and most aspects of everyday life.
 - Most of the decisions about how much power is left to the states are made by Congress, not by the Supreme Court. The Supreme Court has interpreted the Constitution to give federal government more power than it had in the past. Congress decides, on the basis of practical and political considerations, whether the federal or state governments should fulfill certain responsibilities.
 - In spite of the federal government's increased power, most of the laws that affect us directly are state laws. These include most property laws, contract laws, family laws, and criminal laws.