

TABLE 2-2

The U.S. Constitution’s Provisions for Federalism

What It Is	What It Says	What It Means
Article I, Section 8 (commerce clause)	The Congress shall have Power . . . To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.	Gives Congress the right to regulate interstate commerce. This clause has been broadly interpreted to give Congress a number of implied powers.
Article I, Section 8 (necessary and proper clause)	The 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 by this Constitution in the Government of the United States, or in any Department or Officer thereof.	An implied power giving Congress the right to pass all laws considered “necessary and proper” to carry out the federal government’s responsibilities as defined by the Constitution.
Article IV, Section 3 (admission of new states)	New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.	Allows the U.S. Congress to admit new states to the union and guarantees each state sovereignty and jurisdiction over its territory.
Article IV, Section 4 (enforcement of republican form of government)	The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.	Ensures that a democratic government exists in each state and protects states against foreign invasion or insurrection.
Article VI (supremacy clause)	This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be 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, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.	States that federal law takes precedence over all other laws.
Tenth Amendment	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.	Guarantees that a broad, but undefined, set of powers be reserved for the states and the people, as opposed to the federal government.
Fourteenth Amendment	All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.	Prohibits any state from depriving individuals of the rights and privileges of citizenship, and requires states to provide due process and equal protection guarantees to all citizens.
Sixteenth Amendment	The Congress shall have the power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.	Enables the federal government to levy a national income tax, which has helped further national policies and programs.
Seventeenth Amendment	The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote . . . . When vacancies happen in the representation of any State in the Senate, the executive authority of each State shall issue writs of election to fill such vacancies: Provided that the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.	Provides for direct election of U.S. senators, rather than election by each state’s legislature.