

McCulloch v. Maryland

At one point MD taxes all non-state based bank. Because the Constitution does not explicitly say that Congress can create a national bank, therefore, MD began taxing the hell out of non-state incorporated banks. A Baltimore bank operator challenged this one day and it ended in a 6Y/0N decision in favor of McCulloch.

This also set the precedent that if it pertained to the explicit powers, a power could be considered implicit and within scope of Congress and the natl govt.

Since then the natl govt has used this precedent and standard in things such as safety and education and healthcare. This would also eventually lead to the commerce clause.

P+N and COMMERCE CLAUSES

There is a clause in the final sections of A8 of the Cons. which states that Congress may have implied powers, powers that although were not explicitly granted are granted because they can be tied back to explicit powers.

There is also the commerce clause which states that Congress can regulate commerce with other nations and amongst the states.

AM10 and AM14

AM-10 has already been defined in other notes, however, it doesn't say much about reserved powers and thus most of them go to the states (with some being concurrent).

AM-14 says that any natural born citizen in the US is a citizen, and there's also a clause that states that states cannot restrict rights for non-residents, that rights must be the same and upheld the same all around the nation.

TYPES OF FEDERALISM

Dual federalism: both the states and federal levels are about equal in power however they regulate different things. An example of this would be interstate trade: while Congress does have the power to regulate interstate commerce, they usually don't (and the states do so; they're not forbidden to). Sometimes they use this power and get shot down but that's besides the point.

Under dual federalism there is an unspoken rule called selective exclusiveness that states that Congress can only regulate only when there needs to be a national unified rule or code.

Co-op federalism: the state and federal levels have different powers and regulate in the same scopes, where the national government heavily influences the state govts.

For example: drug crimes are rarely a natl problem; state and local police must do that; but Congress still gets to have a say, encouraging communication and duosing between Natl and SL levels.

HAMMER V DAGENHART

While child labor was bad it was under manufacturing and not commerce, which Congress could not regulate except under certain conditions. At one point however O.W. Holmes stated that production and commerce overlapped a little. Eventually the “child labor ok because no juris” was overturned (thank god you idiots)

OTHER CASES

There are countless other examples such as UNITED STATES V LOPEZ (gun free zones and Lopez having a gun in one) regarding the regulation of certain topics in certain areas.