

What are the differences between "separation of powers" and "federalism?" support...

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Question: What are the differences between “ separation of powers” and “ federalism?” Support your answer with specific references to the U. S. Constitution. There’s not much of a difference between the separation of power and federalism. Separation of power is when the government is broken into three branches under the Constitution into the legislative, judicial, and the executive branch where each branch has the ability to check and balance each other’s powers over one another. Whereas federalism is when the Constitution distributes power evenly though the federal governments, states, and local governments. The United States federalism is somewhat different than the federalism you’d see in Nigeria, Brazil, Canada, and etcetera; the only difference between normal federalism and the U. S. federalism is that the state controls the power of local governments instead of the constitution. Separation of powers is known as the division of power among legislative, executive, and judicial branches of government. Back to 1748, Montesquieu, a French political theorist proposed dividing political authority into legislative, executive, and judicial powers. He believed that assigning each set of powers to a separate branch of government would promote liberty.

Like Montesquieu, the Founders of the US also thought that promoted Liberty would help the US to develop better. Therefore, they decided to use the Separation of powers system. In the US, the Separation of powers works

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under “ checks and balances” system, whereby each branch of government exercises some control over the others. In Article I, Section 1 of the Constitution, the Founders stated that “ All legislative powers herein granted shall be vested in the Congress of the US. In Section 8 of this Article, they also gave the Congress expressed powers which included enumerated and delegated powers, and implied power which is also called “ elastic clause”. This clause gives Congress the right to make all laws “ necessary and proper” to carry out the powers expressed in the other clause of Article I. In Article II, Section 1, the Founders affirmed inherent powers of the President by the following statement: “ The executive powers shall be vested in a President of the USA. Finally, in Article III, Section 1 the Founders mentioned that the judicial powers should belong to the Supreme Courts.

In addition, the Courts also have the Reserved powers which written in the Tenth Amendment. Federalism is the division of government in which power is divided, by a constitution, between a central government and regional governments. The founding fathers decided to use a type of federalism, because the Articles of Confederation were considered weak and they were avoiding giving power to the national government. In the United States we use a type of federalism, in which our constitution gives power to federal and state authorities, and the state gives power to the local authorities. This type of government allows for a system of checks and balances, and doesn't allow for any one government to have all the power over our country. The founding fathers came up with federalism, because of the Articles of Confederation, which they were used after the Revolution, were not

sufficient and breaking the states apart. The British were dealing with the states individually for commerce, and as a result the small farmers and artisans instituted economic policies, including inflation, which the under the Articles of Confederation, the national government was useless in stopping. Another incident where the Articles of Confederation were posed as useless was in Shay's rebellion in February of 1787.

Daniel Shay was a former army captain that led a mob of farmers in a rebellion against the state of Massachusetts, who was foreclosing their farms because of debt. In fourteen days, the state militia was able to stop the mob, but because congress under the Confederation had been unable to act quickly enough, it was decided that a Constitutional Convention be held in May of 1787, where the delegates soon committed to a second founding. This new founding was a very successful attempt to create an effective new government, thus Federalism was born. Under our constitution, the 10th Amendment states, " 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." With this amendment, our Constitution clearly states, who has power over what and only who and what. Also, before the creation of the Constitution, the states had more power under the Articles of Confederation than the federal government like collecting taxes; however, that all changed with the creation of the Constitution. In Article 1 section 8 of the Constitution, it clearly states that Congress has enumerated powers like collecting taxes and declaring war, which the states no longer have. When the founding fathers decided to create the Constitution, they

had in mind that they wanted a strong central government because the Articles of Confederation failed to create one.

Along with the creation of the Constitution, came about two important principles that define how the government's power is divided in the United States, which are known as federalism and the separation of powers. Federalism divides power between the national and state governments whereas the separation of powers divides the government into three separate branches known as the legislative branch, judicial branch, and executive branch. The reasons why these principles were established were to limit the powers of the government and to prevent tyranny. Though our government system may be considered to be "complicated", it is known as one of the most long lasting government systems in the world. It is a system of government protected carefully by the Constitution, which also protects the rights of the people. The Constitution gives power to the people and if the U. S. government were to ever destroy the rights of the people, then they have all right to destroy the government. After all, that's why the founding fathers decided to create such a rebellious document that is the Constitution, to show people that they have the right to fight if it means that their rights are being taken away from them.