

CHAPTER 4

Federalism

Essential Question

Is the federal system the best way to govern the United States?

Section 1:
Federalism: Powers Divided

Section 2:
The National Government and the 50 States

Section 3:
Interstate Relations



GOVERNMENT ONLINE

On the Go

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- Political Dictionary
- Audio Review
- Downloadable Interactivities

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Lesson Goals

SECTION 1

Students will...

- define and give examples of national and State powers by completing a chart.
- examine scenarios and identify the type of power.

SECTION 2

Students will...

- analyze the process of admission to the Union.
- identify and define types of federal aid to the States.
- understand how federal grants blur the division of power in our federal system by analyzing an article about the No Child Left Behind law.

SECTION 3

Students will...

- define and give the location of the constitutional provisions that deal with States' interrelations.
- analyze scenarios in which States interact with other States to identify the constitutional provision that prohibits each action.

“Let the **thirteen states**, bound together in a **strict** and **indissoluble Union**, concur in erecting **one** great American system

—Alexander Hamilton, *The Federalist* No. 11

▶ **Photo:** President Obama discusses the economy with Virginia Governor Tim Kaine at John Tyler Community College.

Pressed for Time

To cover this chapter quickly, have students write definitions only for the powers in Section 1 and the grants in Section 3 Reading Comprehension worksheets, skipping the examples (Section 1) and location (Section 3). Then have students complete the first half of each chart on the Section 1 and Section 3 Core worksheets, identifying the power or clause covered by each scenario. Finish by drawing a flowchart on the board and having students fill in the seven steps in the process of admitting States to the Union (from the Section 2 Reading Comprehension Worksheet).

DIFFERENTIATED INSTRUCTION KEY

Look for these symbols to help you adjust steps in each lesson to meet your students' needs.

L1 Special Needs

L2 Basic

ELL English Language Learners

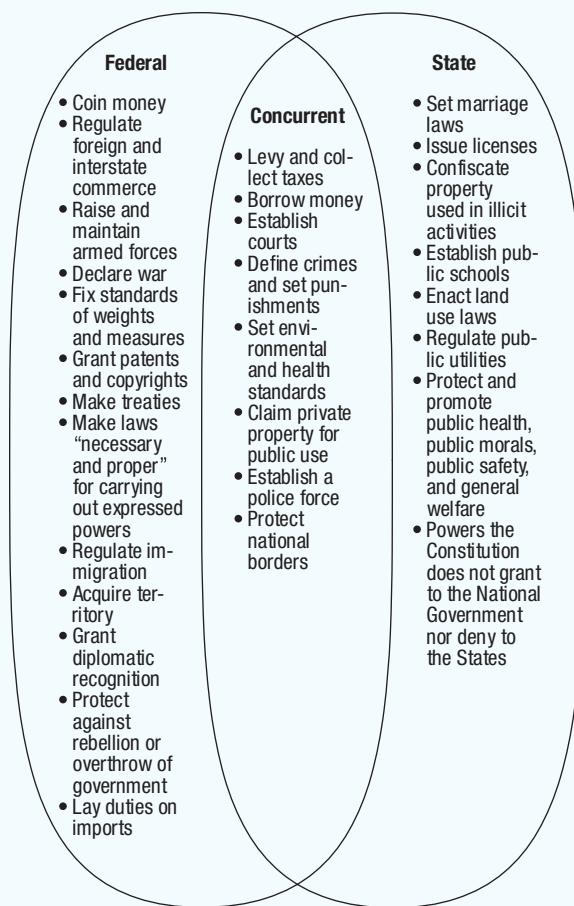
LPR Less Proficient Readers

L3 All Students

L4 Advanced Students

GUIDING QUESTION

How is power divided between the Federal Government and the States?



SKILLS DEVELOPMENT

PROBLEM SOLVING

To practice problem solving in this section, use the Chapter 4 Skills Worksheet (Unit 1 All-in-One, p. 186). You may wish to teach the skill explicitly before you discuss the Framers and the Constitutional Convention of 1787. For L2 and L1 students, assign the adapted Skill Activity (Unit 1 All-in-One, p. 187).

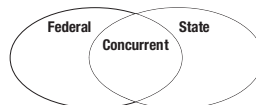
SECTION 1

Federalism: Powers Divided



Guiding Question

How is power divided between the Federal Government and the States? Use a Venn diagram like the one below to take notes on the powers of the Federal and State Governments.



Political Dictionary

- federalism
- division of powers
- delegated powers
- expressed powers
- implied powers
- inherent powers
- reserved powers
- exclusive powers
- concurrent powers
- Supremacy Clause

Objectives

1. Define federalism and explain why the Framers chose this system.
2. Identify powers delegated to and denied to the National Government, and powers reserved for and denied to the States.
3. Explain the difference between exclusive and concurrent powers.
4. Examine the Constitution as “the supreme Law of the Land.”

Image Above: Members of the New York National Guard

You know that federal law requires young men to register for military service at age 18, that most employers must pay their workers at the least a minimum wage set by act of Congress, and that no person can be denied a job on the basis of his or her race or ethnicity.

You also know that State law says that you must have a driver’s license in order to drive a car, that it is illegal for anyone under 21 to buy alcoholic beverages, and that only those persons who can satisfy certain requirements can buy or own firearms.

Those three examples illustrate a very complex matter: the division of the powers of government in this country between the National Government, on the one hand, and the 50 States on the other. This section will help you to better understand that sometimes complicated, but very important, arrangement.

The Framers Choose Federalism

When the Framers of the Constitution met at Philadelphia in 1787, they faced a number of difficult questions. Not the least of them: How could they possibly create a new central government that would be strong enough to meet the needs of the day and would, at the same time, preserve the already existing States?

Few of the Framers favored a strong central government based on the British model, and all of them knew that the Revolution had been fought in the name of local self-government. They also knew that the government established under the Articles of Confederation had proved too weak to deal with the new nation’s many problems.

While the Framers favored a stronger national government, they also knew firsthand the importance of limiting federal powers. They were convinced that (1) governmental power inevitably poses a threat to individual liberty, (2) that therefore the exercise of governmental power must be restrained, and (3) that to divide governmental power, as federalism does, is to prevent its abuse.

Federalism Defined

Federalism is a system of government in which a written constitution divides the powers of government on a territorial basis, between a central government and several regional governments, usually called states or provinces. Each of

Focus on the Basics

Here is the information that your students need to learn in this section.

FACTS: • The Framers created a federal system, with two levels of government: national and State. • The Constitution delegates powers to the National Government. • The States exercise reserved powers—those not assigned to the National Government nor denied to the States. • The National Government and the States exercise some concurrent powers. • The Constitution is the supreme law of the land.

CONCEPTS: federalism, limited government, division of power, judicial review

ENDURING UNDERSTANDINGS: • Dividing the powers of government helps prevent abuse of power. • Federalism promotes national unity, while giving States control over State and local matters.

those basic levels of government has its own substantial set of powers. Neither level, acting alone, can change the basic division of powers the constitutionally has created. Additionally, each level of government operates through its own agencies and acts directly through its own officials and laws.

The American system of government stands as a prime example of federalism. The basic design of that system is set out in the Constitution. The document provides for a **division of powers** between the National Government and the governments of the 50 States. That is, it assigns other powers to the National Government and certain powers to the States. This division of powers was implied in the original Constitution and then spelled out in the 10th Amendment.

In effect, federalism produces a dual system of government. That is, it provides for two basic levels of government, each with its own field of authority, and each operating over the same people and the same territory at the same time.

In the American federal system, each of the two basic levels of government can make certain decisions and do certain things that the other level cannot. For example, only the Federal Government can regulate interstate commerce—that is, trade conducted between and among the various States. On the other hand, each of the States decides for itself whether those who commit certain crimes in that State can be put to death.

Federalism's major strength lies in this certain fact: It allows local action in matters of local concern and national action in matters of wider concern. Local traditions, needs, and desires vary from one State to another, and federalism allows for differing circumstances among the States.

Illustrations of this point are nearly endless. For example, in 48 States most gas stations are self-service; in New Jersey and Oregon, the law forbids motorists to pump their own gas. Only one State—North Dakota—does not require voters to register in order to cast their ballots. Only Nebraska

Reserved Powers

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.

—10th Amendment

FROM THE CONSTITUTION



States usually require driver's license applicants to take driving lessons.

Regulating Driving Issuing driver's licenses is a power reserved to the States, and every State has its own set of rules and requirements. Most States require a written, on-road, and vision test. However, the age at which teenagers can get a license and the rules new drivers must follow vary from State to State. Thus, in California, drivers under 20 must be accompanied by someone age 25 or older between the hours of 11 P.M. and 5 A.M. In Massachusetts, a teenager cannot get a driver's license until age 16-and-a-half, at which point the new driver is given a restricted Junior Operator's License until age 18.

Constitutional Principles Under which of the six basic principles do the reserved powers fall?

Get Started

LESSON GOALS

Students will . . .

- define and give examples of national and State powers by completing a chart.
- examine scenarios and identify the type of power.

BEFORE CLASS

Assign the section, the graphic organizer in the text, and the Reading Comprehension Worksheet (Unit 1 All-in-One, p. 183) before class.

L2 Differentiate Reading Comprehension Worksheet (Unit 1 All-in-One, p. 184)

BELLRINGER

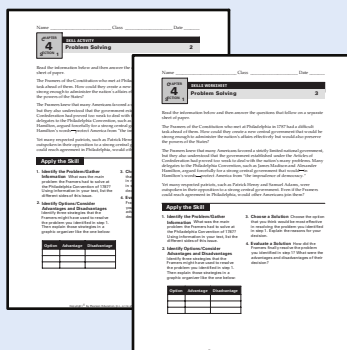
Write on the board: **Read Article I, Section 8 of the Constitution in your text and note the clause(s) granting Congress each of these powers:**

1. raise and maintain armed forces
2. decide how citizens of other countries can become U.S. citizens
3. mint money
4. set up a court system
5. borrow money
6. declare war
7. set up a mail system
8. impose taxes
9. make laws as needed to carry out expressed powers
10. regulate foreign and interstate trade

Differentiated Resources

The following resources are located in the All-in-One, Unit 1, Chapter 4, Section 1:

- L2** Prereading and Vocabulary Worksheet (p. 180)
- L3** Reading Comprehension Worksheet (p. 183)
- L2** Reading Comprehension Worksheet (p. 184)
- L3** Core Worksheet (p. 185)
- L3** Skills Worksheet (p. 186)
- L2** Skill Activity (p. 187)
- L3** Quiz A (p. 188)
- L2** Quiz B (p. 189)



Answers

Constitutional Principles federalism

Teach

To present this topic using online resources, use the lesson presentations at PearsonSuccessNet.com.

INTRODUCE THE TOPIC

Tell students that today they will discuss different types of powers assigned to the National Government and to the States under the federal system. You will return to their Bellringer answers later in the lesson.

COVER THE BASICS

Ask students to take out the Reading Comprehension Worksheet. Point out that the first three powers listed on the chart are types of delegated powers. Call on a volunteer to define *delegated powers*. (*powers granted to the National Government by the Constitution*) Then have students define each power listed on the chart. (**expressed powers:** *specific powers assigned to the National Government; implied powers:* *powers that are not expressly stated in the Constitution but that are reasonably suggested by the expressed powers; inherent powers:* *powers that belong to the National Government because it is a sovereign state in the world community; reserved powers:* *powers that the Constitution does not grant to the National Government nor deny to the States; concurrent powers:* *powers that both the National Government and the States possess and exercise; exclusive powers:* *powers that can be exercised by the National Government alone*) Call on volunteers to give examples for each power and write these on the board. Display Transparency 4A, Establishing Federal Reserve Districts. Ask: **What type of delegated power does the map represent?** (*implied power—It falls under the “Necessary and Proper Clause,” which gives Congress the right to establish the Federal Reserve System of banks.*)

Government online

All print resources are available on the Teacher’s Resource Library CD-ROM and online at PearsonSuccessNet.com.

Answers

Checkpoint The 10th Amendment delegates those powers not given to the Federal Government and not denied to the States by the Constitution to the States.

✓ Checkpoint
How does the 10th Amendment delegate power to the Federal Government and the States?

enumerated
adj; specified, listed, identified

reprieve
n. postponement or delay in the execution of a sentence

has a unicameral (one-house) legislature. Oregon is the only State that has legalized physician-assisted suicide. Only five States—Alaska, Delaware, New Hampshire, Montana, and Oregon—do not impose a general sales tax.

Federalism also allows for experimentation and innovation in solving public policy problems. Indeed, the several States have long been described as so many “laboratories of government.” New approaches to difficult matters may originate in one State and then be adopted in another or even be put in place at the national level.

The Welfare Reform Act passed by Congress in 1996 affords a useful illustration of the point. That landmark statute revolutionized the Federal Government’s approach to providing welfare assistance to millions of Americans on the lower rungs of the nation’s economic ladder—and its basic features were first suggested by welfare administrators in the States of Wisconsin, California, and Michigan.

In its most noteworthy provisions, the law abolished the Aid to Families with Dependent Children (AFDC) program, replacing it with block grants to the States. The several States now have wide discretion in the determination of eligibility for financial assistance.

While federalism allows individual States to handle State and local matters, it also provides for the strength that comes from union. National defense and foreign affairs offer useful illustrations of this point. So, too, do domestic affairs. Take, for example, a natural disaster. When a flood, drought, hurricane, or other catastrophe hits a particular State, the resources of the National Government and all of the other States can be mobilized to aid the stricken area.

Powers of the Federal Government

The National Government is a government of **delegated powers**. That is, that government has only those powers delegated (granted) to it in the Constitution. There are three distinct types of delegated powers: expressed, implied, and inherent.

The Expressed Powers The **expressed powers** are those powers delegated to the National Government in so many words—spelled out, expressly, in the Constitution. Those powers are also sometimes called the “**enumerated powers**.”

You can find most of the expressed powers in Article I, Section 8. There, in 18 separate clauses, the Constitution expressly gives 27 powers to Congress. They include the power to lay and collect taxes, to coin money, to regulate foreign and interstate commerce, to raise and maintain armed forces, to declare war, to fix standards of weights and measures, to grant patents and copyrights, and to do many other things.

Several other expressed powers are set out elsewhere in the Constitution, as well. Article II, Section 2 gives several powers to the President—including the power to act as commander in chief of the armed forces, to grant **reprieves** and pardons, to make treaties, and to appoint major federal officials. Article III grants “the judicial Power of the United States” to the Supreme Court and other courts in the federal judiciary. And, finally, several expressed powers also are found in various amendments to the Constitution; thus, the 16th Amendment gives Congress the power to levy an income tax.

The Implied Powers The **implied powers** are not expressly stated in the Constitution, but they are reasonably suggested—implied—by the expressed powers. The constitutional basis for the implied powers is found in one of the expressed powers. Article I, Section 8, Clause 18 gives Congress the “necessary and proper power.” The Necessary and Proper Clause says that Congress has the power

FROM THE CONSTITUTION

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.

—Article I, Section 8, Clause 18

Supreme Court Notes

IMPLIED POWERS Chief Justice John Marshall recognized the importance of the Necessary and Proper Clause. In *McCullough v. Maryland*, he wrote: “This provision is made in a constitution intended to endure for ages to come, and, consequently, to be adapted to the various crises of human affairs. To have prescribed the means by which government should, in all future time, execute its powers, would have been to change, entirely, the character of the instrument, and give it the properties of a legal code.” The Framers could not spell out every power the National Government might need in the future. With the Necessary and Proper Clause, they built in flexibility that would allow adaptation to future needs, thus enabling the Constitution to endure. With this ruling, the Marshall Court established that the National Government has implied powers not enumerated in the Constitution.



Expressed Powers



Implied Powers

The Federal Government has the expressed power to print money. It has built many hydroelectric dams in the exercise of its many implied powers. *Which clause gives the Federal Government the power to build dams?*

Through decades of congressional and court interpretation, the words *necessary and proper* have come to mean, in effect, “convenient and useful.” Indeed, the Necessary and Proper Clause is sometimes called the Elastic Clause, because, over time, it has been stretched to cover so many different situations.

Here are but a few of the thousands of examples of the exercise of implied powers: Congress has provided for the regulation of labor-management relations, the building of hydroelectric power dams, and the building of the 42,000-mile interstate highway system. It has made federal crimes of such acts as moving stolen goods, gambling devices, and kidnapped persons across State lines. It has prohibited racial discrimination in granting all people access to such places as restaurants, theaters, hotels, and motels. Congress has taken these actions, and many more, because the power to do so is reasonably implied by just one of the expressed powers: the power to regulate interstate commerce.¹

The Inherent Powers The **inherent powers** are those powers that belong to

the National Government because it is the national government of a sovereign state in the world community. Although the Constitution does not expressly provide for them, they are powers that, over time, all national governments have come to possess. It stands to reason that the Framers of the Constitution intended the National Government they created would also hold those several constitutional powers.

The inherent powers are few in number. The major ones include the power to regulate immigration, to **deport** aliens, to acquire territory, to grant diplomatic recognition to other states, and to protect the nation against rebellion or other attempts to overthrow the government by force or violence.

One can argue that most of the inherent powers really are implied by one or more of the expressed powers. For example, the power to regulate immigration is suggested by the expressed power to regulate foreign trade. The power to acquire territory can be drawn from the treaty-making power and the several war powers. But the doctrine of inherent powers holds that it is not necessary to go to these lengths to find these powers in the Constitution. In short, these powers exist because the United States exists.

✓ Checkpoint
Why is the Necessary and Proper Clause sometimes referred to as the Elastic Clause?

deport
v. to order that one be sent out of a country

¹ Article I, Section 8, Clause 3. The doctrine of implied powers is treated in greater detail in Chapter 11.

EXTEND THE DISCUSSION

Use these questions to continue a discussion about federalism:

1. What are the main advantages of federalism? (possible response: creates strong National Government while allowing States to handle local concerns; restrains government power by dividing it among levels of government)

2. How does the Constitution settle conflicts that may arise between national law and State law? (It establishes the Constitution as the supreme law of the land.)

3. How does the central government in a federal system differ from the central government in a confederation? (Possible response: The central government is stronger in a federal system because it heads a sovereign state. In a confederation, the central government coordinates a loose alliance of independent groups.)

4. Is federalism an effective way to govern? (Possible response: Yes. It divides power, preventing abuses, while enabling local action in matters of local concern and national action in matters of wider concern.)

L4 Differentiate Have groups of students use the Internet or a library to find five news articles that provide examples of federalism. Examples may include any aspects of State, national, or shared powers. Have each group draw conclusions about federalism, based on their research.

Constitutional Principles

LIMITED GOVERNMENT Although the Necessary and Proper Clause of the Constitution seems to give Congress an almost unlimited power to make laws, there are limitations. The power of judicial review, established under Chief Justice John Marshall in *Marbury v. Madison*, allows the nation’s courts to determine which laws are unconstitutional. This judicial power serves as a check on the power of the National Government by limiting the types of laws that Congress can enact to only those that are necessary and proper.

Answers

Powers of Federal Government the Necessary and Proper Clause, also called the Elastic Clause

Checkpoint It is stretched to give Congress the power to regulate many different aspects of the nation.

DISCUSS THE BELLRINGER ACTIVITY

Invite volunteers to share their answers from the Bellringer activity, which asks students to locate the clause or clauses in Article I, Section 8, that grant specific powers to Congress. (1. Clauses 1 2–1 6; 2. Clause 4; 3. Clause 5; 4. Clause 9; 5. Clause 2; 6. Clause 11; 7. Clause 7; 8. Clause 1; 9. Clause 1 8; 10. Clause 3)

Powers Denied to the Federal Government

Although the Constitution delegates certain powers to the National Government, it also *denies* certain powers to that level of government in order to keep federalism intact. It does so in three distinct ways.

First, the Constitution denies some powers to the National Government in so many words—*expressly*.² Among them are the powers to levy duties on exports; to take private property for public use without the payment of just compensation; to prohibit freedom of religion, speech, press, or assembly; to conduct illegal searches or seizures; and to deny to any person accused of a crime a speedy and public trial or a trial by jury.

Second, several powers are denied to the National Government because of the *silence* of the Constitution. Recall that the National Government is a government of delegated powers; it has only those powers the Constitution gives to it.

Among the many powers not granted to the National Government are the powers to do such things as create a public school system for the nation, enact uniform marriage and divorce laws, and set up units of local government. The Constitution says nothing that would give the National Government the power to do any of those things, expressly, implicitly, or inherently. In short, the lack of any such provision—the silence of the Constitution—denies power to the National Government.

Third, some powers are denied to the National Government because of the federal system itself. Clearly the Constitution does not intend that the National Government should have the power to take any action that would threaten the existence of that system. For example, in the exercise of its power to tax, Congress cannot tax any of the States or any of their local units in the conduct of their various governmental functions. If it could, it would have the power to destroy—tax out of existence—one or more, or all, of the States.³

² Most of the expressed denials of power are found in Article I, Section 9 and in the 1st through the 8th amendments.

³ But notice that when a State, or one of its local units, performs a so-called nongovernmental function—for example, maintains liquor stores, runs a bus system, or operates a farmers market—it is liable to federal taxation. We shall return to this point later, in Chapter 25.



Inherent Powers

▲ President George W. Bush meets with Chancellor Angela Merkel of Germany at the 2007 G8 Summit as part of his diplomatic role.

Background

LABORATORY OF GOVERNMENT About 45 million Americans lack health insurance. So far, no federal administration has succeeded in solving this important, but politically charged, problem. The power of States to enact their own laws in our federal system enables them to experiment with innovative solutions that could become a model for other States and for the nation as a whole. In 2006, Massachusetts became a “laboratory of government” on health insurance reform. It passed a bill requiring all residents to buy health insurance. Under this plan, insurance companies are providing a range of inexpensive policies from which to choose. People with low incomes can purchase plans subsidized by the State government, based on ability to pay. If the Massachusetts plan succeeds, it can serve as an important step toward universal healthcare in the United States.

The States

The 50 States are the other half of the very complicated equation we call federalism. Their many-sided role in the American federal system is no less important than that of the National Government.

Powers Reserved to the States Recall, the 10th Amendment states that the States are governments of **reserved powers**. The reserved powers are those powers that the Constitution does not grant to the National Government and does not, at the same time, deny to the States.

Thus, any State can forbid persons under 18 to marry without parental consent. It can ban the sale of pornography, outlaw prostitution, and permit some forms of gambling and prohibit others. A State can require that doctors, lawyers, hairdressers, and plumbers be licensed in order to practice in the State. It can **confiscate** automobiles and other property used in connection with such **illicit** activities as drug trafficking. It can establish public schools, enact land use laws, regulate the services and restrict the profits of such public utilities as natural gas, oil, electric power, and telephone companies, and do much, much more.

In short, the sphere of powers held by each State—the scope of the reserved powers—is huge. The States can do all of those things just mentioned, because the Constitution does not give the National Government the power to do those things, and it does not deny the States the power to do them.

How broad the reserved powers really can be understood from this fact: Most of what government does in this country today is done by the States (and their local governments), not by the National Government. The point can also be seen from this fact: The reserved powers include the vitally important police power—the power of a State to protect and promote the public health, the public morals, the public safety, and the general welfare.

The Constitution does not grant expressed powers to the States, with one notable exception. Section 2 of the 21st Amendment gives the States a virtually unlimited power to regulate

the manufacture, sale, and consumption of alcoholic beverages.

Powers Denied to the States Just as the Constitution denies many powers to the National Government, so it denies many powers to the States. Some of those powers are denied to the States in so many words.⁴ For example, no State can enter into any treaty, alliance, or confederation. Nor can a State print or coin money or deprive any person of life, liberty, or property without due process of law.

Some powers are denied to the States inherently—that is, by the existence of the federal system. Thus, no State (and no local government) can tax any of the agencies or functions of the National Government. Remember, too, each State has its own constitution. Those documents also deny many powers to the States.⁵

The Exclusive and the Concurrent Powers

Most of the powers that the Constitution delegates to the National Government are **exclusive powers**. That is, they can be exercised only by the National Government; they cannot be exercised by the States under any circumstances.

Some of these powers are expressly denied to the States—for example, the power to coin money, to make treaties with foreign states, and to lay duties (taxes) on imports. Some of them are not expressly denied to the States but are, nonetheless, among the exclusive powers of the Federal Government because of the nature of the particular power involved. The power to regulate interstate commerce is a leading example of this point.

- 4 Most of those expressed prohibitions of powers to the States (and so, too, to their local governments) are found in Article I, Section 10 and in the 13th, 14th, 15th, 19th, 24th, and 26th Amendments.
- 5 Note the many provisions in your own State's constitution that deny various powers to your State and its many local governments. As you do, note the significance of these too-little-noticed words in the 10th Amendment of the Federal Constitution: "or to the people." We shall look at State constitutions later, and in more detail, in Chapter 24.

Checkpoint
Why did the Framers reserve some powers for the States?

confiscate
v. to take or seize legally

illicit
adj. illegal, unlawful, outlawed

DISTRIBUTE CORE WORKSHEET

Distribute the Chapter 4 Section 1 Core Worksheet (Unit 1 All-in-One, p. 185), which asks students to identify the types of power illustrated by various scenarios. Divide the class into groups. Explain that they should study each scenario in the first column and determine what type of power it illustrates. When students finish their worksheets, ask them to share their findings and explain their reasoning.

L1 L2 Differentiate Walk through the lesson as a class. Alternatively, divide the chart into several parts; have each team complete a few examples.

L4 Differentiate Have students complete the worksheet individually.

L4 Differentiate Give partners two index cards. Ask them to write down a new scenario on the front of each card and the type of power it illustrates on the back. Students might return to the examples on the Reading Comprehension Worksheet to help them generate ideas for new scenarios. When they finish, have students share their cards. Ask them to read the new scenarios and challenge students to identify the power illustrated.

Name _____ Class _____ Date _____

CHAPTER 4 CORE WORKSHEET
SECTION 1 Federalism: Powers Divided 3

Analyze each scenario to determine what type of power it illustrates.

| Scenario | Type of Power (Expressed, Implied, Inherent, Concurrent, or Reserved) |
|--|---|
| 1. A person must be at least 18 to marry without parental consent in Illinois. | |
| 2. A worker pays federal and State income taxes. | |
| 3. Racial segregation in restaurants is illegal. | |
| 4. An illegal alien is deported back to his country of origin. | |
| 5. Toys containing lead are banned from the United States. | |
| 6. A lawyer who wants to practice in Texas must first pass the State's bar exam. | |
| 7. After Hurricane Katrina, the U.S. and the State of Louisiana issued bonds to help pay for rebuilding New Orleans. | |
| 8. President Bush served as commander in chief during the war with Iraq. | |
| 9. It is illegal to ship poison in the mail. | |
| 10. Hawaii became a State in 1959. | |
| 11. The Supreme Court struck down a Missouri law allowing the death penalty for minors. | |
| 12. A military draft existed during the Vietnam War. | |
| 13. The United States sent an ambassador when it recognized the state of Israel. | |
| 14. The iPod has hundreds of patents, making it hard for other companies to copy. | |
| 15. You must be 18 to vote. | |
| 16. Missouri decided to set aside 500 acres for a new wildlife reservation. | |
| 17. A teacher moving from Texas wants a teaching license in California. | |

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Debate

"It is my intention to curb the size and influence of the Federal establishment and to demand recognition of the distinction between the powers granted to the Federal Government and those reserved to the States or to the people. All of us need to be reminded that the Federal Government did not create the States; the States created the Federal Government."

—President Ronald Reagan, first inaugural address

Ask students what President Reagan meant in the last sentence. Divide students into two teams and use the Debate strategy (p. T25) to organize a debate.

Answers

Checkpoint The States hold some powers in order to preserve the federal system. Their powers provide a check on Federal Government, so it will not become too powerful.

EXTEND THE LESSON

Thomas Jefferson, a strong supporter of States' rights, once observed: "Were we directed from Washington when to sow and when to reap, we should soon want for bread." Ask students what Jefferson meant by this remark. Then have students create a cartoon about federalism's "tug-of-war" between the States and National Government. Cartoons might address Jefferson's comment or stand on their own.

L4 Differentiate Have students research Jefferson's terms as President and write a short essay about whether or not he applied his federalist principles to his own presidency.

Concurrent Powers

Sharing Responsibility

Some powers are exercised by both levels of government, as you can see in the circle. *Why do both levels of government have the power to establish law enforcement agencies?*



If the States could exercise that power, trade between and among the States would be at best chaotic and at worst impossible.⁶

Some of the powers delegated to the National Government are **concurrent powers**. That is, they are powers that both the National Government and the States possess and exercise. Those powers include the power to levy and collect taxes, to define crimes and set punishments for them, and to condemn (take) private property for public use.

The concurrent powers are held and exercised separately and simultaneously by the two basic levels of government. That is, the concurrent powers are those powers that the Constitution does not grant exclusively to the National Government and that, at the same time, does not deny to the States. The concurrent powers, in short, are those powers that make it possible for a federal system of government to function.

⁶ The States cannot regulate interstate commerce as such, but they can and do *affect* that trade. For example, in regulating highway speeds, the States regulate not only those vehicles operating within the State, but also those operating from State to State. Generally, the States can *affect* interstate commerce but they cannot impose an unreasonable burden upon it.

Although government in the United States is often discussed in terms of three levels—national, State, and local—there are, in fact, only two basic levels in the federal system: the National Government and the State governments. The more than 87,000 units of local government in the United States today are subunits of the various State governments. Local governments can provide services, regulate activities, collect taxes, and do many other things only because the State has given them the power to do so. In short, when local governments exercise their powers, they are actually exercising State powers.

Another way of putting all of this is to remind you of a point that we first made in Chapter 1. Each of the 50 States has a *unitary* form of government—an arrangement in which a central government that creates local units of government for its own convenience.

Supreme Law of the Land

As you have just seen, the division of powers in the American federal system produces a dual system of government, one in which two basic

Answers

Concurrent Powers Possible response: Crimes can occur in local areas or across State lines. Also, both National and State governments enact laws. Police forces are needed to investigate crimes wherever they occur and enforce both national and State laws.

Political Cartoon Mini-Lesson

Display Transparency 4B, Power Volleyball, when you discuss concurrent powers. Tell students that the responsibility to provide for the poor is shared between the National Government and the States. Ask: **What do the volleyball players represent?** (*the National Government and the State governments*) **What does the volleyball represent?** (*the responsibility to provide for the poor*) **Which level of government is taking responsibility for the poor?** (*neither; they are batting the poor back and forth*) **What problem in our federal system does this cartoon illustrate?** (*It is not always clear which level of government has responsibility for solving a particular problem.*)

levels of government operate over the same territory and the same people at the same time. Such an arrangement is bound to result in conflicts between national and State law.

The Supremacy Clause The Framers anticipated those conflicts—and so they wrote the **Supremacy Clause** into the Constitution. That provision declares that

FROM THE CONSTITUTION

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.

—Article VI, Section 2

The Constitution and the laws and treaties of the United States are “the supreme Law of the Land.” This means that the Constitution ranks above all other forms of law in the United States. Acts of Congress and treaties stand immediately beneath the Constitution.⁷

The Supremacy Clause has been called the “linchpin of the Constitution” because it joins the National Government and the States into a single governmental unit, a federal government. In other words, the Supremacy Clause is the provision in the Constitution that makes the complex federal system a working reality.

Our political history is studded with challenges to the concept of national supremacy. Recall that this nation fought a horrific Civil War over that very matter in the years 1861 to 1865. Those who have rejected the concept of national supremacy have insisted that the

⁷ Acts of Congress and treaties stand on equal planes with one another. Neither can conflict with any provision in the Constitution. In the rare case of conflict between the provisions of an act and those of a treaty, the one more recently adopted takes precedence as the latest expression of the sovereign people’s will. The Supreme Court has regularly held to that position from the first cases it decided on the point, *The Head Money Cases*, in 1884.

Constitution is, at base, a compact among sovereign States, rather than one between and among “We the People of the United States.” They believe that the powers that compact does give to the National Government are to be very narrowly defined and applied. Echoes of that view can still be found in contemporary American politics.

The Supreme Court and Federalism The Supreme Court is the umpire in the federal system. One of its chief duties is to apply the Constitution’s Supremacy Clause to the conflicts that the dual system of government inevitably produces.

The Court was first called to settle a clash between a national and a State law in 1819. The case, *McCulloch v. Maryland*, involved the controversial Second Bank of the United States. The bank had been chartered by Congress in 1816. In 1818, the Maryland legislature, hoping to cripple the bank, placed a tax on all notes issued by its Baltimore branch. James McCulloch, the branch cashier, refused to pay the tax, and the Maryland courts convicted him for that refusal. (See pp. 317–318.)

The Supreme Court unanimously reversed the Maryland courts. Speaking for the Court, Chief Justice John Marshall based

Checkpoint
How is a local government different from a State government?

pursuance
n. a carrying out of an execution of something



▶▶ **Analyzing Cartoons** This cartoon ran in *Harper's Weekly* when Congress attempted to remove President Andrew Johnson. **How does the “disastrous result” illustrate the Supremacy Clause?**

Assess and Remediate

L3 Collect the Core Worksheet and assess students’ work.

L3 Assign the Section 1 Assessment questions.

L3 Section Quiz A (Unit 1 All-in-One, p. 188)

L2 Section Quiz B (Unit 1 All-in-One, p. 189)

Have students complete the review activities in the digital lesson presentation and continue their work in the **Essential Questions Journal**.

Myths and Misperceptions

REVERSE DELEGATION The Constitution reserves a number of powers for the States. But would you be surprised to learn that some of these powers are surrendered back to the National Government? The reason is simply that billions of dollars are at stake. The National Government often attaches preconditions to federal grants-in-aid. If a State wants the money, it has to comply with those preconditions, up certain decision-making powers in the process. For example, the National Highway System Designation Act of 1995 repealed a law that had required that States, as a condition of receiving federal-aid highway assistance, adhere to a national maximum speed limit.

Answers

Checkpoint A local government derives its powers from the State government, and governs only by the consent of the State government. A State government derives powers from the Constitution which cannot be taken away.

Analyzing Cartoons When the “boy” (Andrew Johnson) tries to handle the large Constitution book, it falls on him, signifying that even the President is not immune to the supremacy of the Constitution.

REMEDIATION

| If Your Students Have Trouble With | Strategies For Remediation |
|-------------------------------------|---|
| Division of powers (Questions 1, 2) | Have students summarize the 10th Amendment in their own words. |
| Delegated powers (Question 3) | Write several examples of each type of delegated power on cards. Have students separate them into categories: expressed, implied, inherent. |
| Reserved powers (Questions 4, 5, 6) | Write examples of reserved powers on cards along with powers denied to the States. Have students pick a card and identify whether it is an example of a reserved power. |
| Concurrent powers (Question 1) | Have students create a word web of concurrent powers, with specific examples on each spoke. |

the decision squarely on the Constitution's Supremacy Clause:

PRIMARY SOURCE

[I]f any one proposition could command the universal assent of mankind, we might expect it would be this—that the government of the Union, though limited in its powers, is supreme within its sphere of action. . . . [T]he states have no power . . . to retard, impede, burden, or in any manner control, the operations of the constitutional laws enacted by Congress. . . .⁸

—*McCulloch v. Maryland*, 1819

Since the decision in this landmark case, it has been impossible to overstate the significance of the role of the Court as the umpire of the federal system. Had the Court not assumed this role, the American federal system and probably the United States itself could not have survived its early years. Justice Oliver Wendell Holmes once made that point in these words:

⁸ The case is also critically important in the development of the constitutional system because, in deciding it, the Court for the first time upheld the doctrine of implied powers. It also held that the National Government is immune from any form of State taxation, a point we shall return to in Chapter 25.

PRIMARY SOURCE

I do not think the United States would come to an end if we [the Court] lost our power to declare an Act of Congress void. I do think the Union would be imperiled if we could not make that declaration as to the laws of the several States.

—*Collected Legal Papers*

The Supreme Court first held a State law to be unconstitutional in a case from Georgia, *Fletcher v. Peck*, in 1810. The Court found that a Georgia law passed in 1794 that sold some 35 million acres of public land for 1.5 cents an acre amounted to a contract between the State and Peck and other buyers. Despite the obvious corruption involved, it found that the legislature's later (1796) repeal of the law violated the Constitution's Contract Clause (Article I, Section 10, Clause 1). That provision prohibits the States the power to pass any "Law impairing the Obligation of Contracts." Over the centuries since then, the High Court has found thousands of State laws and local ordinances unconstitutional, but it has upheld the constitutionality of thousands of others.

SECTION 1 ASSESSMENT

Essential Questions Journal

To continue to build a response to the chapter Essential Question, go to your Essential Questions Journal.

- Guiding Question** Use your completed Venn diagram to answer this question: How is power divided between the Federal Government and the States?

Key Terms and Comprehension

- (a) How is power divided under the concept of **federalism**? (b) What is the purpose of this **division of powers**?
- (a) What are the three kinds of **delegated powers** held by the Federal Government? (b) Cite two examples of **inherent powers**.
- (a) Cite two examples of **reserved powers** held by the States. (b) How does the Constitution determine which powers are to be held by the States?

Critical Thinking

- Draw Conclusions** (a) Why might the Framers have wanted to reserve specific powers for the States? (b) Why might they have wanted to deny certain powers, such as the power to make alliances or enter into treaties, to the States?
- Make Comparisons** (a) What purpose does government at a local level serve? (b) How are the delegated powers at the local level different from the delegated powers at the State level?

Quick Write

Compare and Contrast: Choose and Research a Topic A compare-contrast essay holds two subjects side-by-side and looks at their differing and similar aspects. For this exercise, compare and contrast State powers with the powers of the Federal Government. Research and take notes on the various powers held by the State and Federal Governments.

Assessment Answers

- The Constitution grants specific powers, such as controlling interstate trade, to the National Government. It reserves to the States all powers not expressly granted to the National Government nor denied to the States. National and State governments share concurrent powers, such as the power to tax.
- (a) Power is divided on a territorial basis, between a central government and several regional governments. (b) The division of powers helps prevent abuse of power.
- (a) expressed, implied, and inherent

- (b) regulate immigration, deport aliens, acquire territory, grant diplomatic recognition to foreign states, protect against rebellion or violent overthrow of the government
- (a) establish public schools; issue licenses; enact land use laws; regulate public utilities; protect and promote public health, public morals, public safety, and general welfare (b) The Constitution reserves to the States all powers not expressly granted to the National Government nor denied to the States.
 - (a) Possible response: The Framers wanted

- to limit the National Government to only those powers expressly granted to it, and give broad authority for unstated powers to the States.
- (b) The Framers wanted to preserve the Union by denying the States powers that only a national government should have.
- (a) to exercise powers delegated by the State (b) The Constitution delegates powers to the States. The States delegate powers to local governments.
- QUICK WRITE** Students should research and take notes on federal and State powers.

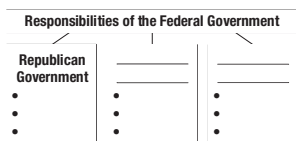
SECTION 2

The National Government and the 50 States



Guiding Question

According to the Constitution, what must the National Government guarantee to each State? Use a chart like the one below to take notes on the Federal Government's responsibilities.



Political Dictionary

- enabling act
- act of admission
- grants-in-aid program
- categorical grant
- block grant
- project grant

Objectives

1. Summarize the obligations that the Constitution places on the National Government with regard to the States.
2. Explain the process for admitting new States to the Union.
3. Examine the many and growing areas of cooperative federalism.

Image Above: Residents of Hawaii celebrate their newly acquired Statehood in 1959.

Have you ever really focused on the words *United States*, and what those two words say? The United States is a union of States, the several States joined together, the States united.

The Framers of the Constitution created that union of States, and they intended to preserve it. To that end, the Constitution (1) requires the National Government to guarantee certain things to the States and (2) makes it possible for the National Government to do certain things for the States.

The Nation's Obligations

The Constitution places several obligations on the National Government for the benefit of the States. Most of them are found in Article IV.

Republican Form of Government The Constitution requires the National Government to “guarantee to every State in this Union a Republican Form of Government.”⁹ The Constitution does not define “Republican Form of Government,” and the Supreme Court has regularly refused to do so. The term is generally understood to mean a “representative government.”

The Supreme Court has held that the question of whether a State has a republican form of government is a “political question.” That is, it is one to be decided by the political branches of the government—the President and Congress—and not by the courts.¹⁰

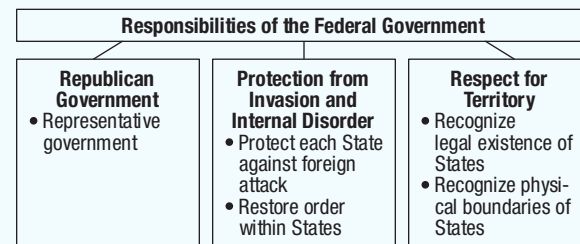
The only extensive use ever made of the republican-form guarantee came in the years immediately following the Civil War. Congress declared that several southern States did not have governments of a republican form, and refused to admit senators and representatives from those States until they had ratified the 13th, 14th, and 15th amendments and broadened their laws

⁹ Article IV, Section 4. The provision is sometimes called “the Guarantee Clause.”

¹⁰ The leading case here is *Luther v. Borden* (1849). This case grew out of Dorr’s Rebellion, a revolt led by Thomas W. Dorr against the State of Rhode Island in 1841–1842. Dorr and his followers had written a new constitution for the State. When they tried to enforce the new document, the governor in office under the original constitution declared martial law (temporary rule by military authorities), and called on the Federal Government for help. President John Tyler took steps to put down the revolt, and it quickly collapsed. Although the question of which of the competing governments was the legitimate one was a major issue in *Luther v. Borden*, the Supreme Court refused to decide the matter.

GUIDING QUESTION

According to the Constitution, what must the National Government guarantee to each State?



Get Started

LESSON GOALS

Students will . . .

- analyze the process of admission to the Union.
- identify and define types of federal aid to the States.
- understand how federal grants blur the division of power in our federal system by analyzing an article about the No Child Left Behind law.

BEFORE CLASS

Assign the section, the graphic organizer in the text, and the Reading Comprehension Worksheet (Unit 1 All-in-One, p. 190) before class.

L2 Differentiate Reading Comprehension Worksheet (Unit 1 All-in-One, p. 192)

SKILLS DEVELOPMENT

DRAW INFERENCES AND CONCLUSIONS

There are several opportunities in this section’s activities for students to do research. You may want to review tips on drawing inferences and conclusions in the Skills Handbook, p. S19.

Focus on the Basics

Here is the information that your students need to learn in this section.

FACTS: • The National Government guarantees the States representative government, protection from invasion and internal disorder, and territorial integrity. • Congress has the power to admit new States. • The federal system involves a range of powers shared between the Federal Government and the States.

CONCEPTS: federalism, representative government, cooperation

ENDURING UNDERSTANDINGS: • Federalism produces a dual system of government under which the States and the Federal Government govern the same people and same territory at the same time. • The Federal Government and the States operate in a spirit of cooperation, with some inevitable conflict.

BELLRINGER

Distribute the Bellringer Worksheet (Unit 1 All-in-One, p. 194), which examines one aspect of the cooperative relationship between the National Government and the States. Have students study the table and answer the questions.

L1 L2 Differentiate Have students answer only questions 1 through 3.

Teach

To present this topic using online resources, use the lesson presentations at **PearsonSuccessNet.com**.

COVER THE BASICS

Call students' attention to the map on the territorial expansion of the United States on p.105. Ask: **When did our State join the Union? How many States were part of the United States at that time? How much of the nation's present area did the United States cover at that time?**

Then ask students to take out the Reading Comprehension Worksheet. Call on a volunteer to explain grant-in-aid programs. (*The Federal Government gives money or other resources to the States and/or their cities, counties, and other local units.*) Have students name the three types of grants-in-aid (*categorical grants, block grants, project grants*). Then ask them to define and give examples of each type of federal aid to the States.

Checkpoint
What is another term for "republican form of government"?

to recognize the voting and other rights of African Americans.

Invasion and Internal Disorder The Constitution states that the National Government must also

FROM THE CONSTITUTION

protect each of them [the States] against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

—Article IV, Section 4

Today it is clear that an invasion of any one of the States would be met as an attack on the United States itself. This constitutional guarantee is therefore now of little significance.

That was not the case in the late 1780s. Then it was not at all certain that all 13 States would stand together if a foreign power attacked one of them. So, before the States agreed to give up their war-making powers, each demanded that an attack on any one of the States would be met as an attack on all of them.

The federal system assumes that each of the 50 States will keep the peace within its own borders. Thus, the primary responsibility for curbing **insurrection**, riot, or other internal disorder rests with the individual States. However, the Constitution does recognize that a State might not be able to control some situations. It therefore guarantees protection against internal disorder, or what the Constitution calls "domestic Violence."

The use of federal force to restore order within a State has been a rare event historically. Several instances did occur in the 1960s, however. When racial unrest exploded into violence in Detroit during the "long, hot summer" of 1967, President Lyndon Johnson ordered units of the United States Army into the city. He acted at the request of the governor of Michigan, George Romney, and only after Detroit's police and firefighters, supported by State police and National Guard units, could not control riots, arson, and looting in the city. In 1968, again at the request of the governors involved, federal troops were sent into Chicago and Baltimore to help put

integrity
n. a single, undivided whole

insurrection
n. a revolt against a government

down the violence that erupted following the assassination of Martin Luther King, Jr. In 1992, President George H.W. Bush ordered members of the National Guard, the Army, and the Marines to Los Angeles to restore order after three days of rioting. The violence was sparked by the acquittal of four white officers charged with beating Rodney King, a black motorist, after he led them on a high-speed chase.

Normally, a President has sent troops into a State only in answer to a request from its governor or legislature. If national laws are being broken, national functions interfered with, or national property endangered, however, a President does not need to wait for such a plea.¹¹

The ravages of nature—storms, floods, drought, forest fires, and the like—can be far more destructive than human violence. Here, too, acting to protect the States against "domestic Violence," the Federal Government stands ready to aid stricken areas.

Respect for Territorial Integrity The National Government is constitutionally bound to respect the territorial **integrity** of each of the States. That is, the National Government must recognize the legal existence and the physical boundaries of each State.

The basic scheme of the Constitution imposes this obligation. Several of its provisions do so, as well. For example, Congress must include, in both of its houses, members chosen in each one of the States.¹² Recall, too, that Article V of the Constitution declares that no State can be deprived of its equal representation in the United States Senate without its own consent.

¹¹ President Grover Cleveland ordered federal troops to end rioting in the Chicago rail yards during the Pullman Strike in 1894 despite the objections of Illinois Governor William Altgeld. The Supreme Court upheld his actions in *In re Debs* (1895). The Court found that rioters had threatened federal property and impeded the flow of the mail and interstate commerce. Thus, more than "domestic Violence" was involved. Since then, several Presidents have acted without a request from the State involved. Most recently, President Dwight Eisenhower did so at Little Rock, Arkansas, in 1957, and President John Kennedy did so at the University of Mississippi in 1962 and at the University of Alabama in 1963. In each of those instances, the President acted to halt the unlawful obstruction of school integration orders issued by the federal courts.

¹² In the House, Article I, Section 2, Clause 1; in the Senate, Article I, Section 3, Clause 1 and the 17th Amendment.

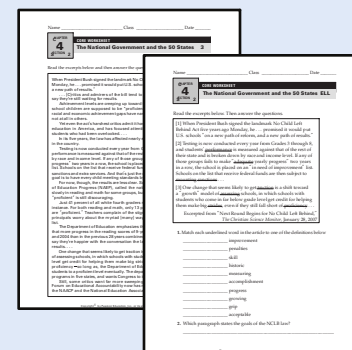
Differentiated Resources

The following resources are located in the All-in-One, Unit 1, Chapter 4, Section 2:

- L3** Reading Comprehension Worksheet (p. 190)
- L2** Reading Comprehension Worksheet (p. 192)
- L3** Bellringer Worksheet (p. 194)
- L3** Core Worksheet (p. 195)
- L2** ELL Core Worksheet (p. 198)
- L3 L4** Extend Worksheet (p. 200)
- L3** Quiz A (p. 203)
- L2** Quiz B (p. 204)

Answers

Checkpoint representative government



Admitting New States

That new States would soon join the original 13 as members of the new United States was generally accepted as fact in the 1780s. To that end, the Congress of the Confederation, meeting as the Framers were drafting what was to become the Constitution, enacted the Northwest Ordinance of 1787—clearly, the most important measure passed by that body in its eight years as the government of the United States.

The ordinance anticipated the creation of new States in what was then known as the Northwest Territory—a roughly defined area lying north of the Ohio River and west of New

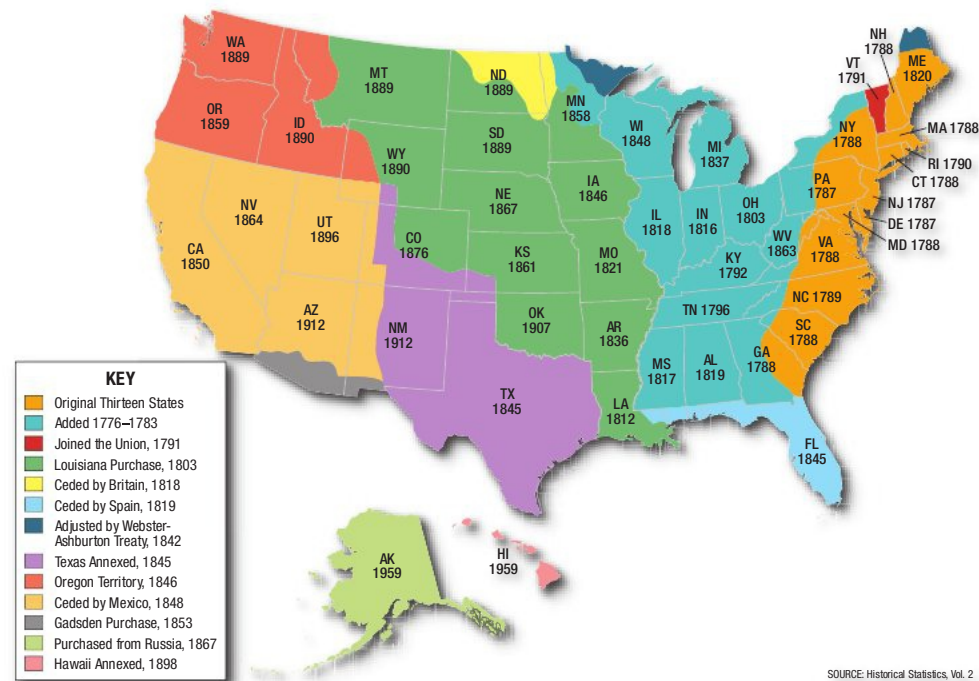
York, Pennsylvania, and Virginia. The measure provided for the eventual Statehood of any sector in that region that acquired a population of at least 60,000 persons. It made provision for local self-government, for civil and political rights, and for the support of education. An earlier measure, the Ordinance of 1785, had created the township system for the dividing of land for the support of local schools. Its provisions were folded into the 1787 enactment.

The Northwest Ordinance was readopted by the new Congress under the Constitution in 1790, and it served as the basis for later legislation regarding the nation's territorial possessions. It established that those territories were not to be kept in a second-class

Territorial Expansion of the U.S.

► **Analyzing Maps** Until the early 20th century, the Federal Government steadily acquired land and admitted new States (indicated by years).

From which 19th-century acquisition were the most States created?



Chapter 4 • Section 2 105

DISCUSS

Use these questions to facilitate a discussion of federal aid.

- Why are grants from the Federal Government important?** (Possible response: In our federal system, the States and National Government share responsibility for the same citizens, and therefore should share the costs. Also, the Federal Government has a greater ability to raise funds than do State governments.)
- In what ways does federal aid help your community?** (Answers will vary.)
- How can federal aid help to eliminate disparities among regions, States, and communities?** (Possible response: Communities of lower-income residents cannot raise as much tax money as can wealthier communities. Federal aid to lower-income communities can make up the difference, providing greater equality in services.)
- Critics say that grants give the Federal Government too much power in making public policy at State and local levels. Do you agree or disagree? Give your reasons.** (Possible answers: I agree because many of the grants come with strings attached, which forces the States to comply in order to receive the grants. OR: I disagree, because State and local governments can decide whether or not to accept federal aid.)

DISCUSS THE BELLRINGER ACTIVITY

Ask volunteers to share their answers about the FEMA disaster process. (1. Steps 1, 2, 4; 2. Steps 5, 6; 3. Step 3; 4. Although the States hold primary responsibility for dealing with local issues, occasions occur when they cannot fulfill these obligations alone. At those times, the Constitution provides for the intervention, support, or cooperation of the National Government. 5. Article IV, Section 4: the Invasion and Internal Disorder provision)

Tell students to go to the Interactivity to learn more about the territorial expansion of the U.S.

Background

PUERTO RICO: OUR 51ST STATE? As a U.S. commonwealth, Puerto Rico is not quite a State and not quite an independent nation. Puerto Ricans are U.S. citizens and can vote for local officials, but not for the President. They can elect a representative to Congress, who can vote in committee but not on the House floor. In 1967, 1993, and 1998, Puerto Rico held local plebiscites, asking voter preference: Statehood, independence, or commonwealth. Each time, voters chose commonwealth. In 2008, the Puerto Rico Democracy Act emerged from congressional committee. Display Transparency 4C, Puerto Rico Democracy Act of 2007. If the bill passes into law, Puerto Ricans will be able to hold a U.S.-authorized vote on Statehood for the first time. Ask: **What is the purpose of the Act?** (to provide a self-determination process)

Answers

Analyzing Maps the Louisiana Purchase (1803)

DISTRIBUTE CORE WORKSHEET

Distribute the Chapter 4 Section 2 Core Worksheet (Unit 1 All-in-One, p. 195), which contains excerpts from an article about the No Child Left Behind Act, along with questions about the article. Explain that the education reform law called No Child Left Behind is a federal grant-in-aid program that gives money for education. Have students read the article silently. Allow time for students to discuss the questions and share their responses.

L2 ELL Differentiate Have students complete the adapted Core Worksheet (Unit 1 All-in-One, p. 198), which includes a shorter editorial and vocabulary support.

L1 L2 Differentiate Have students take turns reading each paragraph aloud, while the rest of the class follows along silently. Stop to paraphrase each paragraph.

L4 Differentiate Have students read the article and answer the questions on their own.

Name _____ Class _____ Date _____

CHAPTER 4 CORE WORKSHEET
SECTION 2 The National Government and the 50 States 3

Read the excerpts below and then answer the questions that follow.

When President Bush signed the landmark No Child Left Behind Act five years ago Monday, he . . . promised it would put U.S. schools "on a new path of reform, and a new path of results."
... (Critics and admirers of the bill tend to agree about the reform part, but say they're still waiting for results. Achievement levels are creeping up toward the 2014 deadline when all public school children are supposed to be "proficient" at math and reading, and the racial and economic achievement gaps have narrowed slightly in a few cases, but not at all in others. Yet even the act's harshest critics admit it has changed the conversation about education in America, and has focused attention on poor-achieving groups of students who had been overlooked. . . . In its five years, the law has affected nearly every elementary and high school in the country. Testing is now conducted every year from Grades 3 through 8, and students' performance is measured against that of the rest of their state and is broken down by race and income level. If any of those groups fails to make "adequate yearly progress" two years in a row, the school is placed on an "in need of improvement" list. Schools on the list that receive federal funds are then subject to mounting sanctions and extra services. And that's just the most visible change. The ultimate goal is to have every child meeting standards by 2014. For now, though, the results are less clear. Scores on the National Assessment of Education Progress (NAEP), called the nation's report card, have climbed slowly in reading and math for some groups, but the number of students who are "proficient" is still discouraging. Just 41 percent of all white fourth graders meet the standard in reading, for instance. For both reading and math, only 13 percent of all black fourth graders are "proficient." Teachers complain of the stigma of being a failing school, and principals worry about the myriad (many) ways they could end up on a watch list. The Department of Education emphasizes the long-term NAEP trends, noting that more progress in the reading scores of 9-year-olds was made between 1999 and 2004 than in the previous 20 years combined. But in general, even supporters say they're happier with the conversation the law has jumpstarted than with the results. . . . One change that seems likely to get traction is a shift toward a "growth" model of assessing schools, in which schools with students who come in far below grade level get credit for helping them make big strides, even if they still fall short of proficiency—so long as, the Department of Education emphasizes, they do get students to a proficient level eventually. The department has already approved pilot programs in five states, and wants Congress to include such a model in NCLB. Still, some critics want far more sweeping changes. A coalition called the Forum on Educational Accountability now has more than 100 groups—including the NAACP and the National Education Association—which have signed a list of

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CONTINUE THE ACTIVITY

Have students do an Internet search to learn about the current status of No Child Left Behind.

Tell students to go to the Audio Tour to listen to a guided audio tour of Louisiana Statehood.

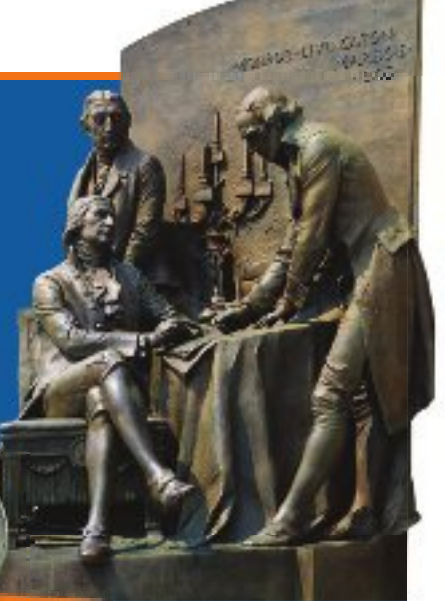
Answers

Louisiana Becomes a State inherent power

Louisiana Becomes a State

Louisiana was once part of a larger territory bought from France by President Thomas Jefferson in 1803. The Louisiana Purchase (right) nearly doubled the size of the country. Those who lived within the area became citizens of the United States, and the land was divided into territories. The Territory of Orleans constituted what is now Louisiana. By 1810, 77,000 people lived there, and many wished to acquire Statehood. Orleans submitted a petition for admittance to Congress in 1812, and on April 30, 1812, Louisiana became the 18th State. **Which power gave Jefferson the right to acquire territory?**

GOVERNMENT ONLINE
Audio Tour
Listen to a guided audio tour of Louisiana Statehood at PearsonSuccessNet.com



status but were to be groomed for Statehood on an equal footing with the existing States.

Congress and New States Only Congress has the power to admit new States to the Union, and the Constitution places only one restriction on that power: A new State cannot be created by taking territory from one or more of the existing States without the consent of the legislature(s) of the State(s) involved.¹³

Congress has admitted 37 States since the original 13 formed the Union, as the map on page 105 shows. Four States (Kentucky, Tennessee, Maine, and West Virginia) were created from parts of already existing States. Texas and Vermont were independent republics before admission. California was admitted shortly after being ceded to the United States by Mexico.

13 Article IV Section 3, Clause 1. Some argue that this restriction was violated with West Virginia's admission in 1863. It was formed from the 40 western counties that had broken away from Virginia over secession from the Union at the start of the Civil War. The consent required by the Constitution was given by a minority of the members of the Virginia legislature—those who represented the 40 western counties. Congress accepted their action, holding that they were the only group legally capable of acting as the Virginia legislature at the time.

Each of the other 30 States entered the Union only after a longer period of time, frequently more than 15 years, as an organized territory.

Admission Procedure The process of admission to the Union is usually simple. The area desiring Statehood first asks Congress for admission. If and when Congress chooses, it passes an **enabling act**, an act directing the people of the territory to frame a proposed State constitution. A territorial convention prepares the constitution, which is then put to a popular vote in the proposed State. If the voters approve the document, it is submitted to Congress for its consideration. If Congress still agrees to Statehood after reviewing the proposed constitution, it passes an **act of admission**, an act creating the new State. If the President signs the act, the new State enters the Union.

The two newest States, Alaska and Hawaii, shortened the usual admission process. Each adopted a proposed constitution without waiting for an enabling act, Hawaii in 1950 and Alaska in 1956. Both became States in 1959.

How Government Works

PATHS TO STATEHOOD Have students read the "How Government Works" feature describing how Louisiana became a State. Then divide them into small groups. Ask each group to select a State. Instruct the groups to research the history of their chosen State and create a poster-size timeline showing key events along the State's path to statehood. Each timeline should include the dates of the enabling act and act of admission, if these acts were passed for that State. Encourage students to add illustrations to their timeline. Display the timelines in the classroom.

Conditions for Admission Before finally admitting a new State, Congress has often set certain conditions. For example, in 1896, Utah was admitted on condition that its constitution outlaw polygamy, the practice of having more than one spouse at a time. In admitting Alaska to the Union, Congress forever prohibited that State from claiming title to any lands legally held by any Native American.

Each State enters the Union on an equal footing with each of the other States. Thus, although Congress can set certain conditions like those just described, it cannot impose conditions of a political nature. For example, when Oklahoma was admitted to the Union in 1907, Congress said the State could not move its capital from Guthrie to any other place before 1913. In 1910, however, the Oklahoma legislature moved the State's capital to Oklahoma City. When that step was challenged, the Supreme Court held, in *Coyle v. Smith* (1911) that Congress can set conditions for a prospective State's admission, but those conditions cannot be enforced if they compromise the independence of a State to manage its own internal affairs.

Consider one more example: President William Howard Taft vetoed a resolution to admit Arizona to the Union in 1911. He did so because Arizona's proposed constitution provided that members of the State's judiciary could be recalled (removed from office) by popular vote. This provision meant, said Taft, that in deciding cases a judge would have to keep one eye on the law and the other on public opinion. In response to the President's concern, Arizona removed the recall section from the document. In 1912 Congress passed, and the President signed, another act of admission for Arizona. Almost immediately after admission, however, the new State amended its new constitution to provide for the recall of judges. That provision remains a valid part of Arizona's constitution today.

Cooperative Federalism

Remember, federalism produces a dual system of government, one in which *two* basic levels operate over the same people and the same territory at the same time. As a result of this complex arrangement, competition, tensions,

and conflict are a regular and ongoing part of American federalism. In short, the American federal system is much like a tug-of-war, a continuing power struggle between the National Government and the States.

The American federal system also involves a broad area of *shared* powers. That is, in addition to the two separate spheres of power held and exercised by the two basic levels of government, there are large and growing areas of cooperation between them.

Federal Grants-in-Aid Perhaps the best-known examples of this intergovernmental cooperation are the many federal **grants-in-aid programs**—grants of federal money or other resources to the States and their cities, counties, and other local units. Many of these governments are regularly strapped for funds; these grants often help them perform a large share of their everyday functions.

The history of grants-in-aid programs goes back more than 200 years, to the period before the Constitution. In the Northwest Ordinance, the Congress under the Articles of Confederation provided for the government of the territory beyond the Ohio River and set aside sections of land for the support of public education in those future States.

On through the nineteenth century, most States received grants of federal lands for a number of purposes: schools and colleges, roads and canals, flood control work, and several others. A large number of the major State universities, for example, were founded as land-grant colleges. These schools were built with the money that came from the sale of public lands given to the States by the Morrill Act of 1862.

Congress began to make grants of federal money quite early, too. In 1808, it gave the States \$200,000 to support the militia, the **forerunner** of the present-day National Guard. Cash grants did not play a large role, however, until the Depression years of the 1930s. Many of the New Deal programs aimed at bringing the nation out of its economic crisis were built around grants of money.

Since then, Congress has set up hundreds of grants-in-aid programs. In fact, more than 500 are now in operation. Dozens of programs function in a variety of areas: in education,

Checkpoint
What must a territory do once an enabling act is passed by Congress?

forerunner
n. one that comes before, precedes

EXTEND THE LESSON

A grant program through the U.S. Department of Transportation and the National Highway Traffic Safety Administration provides incentives to States to promote greater use of seat belts among their citizens. States can qualify for a grant by enacting a law requiring the use of seat belts or by achieving a seat belt use rate of 85 percent throughout the State for two years in a row. Have students find out whether their State has met requirements to qualify for a grant under this program. Follow up with a discussion about why the Federal Government would initiate such a program.

L1 L2 Differentiate Have students work in small groups to research this information.

L3 L4 Differentiate Distribute the Chapter 4 Section 2 Extend Worksheet (Unit 1 All-in-One, p. 200). It asks students to read an excerpt about recent trends toward centralization that challenge the federalist system of government, and then answer questions about the article.

Political Cartoon Mini-Lesson

Display Transparency 4D, 2001 Elementary and Secondary Education Act, after students read the Core Worksheet article. This cartoon illustrates the “race to the bottom” described in the article. Ask: **What law are the people discussing?** (*the No Child Left Behind law*) **Who do the people represent?** (*probably a school board*) **What strategy is the speaker suggesting to achieve the goal of No Child Left Behind?** (*lowering educational standards, or making the tests easier*) **In the Core Worksheet article you read, what did educators call this strategy?** (*the race to the bottom*)

Answers

Checkpoint It must create a constitution and put it to a popular vote.

Assess and Remediate

L3 Collect the Core Worksheet and assess students' work.

L3 Assign the Section 2 Assessment questions.

L3 Section Quiz A (Unit 1 All-in-One, p. 203)

L2 Section Quiz B (Unit 1 All-in-One, p. 204)

Have students complete the review activities in the digital lesson presentation and continue their work in the **Essential Questions Journal**.

Three Types of Federal Grants

Where Does the Money Go?

Congress can grant money to the States through categorical, block, and project grants. Below are examples of recent grants. *What kinds of organizations might receive a block grant?*



CATEGORICAL
\$39 Billion:
Money spent on interstate roads



BLOCK
\$877.4 Million:
Money given to the States for homeland security



PROJECT
\$4.8 Million:
The estimated budget of the National Cancer Institute

mass transit, highway construction, health-care, and many others.

Grants-in-aid are based on the National Government's taxing power. The Constitution gives Congress that power in order

unwarranted
adj. without legal authority

FROM THE CONSTITUTION

to pay the Debts and provide for the common Defense and general Welfare of the United States. . . .

—Article I, Section 8, Clause 1

Today, these grants total about \$300 billion, and account for about 25 percent of all State and local government spending each year.

In effect, grants-in-aid blur the division-of-powers line in the federal system. They make it possible for the Federal Government to operate in many policy areas in which it would otherwise have no constitutional authority—for example, in such fields as education, low-income housing, local law enforcement, and mental health.

Critics of grants-in-aid have long made this point. They also argue that the grants, which usually come with strings attached, often give Washington a major—and, they say, an **unwarranted**—voice in the making of public policy at the State and local levels.

Types of Federal Grants Today, Congress appropriates money for three types of grants-in-aid: categorical grants, block grants, and project grants.

Over time, most grants have been categorical. **Categorical grants** are made for some specific, closely defined purpose—for school lunches or for the construction of airports or wastewater treatment plants, for example. Categorical grants are usually made with conditions attached. These “strings” require the State to (1) use the federal monies only for the specific purpose involved; (2) make its own monetary contribution, often a matching amount but sometimes much less; (3) provide an agency to administer the grant; and (4) obey a set of guidelines

Debate

After students read about No Child Left Behind in the Core Worksheet, have them debate the issue. Ask: **Should Congress renew the No Child Left Behind law?** Encourage additional research, if time permits.

Answers

Three Types of Federal Grants possible answers: State healthcare initiatives; welfare programs; homeland security

tailored to the particular purpose for which the monies are given.

Block grants have come into wide use over the last several years. They are made for much more broadly defined purposes than are categorical grants—for healthcare, social services, or welfare, for example. They are also made with fewer strings attached, so State and local governments have greater freedom in deciding just how and on what to spend block grant dollars. From the 1980s on, many programs once supported by separate and fragmented categorical grants have been merged into broader block grants.

Congress also provides money for **project grants**. These are grants made to States, localities, and sometimes private agencies that apply for the grants. The Department of Health and Human Services makes many project grants—through its National Institutes of Health, for example, to support scientists engaged in research on cancer, diabetes, neurological disease, and other medical issues. Many State and local governments also apply for these grants to fund their job training and employment programs.

Other Forms of Federal Aid The National Government aids the States in several other important ways. For example, the FBI gives

extensive help to State and local police. The army and the air force equip and train each State's National Guard units. The Census Bureau's data are essential to State and local school, housing, and transportation officials as they plan for the future.

Many other forms of aid are not nearly so visible. "Lulu payments," for example, are federal monies that go to local governments in those areas in which there are large federal landholdings. These direct payments are made in lieu of (to take the place of) the property taxes that those local governments cannot collect from the National Government. These payments are also known as PILTs (payment in lieu of taxes).

State Aid to the National Government Intergovernmental cooperation is a two-way street. That is, the States and their local governments also aid the National Government in many ways.

Thus, State and local election officials conduct national elections. These elections are financed with State and local funds, and they are regulated largely by State laws. The legal process by which aliens can become citizens, called naturalization, takes place most often in State courts. The examples go on and on.

REMEDIATION

| If Your Students Have Trouble With | Strategies For Remediation |
|--|---|
| The National Government's obligations to the States (Question 1) | As a class, have students complete the section's graphic organizer on the board. |
| The admission procedure for a new State (Questions 2, 5) | Write each step on an index card, mix them up, and have students put them in order. |
| The types of federal grants (Questions 3, 4) | Have students create and exchange cross-word puzzles that include clues about each type of grant. |
| Cooperative federalism (Question 6) | Draw a rough outline on the board of the U.S. and your State within it. Ask students what citizens your State government serves. Draw diagonal lines through your State to indicate these citizens. Then ask what citizens the U.S. Government serves. Draw opposite diagonals through the entire country, including your State. Ask why cooperation is needed. (<i>because both governments serve the same citizens</i>) |

SECTION 2 ASSESSMENT

Essential Questions Journal To continue to build a response to the chapter Essential Question, go to your Essential Questions Journal.

1. **Guiding Question** Use your completed chart to answer this question: According to the Constitution, what must the National Government guarantee to each State?

Key Terms and Comprehension

2. (a) What is the purpose of an **enabling act**? (b) What does Congress do once the requirements of the enabling act are met?
 3. (a) Why does the Federal Government make **grants-in-aid** to the States? (b) Why are grants-in-aid controversial?
 4. (a) What are the three main types of grants-in-aid? (b) For what is the money used in each type?

Critical Thinking

5. **Draw Conclusions** (a) Why might the Framers have included standards in the Constitution that each territory must meet before it can become a State? (b) Why is Congress barred from including conditions concerning a State's government? (c) How is this restriction an example of the federalist system?
 6. **Summarize** (a) What is cooperative federalism? (b) How does this practice help the States to fulfill their several responsibilities?

Quick Write

Compare and Contrast: Create a Venn Diagram Use a Venn diagram to organize the research you gathered in Section 1. Put examples of the States' powers on one side, examples of the Federal Government's powers on the other, and examples of concurrent powers in the middle. You will use the Venn Diagram to create your

Assessment Answers

1. The Constitution requires the Federal Government to provide a republican, or representative, form of government; protect each State from invasion and internal disorder; and recognize the legal existence of the States and their physical boundaries.
 2. (a) directs a territory desiring Statehood to draft a State constitution (b) passes an act of admission, creating a new State
 3. (a) to help States run programs for their

citizens (b) The conditions attached to the grants enable the Federal Government to operate in policy areas generally reserved to the States, such as education.

4. (a) categorical grants, block grants, and project grants (b) categorical grant: closely defined purpose, such as school lunches; block grant: broadly defined purpose, such as health-care; project grant: specific purpose for which a State, locality, or private agency applies, such as to support scientists conducting cancer research
 5. (a) to make sure that new States entered the Union on equal footing with existing States

(b) The Supreme Court ruled that political conditions would compromise the State's independence in managing its own internal affairs. (c) This ruling protects the integrity of the States within our federal system.

6. (a) The two levels of government—State and national—have many shared powers through which they work together to serve the citizens. (b) Federal grants-in-aid supplement State resources in supporting State and local programs.

QUICK WRITE Students' Venn diagrams should identify State, federal, and concurrent powers.

LESSON GOAL

- Students will examine the conflict between States' rights and federal control in the context of environmental protection.

Teach

ACTIVATE PRIOR KNOWLEDGE

Ask students to name some environmental issues that their State is facing. Do they know what their State is doing to address these issues? Then ask students to identify the role of the EPA. (*The Environmental Protection Agency is a federal agency charged with the care and protection of the nation's environment.*)

SUMMARIZE THE ISSUE

Display Transparency 4E, Environmental States' Rights. Have students read the quotes. Ask them to summarize the issue and the views expressed in the quotes.

L2 ELL Differentiate Have students look up these words in the dictionary: *sue*, *pollutants*, *waiver*, *measures*, *emissions*, *unequivocal*, and *unified*.

PREDICT

Point out that States' rights versus the power of the Federal Government has played out in many arenas, not just the environment. Refer to the writings of the Federalists and Anti-Federalists to show students that this issue has been discussed since the nation's birth. Then, have students read the timeline. Ask them how they think the case between the EPA and the State of California will end, based on what they see in the timeline.

Assess and Remediate

Have students select one quote on this page and write a short paragraph explaining why they agree or disagree.

Answers

1. **(a)** The governor may want to set restrictions that address his own State's pollution problems better than the national standards do. **(b)** It may further limit States' ability to customize laws to target their own environmental issues.
2. **(a)** possible response: no, because the Constitution does not grant the Federal Government the right to restrict States' policies **(b)** possible response: yes, because States can set standards that target local problems; OR no, because environmental problems cross State lines and require nationwide policies



The Environment and States' Rights

▶ Track the Issue

Over time, the Federal Government has taken many, often controversial, steps to protect the environment.

1872

Congress sets aside land in three States for Yellowstone National Park, the country's first national park.

1907

Theodore Roosevelt sets aside 16 million acres of new forest preserves with a presidential proclamation.

1963

The Clean Water Act is passed by Congress. It is amended in 1970 and 1990.

1970

Congress passes the Clean Air Act. It is amended in 1990.

2004

The Supreme Court rules that the EPA can override States on the environment in *Alaska Department of Environmental Conservation v. EPA*.

EPA Administrator
Stephen L. Johnson ▶



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▶ Perspectives

In 2008, California sued the EPA over its right to restrict air pollutants in California. The State had requested a waiver from the EPA, under the Clean Air Act, to allow stricter measures than those of the Federal Government. The EPA, which was given control of such restrictions by the Supreme Court, denied California's waiver. This case is the latest in a long-argued issue: Should the Federal Government regulate environmental issues, or should the States make their own rules?

"The authority of states to address greenhouse gas emissions from motor vehicles has been clearly and unequivocally supported—by the Supreme Court, a federal court decision in Vermont, and in December by a federal court here in California. On this issue, the U.S. EPA has failed to lead, it has failed to follow the states' lead and we are prepared to force it out of the way in order to protect the environment."

—Governor Arnold Schwarzenegger,
April 2, 2008

"I believe that Congress by passing a unified federal standard of 35 mpg [miles per gallon] delivers significant reductions that are more effective than a state-by-state approach. This applies to all 50 states, not one state, not 12 states, not 15 states. It applies to all 50 states, and that's great for the economy, for national security, and for the environment."

—EPA Administrator
Stephen L. Johnson

▶ Connect to Your World

1. **Predict Consequences** **(a)** Why might Governor Schwarzenegger oppose federal regulations on carbon emissions? **(b)** How might a ruling in favor of the EPA affect States' rights in environmental issues?
2. **Identify Central Issues** **(a)** Does the Federal Government have the right to restrict what a State may or may not do on its land? **(b)** Should a State have the right to determine its own environmental standards?

GOVERNMENT ONLINE

In the News

For updates on environmental cases, visit
PearsonSuccessNet.com

Background

CALIFORNIA VERSUS THE EPA The Clean Air Act allows California to set anti-pollution standards higher than required nationally, with EPA-approved waivers. In the last 40 years, the EPA approved every waiver California requested—more than 40 in all. California became an innovator in pollution control, requiring carmakers to install equipment to reduce tailpipe emissions and gasoline evaporation. Following California's lead, many States enacted similar regulations. In 2005, California requested another waiver to further limit car emissions. Despite repeated urging from Governor Schwarzenegger, the EPA refused to rule on the waiver for two years. Then in April 2007, the Supreme Court denied the Federal Government's effort to block State regulation of greenhouse gases in *Massachusetts v. EPA*. The way seemed clear for the EPA to grant the waiver—but it said no. California sued.

SECTION 3

Interstate Relations



Guiding Question

How do the States work together to preserve the Union? Use an outline like the one below to take notes on how the States cooperate.

I. The States Work Together

A. Interstate Compacts

1. _____
2. _____

B.

1. _____
2. _____

C.

Political Dictionary

- interstate compact
- Full Faith and Credit Clause
- extradition
- Privileges and Immunities Clause

Objectives

1. Explain why States make interstate compacts.
2. Understand the purpose of the Full Faith and Credit Clause.
3. Describe the Extradition Clause and explain its purpose.
4. Explain the purpose of the Privileges and Immunities Clause.

Image Above: A person stands where the borders of Utah, Colorado, Arizona, and New Mexico meet to create “The Four Corners.”

You know that rivalries, conflicts, and jealousies among the newly independent States was a principal reason for the writing and the adoption of the Constitution. The fact that the new document strengthened the hand of the National Government, especially with regard to trade among the States, reduced many of those frictions. So, too, did several of the new Constitution’s provisions dealing with the States’ relationships with one another.

Interstate Compacts

No State can enter into any treaty, alliance, or confederation, says the Constitution. However, the States can, with the consent of Congress, enter into **interstate compacts**—agreements among themselves and with foreign states.¹⁴

The States made few of these agreements for several decades—only 36 of them by 1920. The number has grown steadily since then, however. New York and New Jersey led the way in 1921 with a pact creating what is now the Port Authority of New York and New Jersey to manage the harbor facilities bordering both States. More than 200 compacts are now in force, and many involve several States. In fact, all 50 States have joined in two of them: the Compact for the Supervision of Parolees and Probationers and the Compact on Juveniles. These two compacts enable States to share important law-enforcement data.

Other agreements cover a widening range of subjects. They include pacts that coordinate the development and conservation of such resources as water, oil, wildlife, and fish; counter the effects of global climate change; and encourage the cooperative use of public universities.

Full Faith and Credit

In Article IV, Section 1, the Constitution commands that: “Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State.”

¹⁴ Article 1, Section 10, Clause 3: The Supreme Court has held that congressional consent is not needed for any compact that does not tend to increase the political power of a State (*Virginia v. Tennessee*, 1893). But it is often difficult to decide whether an interstate agreement is political or nonpolitical in nature. So, nearly all compacts are submitted to Congress as a matter of course.

GUIDING QUESTION

How do the States work together to preserve the Union?

I. The States Work Together

A. Interstate Compacts

1. Agreements among States
2. Cooperate in areas such as law enforcement and resource conservation

B. Full Faith and Credit

1. States respect validity of public acts, records, and judicial proceedings of other States
2. Applies only to civil, not criminal, matters
3. Divorce recognized only if granted by State where person is legal resident

C. Extradition

1. Fugitive from one State can be returned by another
2. Federal courts can compel unwilling governor to extradite

D. Privileges and Immunities

1. No State can draw unreasonable distinctions between own residents and those of other States
2. Reasonable distinctions may be drawn, such as higher tuition for out-of-State students at State colleges

Get Started

LESSON GOALS

Students will . . .

- define and give the location of the constitutional provisions that deal with States’ interrelations.
- analyze scenarios in which States interact with other States to identify the constitutional provision that prohibits each action.

SKILLS DEVELOPMENT

INNOVATE AND THINK CREATIVELY

Before students prepare their posters for the Extend the Lesson portion of this section, you may want to review tips on innovating and thinking creatively in the Skills Handbook, p. S23.

Focus on the Basics

Here is the information that your students need to learn in this section.

FACTS: • States can make interstate compacts for matters of mutual concern. • The Constitution requires each State to respect the laws, official records, and court actions of other States. • The Constitution requires each State to return fugitives from other States. • No State can draw unreasonable distinctions between its own residents and residents of other States.

CONCEPTS: federalism, cooperation

ENDURING UNDERSTANDINGS: • Several key provisions of the Constitution promote cooperation between and among the States.

BEFORE CLASS

Assign the section, the graphic organizer in the text, and the Reading Comprehension Worksheet (Unit 1 All-in-One, p. 205) before class.

L2 Differentiate Reading Comprehension Worksheet (Unit 1 All-in-One, p. 206)

BELLRINGER

Write on the board: **What should be the goals of government? (Unit 1 Essential Question) Is the federal system the best way to govern the United States? (Chapter 4 Essential Question) Has your thinking about these questions changed since the start of Unit 1? Write your assessment for each question in one or two paragraphs.**

Teach

To present this topic using online resources, use the lesson presentations at PearsonSuccessNet.com.

DISCUSS THE BELLRINGER ACTIVITY

Invite students to share their responses to the Bellringer activity and discuss their assessments of what they have learned about these Essential Questions.

DISCUSS THE BASICS

Tell students that today you will discuss constitutional provisions that promote cooperation among the States. Ask them to take out their Reading Comprehension worksheet. Call on volunteers to define the purpose and location of each important provision.

✓Checkpoint
Name two examples of interstate compacts. How do the States benefit from these compacts?

probate
v. to establish the validity of a will

The term *public acts* refers to the laws of a State. *Records* refers to such documents as birth certificates, marriage licenses, deeds to property, car registrations, and the like. The words *judicial proceedings* relate to the outcome of court actions: damage awards, the probating of wills, divorce decrees, and so forth.

The **Full Faith and Credit Clause** most often comes into play in court matters. Take this example: Allen sues Bill in Florida, and the Florida court awards Allen \$50,000 in damages. Bill cannot escape payment of the damages by moving to Georgia, because Allen could simply ask the Georgia courts to enforce the damage award. Nor would the case have to be retried in Georgia. Instead, the Georgia courts would have to give full faith and credit to—recognize and respect the validity of—the judgment made by the Florida court.

In a similar vein, a person can prove age, place of birth, marital status, title to property, and similar facts by securing the necessary documents from the State where the record was made. The validity of these documents will be recognized in each of the 50 States.

Exceptions The Full Faith and Credit Clause is regularly observed, and it usually operates routinely between the States. There are two notable exceptions to the rule, however. First,

it applies only to *civil*, not *criminal*, matters. One State cannot enforce another State's criminal law. Second, full faith and credit need not be given to certain divorces granted by one State to residents of another State.

On the second exception, the key question is always this: Was the person who obtained the divorce in fact a resident of the State that granted it? If so, the divorce will be accorded full faith and credit in other States. If not, the State granting the divorce did not have the authority to do so, and another State can refuse to recognize it.

Marriage and Divorce The matter of interstate “quickie” divorces has been troublesome for decades, and especially since the Supreme Court's decision in a 1945 case, *Williams v. North Carolina*. In that case, a man and a woman traveled to Nevada, where each wanted to obtain a divorce so they could marry one another. They lived in Las Vegas for six weeks, the minimum period of State residence required by Nevada's divorce law. The couple were granted their divorces, were married, and returned to North Carolina the next day.

Problems arose when that State's authorities refused to recognize their Nevada divorces. North Carolina brought the couple to trial and a jury convicted each of them of the crime of bigamous cohabitation (marrying and living together while a previous marriage is still legally in effect).

On appeal, the Supreme Court upheld North Carolina's denial of full faith and credit to the Nevada divorces. It ruled that the couple had not in fact established *bona fide*—good faith, valid—residence in Nevada. Rather, the Court held that the couple had remained legal residents of North Carolina. In short, it found that Nevada lacked the authority to grant their divorces.

A divorce granted by a State court to a *bona fide* resident of that State must be given full faith and credit in all other States. To become a legal resident of a State, a person must intend to reside there permanently, or at least indefinitely. Clearly, the Williamses had not intended to do so.

The *Williams* case, and later ones like it, have cast dark clouds of doubt over the validity of thousands of other interstate divorces.

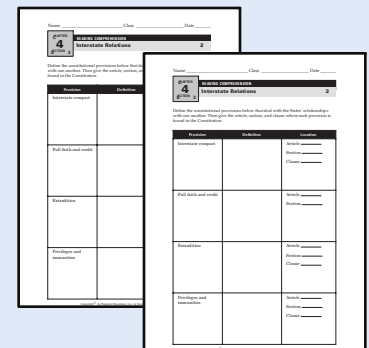
The Full Faith and Credit Clause ensures that all States recognize public records, such as these.



Differentiated Resources

The following resources are located in the All-in-One, Unit 1, Chapter 4, Section 3:

- L3** Reading Comprehension Worksheet (p. 205)
- L2** Reading Comprehension Worksheet (p. 206)
- L3** Core Worksheet (p. 207)
- L3** Quiz A (p. 208)
- L2** Quiz B (p. 209)
- L3** Chapter Test A (p. 210)
- L2** Chapter Test B (p. 213)



Answers

Checkpoint possible answers: compacts to regulate water resources and compacts to prevent and fight forest fires; by creating these compacts, States share the burden of solving problems that span more than one State

The later marriages of people involved in these divorces, and the frequently tangled estate problems produced by their deaths, suggest the confused and serious nature of the matter.

If a same-sex couple, legally married to one another in one State, moves to a State that defines marriage as the union of a man and a woman, does the Constitution require that the second State recognize the validity of that couple's legal union? That question has not yet (2009) reached the Supreme Court. But it almost certainly will—and in the not-too-distant future.

Same-sex unions have produced growing controversy over the past decade or so. And some of that debate has centered on the application of the Full Faith and Credit Clause in such cases.

Today, 41 States and the Federal Government outlaw same-sex marriages. Some States have gone in the opposite direction, however. In 2000, Vermont's legislature approved a statute allowing "civil unions" in that State. The law provides that gay and lesbian couples can be joined in a legal ceremony that provides all of the State benefits and obligations of a civil marriage. In 2003, Massachusetts' Supreme Judicial Court, the State's highest court, held that the Massachusetts constitution guarantees to same-sex couples the right to marry in that State. In 2008, the Connecticut Supreme Court overturned laws banning same-sex marriage, clearing the way for legal marriages in that State.

Prior to these State decisions, Congress responded to the controversy with the passage of the Defense of Marriage Act (DOMA) in 1996. That act defines marriage as the union of a man and a woman, and it declares that no State can be required to recognize a same-sex marriage performed in another State.

To shield DOMA from constitutional challenges, some in the government have proposed a Federal Marriage Amendment to set the definition of marriage in the Constitution.

Extradition

The Constitution makes provisions for those who flee to another State after they commit a crime.



▲ In 1958, Richard and Mildred Loving married in Washington, D.C., but were subsequently arrested in their home State of Virginia, where their interracial marriage was illegal. The Supreme Court ruled the Virginia law unconstitutional, and that all States must recognize interracial marriage.

FROM THE CONSTITUTION

A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

—Article IV, Section 2, Clause 2

This clause refers to **extradition**, the legal process by which a **fugitive** from justice in one State can be returned to that State. Extradition is designed to prevent a person from escaping justice by fleeing a State.

The return of a fugitive from justice is usually a routine matter; governors regularly approve the extradition requests they receive from other States' chief executives. Some of those requests, however, are contested. This is especially true in cases with strong racial or political overtones, and in cases of parental kidnapping of children involved in custody disputes.

Until the 1980s, governors could, and on occasion did, refuse to return fugitives. In *Kentucky v. Dennison* (1861) the Supreme Court had held that the Constitution did not give the Federal Government any power with which to compel a governor to act in an extradition case. So, for more than a century,

jurisdiction

n. the authority to interpret and apply the law

fugitive

n. one who flees

DISTRIBUTE CORE WORKSHEET

Distribute the Chapter 4 Section 3 Core Worksheet (Unit 1 All-in-One, p. 207). On the board, list three constitutional provisions: **Full Faith and Credit**, **Extradition**, and **Privileges and Immunities**. Divide the class into groups. Explain that students should review each situation in the first column of the worksheet. Then they should decide which clause listed on the board prohibits that situation from occurring. When students finish their worksheets, ask them to share their findings and explain their reasoning.

L1 L2 Differentiate Walk through the activity as a class. Alternatively, divide the chart into several parts and assign one team to each part.

L4 Differentiate Have students complete the worksheet individually.

| Name _____ Class _____ Date _____ | |
|--|---------------|
| CHAPTER 4 CORE WORKSHEET | |
| Section 3 Interstate Relations 3 | |
| Think about each situation below and then identify the clause (Full Faith and Credit, Extradition, or Privileges and Immunities) that <i>prohibits</i> it. | |
| Situation | Prohibited by |
| 1. An Oregon city refuses to allow a high school student to attend class, because her family just moved there at the end of the summer. | |
| 2. Thomas Jones, a citizen of Wyoming, inherits a ranch in Colorado. The State of Colorado refuses to allow this inheritance, because Jones is from another State. | |
| 3. Ohio requires Pennsylvania citizens to show passports when they cross the border. | |
| 4. The son of a Mississippi official commits a crime in Arkansas. He flees to Mississippi and lives there openly, despite efforts by Arkansas officials to bring him to court. | |
| 5. New Hampshire will not allow a chiropractor from another State to practice in New Hampshire, even though she has been living there for four years. | |
| 6. An employer refuses to allow benefits to a long-time employee's wife, because the employee's marriage occurred out of State several years earlier. | |
| 7. A New Yorker is not allowed to relocate to Florida. | |

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L3 Differentiate Display Transparency 4F, The Process of Extradition. Have students analyze the extradition process. Then have them write a letter to a friend, explaining the stages of the process that a suspected felon would go through before that person finally went to trial.

Teacher-to-Teacher Network

ALTERNATIVE LESSON PLAN In an advanced class, you might discuss challenges to the Full Faith and Credit Clause regarding marriage. In *Loving v. Virginia*, an interracial married couple sued the State of Virginia after they were arrested for breaking a State law banning marriage between people of different races. The Supreme Court struck down the Virginia law. Have students review the facts of the case and discuss the challenges that arise when one State does not recognize marriages that are legal in another.

To see this lesson plan, go to



EXTEND THE LESSON

Remind students that more than 200 interstate compacts now exist between the States. Ask partners to research one of these agreements: New York-New Jersey Port Authority Compact; Emergency Management Assistance Compact; Washington Metro Area Transit Authority Compact; Multistate Tax Compact; Southern Dairy Compact; Colorado River Compact; Interstate Compact on the Placement of Children; Interstate Compact on the Placement of Juveniles. Have students use their findings to create a poster explaining the compact.

Assess and Remediate

L3 Collect the Core Worksheet and assess students' work.

L3 Assign the Section 3 Assessment questions.

L3 Section Quiz A (Unit 1 All-in-One, p. 208)

L2 Section Quiz B (Unit 1 All-in-One, p. 209)

Have students complete the review activities in the digital lesson presentation and continue their work in the **Essential Questions Journal**.

REMEDIATION

| If Your Students Have Trouble With | Strategies For Remediation |
|---|--|
| The constitutional provisions that shape interstate relations (Questions 1–5) | Write each provision, its definition, and its location in the Constitution on separate cards. Have students match provisions with definitions and locations. |

Answers

Checkpoint By making such distinction, a State would be violating the democratic principle that all citizens are equal.

Assessment Answers

1. States make compacts with other States to cooperate in many areas, such as law enforcement and resource conservation. All States respect the validity of public acts, records, and judicial proceedings of other States. States extradite fugitives from other States. States afford the same rights and privileges to residents of other States as to their own residents.

2. (a) possible response: the Compact for the Supervision of Parolees and Probationers and the Compact on Juveniles (b) These compacts allow States to share law-enforcement information.

3. (a) possible response: marriage licenses and divorces (b) The clause applies only to civil, not criminal, law. Also, a State recognizes divorces only if granted by the State where the person is a legal resident.

4. The Full Faith and Credit Clause requires extradition to prevent someone from escaping justice by fleeing. The clause does not require a State to enforce another State's criminal law.

5. (a) The clause prevents States from treating residents of other States unequally. (b) possible response: the right to marry, the right to own

property, the right to make a contract

QUICK WRITE Students should use their Venn diagram to write their outline before they write the full essay.

Checkpoint
Why might a State be restricted from making distinctions between its residents and those of another State?

the Constitution's word *shall* in the Extradition Clause had to be read as "may."

The Court overturned that ruling in 1987, however. In *Puerto Rico v. Branstad*, a unanimous Court held that the federal courts can indeed order an unwilling governor to extradite a fugitive.

Privileges and Immunities

The Constitution also protects citizens who move between the States.

FROM THE CONSTITUTION

The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

—Article IV, Section 2, Clause 1¹⁵

This clause, known as the **Privileges and Immunities Clause**, means that no State can draw unreasonable distinctions between its own residents and those persons who happen to live in another State.

Each State must recognize the right of any American to travel in or become a resident of that State. It must also allow any citizen, no matter where he or she lives, to use its courts and make contracts; buy, own, rent, or sell property; or marry within its borders.

¹⁵ The provision is reinforced in the 14th Amendment.

However, a State cannot do such things as try to relieve its unemployment problems by requiring employers to hire in-State residents first. Thus, the Supreme Court struck down an Alaskan law requiring employers to prefer Alaskan workers to construct that State's oil and gas pipelines (*Hicklin v. Orbeck*, 1978). The Court overturned a California law that set the welfare benefits for newly arrived residents from States with lower welfare benefit levels at a lower level than those paid to long-term residents (*Saenz v. Roe*, 1999).

However, the Privileges and Immunities Clause does allow States to draw *reasonable* distinctions between its own residents and those of other States. Thus, any State can require that a person live within the State for some time before he or she can vote or hold public office. It also can require some period of residence before one can be licensed to practice law, medicine, dentistry, and so on.

In another example, the wild fish and game in a State are considered the common property of the people of that State. So, a State can require nonresidents to pay higher fees for fishing or hunting licenses than those paid by residents—who pay taxes to provide fish hatcheries, enforce game laws, and so on. By the same token, State colleges and universities regularly set higher tuition rates for out-of-State students.

SECTION 3 ASSESSMENT

Essential Questions Journal To continue to build a response to the chapter Essential Question, go to your Essential Questions Journal.

1. **Guiding Question** Use the completed outline to answer this question: How do the States work together to preserve the Union?

Key Terms and Comprehension

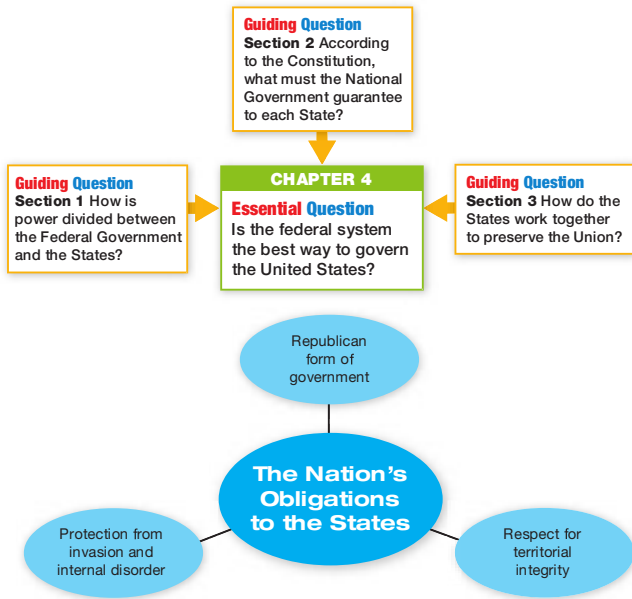
- (a) Cite two **interstate compacts**. (b) What purpose do these compacts serve?
- (a) Cite two examples of records that a State must recognize under the **Full Faith and Credit Clause**. (b) What are the two exceptions to that recognition?

Critical Thinking

- Synthesize Information** If a person commits a felony in one State and flees to another, why might that person face extradition? Why wouldn't he or she be tried for his or her crime in the second State?
- Summarize (a)** How does the Privileges and Immunities Clause protect the rights of U.S. citizens? (b) Give three examples of rights that may be protected under this clause.

Quick Write

Compare and Contrast: Draft Your Essay Use the Venn diagram you created in Section 2 as the outline for your essay. You may want to order your outline by first describing one set of powers, followed by the second set of powers, and finally putting the concurrent powers at the end.



Political Dictionary

- federalism p. 94
- division of powers p. 95
- delegated powers p. 96
- expressed powers p. 96
- implied powers p. 96
- inherent powers p. 97
- reserved powers p. 99
- exclusive powers p. 99
- concurrent powers p. 100
- Supremacy Clause p. 101
- enabling act p. 106
- act of admission p. 106
- grants-in-aid program p. 107
- categorical grant p. 108
- block grant p. 109
- project grant p. 109
- interstate compact p. 111
- Full Faith and Credit Clause p. 112
- extradition p. 113
- Privileges and Immunities Clause p. 114

Division of Power

| Federal Powers | Concurrent Powers | State Powers |
|---|--|---|
| <ul style="list-style-type: none"> ● Coin money ● Control commerce with foreign nations ● Determine standards of weight and measure ● Declare war ● Make laws that are "necessary and proper" ● Regulate interstate commerce ● Control immigration ● Acquire territory ● Conduct diplomatic relations with other countries | <ul style="list-style-type: none"> ● Levy and collect taxes ● Borrow money ● Establish courts ● Define crimes and set punishments ● Claim private property for public use ● Establish a police force ● Set environmental and health standards | <ul style="list-style-type: none"> ● License marriage ● License professionals ● Maintain public schools ● License drivers ● Ratify amendments to the Constitution ● Regulate elections ● Oversee intrastate commerce ● Set speed limits ● Establish standards of health and safety ● Exercise those powers not given to the Federal Government and not restricted by the Constitution |

Have students download the digital resources available at Government on the Go for review and remediation.

STUDY TIPS

Organization Point out to students that organizing their personal spaces and items, such as desks, backpacks, lockers, and study spaces, will save time and help avoid the frustration caused by searching fruitlessly for missing assignments or notebooks. Organizing information will help make studying easier and more productive. Suggest that students use three-ring binders, pouches, and boxes to organize their personal space. Give them time each week to sort through old papers, deciding which to keep and which to discard. Those that are kept should be filed in an appropriate location for easy reference later.

ASSESSMENT AT A GLANCE

Tests and Quizzes

- Section Assessments
- Section Quizzes A and B, Unit 1 **All-in-One**
- Chapter Assessment
- Chapter Tests A and B, Unit 1 **All-in-One**
- Document-Based Assessment
- Progress Monitoring Online
- ExamView Test Bank

Performance Assessment

- Essential Questions Journal
- Debates, pp. 99, 108
- Assessment Rubrics, **All-in-One**

For More Information

To learn more about federalism, refer to these sources or assign them to students:

- L1 Cefrey, Holly.** *The Interstate Commerce Act: The Government Takes Control of Trade Between the States.* The Rosen Publishing Group, Inc., 2003.
- L2 Roberts, Russell.** *Texas Joins the United States.* Mitchell Lane Publishers, 2007.
- L3 Monk, Linda R.** *The Words We Live By: Your Annotated Guide to the Constitution.* Hyperion, 2004.
- L4 Gerston, Larry N.** *American Federalism: A Concise Introduction.* M. E. Sharpe, 2007.

Chapter Assessment

COMPREHENSION AND CRITICAL THINKING

SECTION 1

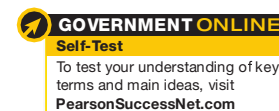
1. (a) Federalism is a system of government in which a written constitution divides the powers of government on a territorial basis, between a central government and several regional governments. (b) The Constitution grants certain specific powers to each level of government, some of which are to be exercised concurrently, and reserves to the States those powers not granted to the National Government nor denied to the States. (c) Leaving some powers to the States allows action on matters of State concern and allows for differing circumstances among States.
2. possible responses: (a) act as commander in chief, grant reprieves and pardons, make treaties, appoint major federal officials (b) lay and collect taxes, coin money, regulate foreign and interstate commerce, maintain armed forces, declare war (c) judicial power of the United States (d) delegated powers
3. (a) the Necessary and Proper Clause; Article I, Section 8, Clause 18 (b) It gives Congress the power to make all laws that are “necessary and proper” to carry out its expressed powers; that is, it gives Congress implied powers. (c) Possible response: Yes. “Necessary and proper” can be interpreted to be nearly unlimited. For example, the power to ban discrimination in public places is far removed from any expressed power, yet the ban was accomplished through implied powers.

SECTION 2

4. (a) guarantee a republican, or representative, government; protect each State against foreign attack and internal disorder; recognize the legal existence and physical boundaries of each State (b) Possible response: Under federalism, the States are legal entities with established boundaries, but they also belong to a national union for mutual defense and benefit.
5. (a) Territory asks Congress for admission; Congress passes enabling act; territorial convention prepares a State constitution; constitution approved by popular vote in territory; approved constitution submitted to Congress; Congress passes act of admission; President signs act. (b) It may not impose political conditions or conditions that compromise the independence of the

CHAPTER 4

Chapter Assessment



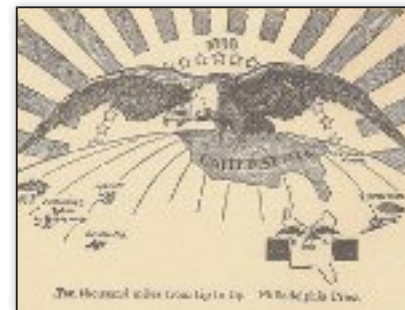
Comprehension and Critical Thinking

Section 1

1. (a) Define federalism. (b) How are powers divided among the States and the National Government? (c) Why are certain powers left to the States rather than given to the National Government?
2. Give an example of an expressed power that the Constitution gives to (a) the President; (b) Congress; (c) the courts. (d) Under what Constitutional principle do these powers fall?
3. (a) What is the Elastic Clause? (b) What powers does this clause give to Congress? (c) Do you think that the Elastic Clause is broad enough to cover some of the powers that Congress has assumed? Why or why not? Cite specific examples.

Section 2

4. (a) Name three obligations that the National Government has with regard to the States. (b) How do these obligations illustrate the concept of federalism?
5. (a) Briefly describe the process by which a new State can be admitted to the Union. (b) What types of conditions may not be imposed by the Federal Government on a territory as it becomes a State?
6. (a) Define cooperative federalism. (b) Name two types of federal aid given to the States. (c) How might federal aid be used to heighten the Federal Government's influence on State matters?
7. **Analyze Political Cartoons** The cartoon (above right) depicts an expanded United States after victory in the Spanish American War, when the U.S. added the territories of Puerto Rico, Guam, and the Philippines. (a) Look at the small map of the United States in 1798. How has the country changed? (b) What does the eagle represent in this cartoon? How is the eagle an example of federalism? (c) Is the subject of this cartoon an example of expressed, implied, or inherent power?



Section 3

8. (a) Until 1987, a governor could challenge an extradition order. Under what circumstances was this allowed? (b) According to *Puerto Rico v. Branstad*, who can order an unwilling governor to extradite a fugitive? (c) Do you think this infringes on States' rights? Why or why not?
9. (a) Under the Privileges and Immunities Clause, what reasonable distinctions can a State make between its own residents and those of other States? (b) What distinction may a State not draw?

Writing About Government

10. Use your Quick Write exercises to write a compare-and-contrast essay that compares State and federal powers. Refer back to your Venn diagram if you need help organizing your essay. See pp. S3–S5 in the Skills Handbook.

Apply What You've Learned

11. **Essential Question Activity** Create a federal grant proposal.
(a) Identify some local activity (education, law enforcement, traffic control, etc.) that could be, but is not currently, supported by a federal grant.
(b) Create a grant proposal for that activity. How large would the grant be? What strings might be attached?
(c) Present your grant proposal to the class for its consideration.

12. **Essential Question Assessment** Based on your work from the grant proposal activity, write an Op-Ed for a local newspaper that addresses the Essential Question: **Is the federal system the best way to govern the United States?** Apply what you learned about grants and the grant process to answer this question. Make sure you back up your opinion with facts from the textbook and from your research.

Essential Questions Journal To respond to the chapter Essential Question, go to your **Essential Questions Journal**.

State to manage its own affairs.

6. (a) Cooperative federalism is a dual-level system of government that includes shared powers, requiring the levels of government to cooperate with one another (b) categorical grants, block grants, project grants (c) Grants typically come with conditions that States must meet to get the grant money. In effect, these conditions make it possible for the Federal Government to operate in policy areas constitutionally reserved to the States.
7. (a) The United States has expanded its territory all the way to the Pacific Ocean

and beyond. (b) The eagle represents the National Government spreading over the entire United States mainland and its territories. (c) inherent: power to acquire territory

SECTION 3

8. (a) Governors sometimes contested extradition in cases with strong racial or political overtones and in cases of parental kidnapping of children involved in custody disputes. (b) federal courts (c) possible response: no, because the Constitution requires States to extradite OR yes, because

Document-Based Assessment

The Power Divide

Debate over the extent of the powers of the new National Government in the federal system continued beyond the ratification of the Constitution in 1789. Thomas Jefferson and John Marshall were leading participants in that debate.

Document 1

... to take from the states all the powers of self-government, & transfer them to a general & consolidated government, ... is not for the peace, happiness or prosperity of these states: and that therefore this commonwealth [Kentucky] is determined, ... to submit to undelegated & consequently unlimited powers in no man, or body of men on earth: that in cases of an abuse of the delegated powers ... a change by the people would be the constitutional remedy; but where powers are assumed which have not been

delegated a nullification of the act is the rightful remedy: that every state has a natural right, ... to nullify ... all assumptions of power by others within their limits ...

—Opposition to the Alien and Sedition Act from Thomas Jefferson's draft of the "Kentucky Resolution," 1798



Document 2

America has chosen to be, in many respects and to many purposes, a nation; and for all these purposes her government is complete; to all these objects, it is competent. The people have declared that in the exercise of all powers given for these objects, it is supreme. It can, then, in effecting these objects, legitimately control all individuals or governments within the American territory. The Constitution and laws of a State, so far as they are repugnant to the Constitution and laws of the United States, are absolutely void.

These States are constituent parts of the United States.

They are members of one great empire—for some purposes sovereign, for some purposes subordinate.

—John Marshall's Opinion from *Cohens v. Virginia*, 1821



Use your knowledge of the Constitution, the federal system, and Documents 1 and 2 to answer Questions 1–3.

- Jefferson's resolution declares
 - the right of the States to nullify a federal statute or federal law.
 - the right of the States to initiate amendments to the Constitution.
 - the absolute power of the Federal Government over the States.
 - the authority of the Supreme Court to review State court judgments.
- According to Marshall, what is the test of the constitutionality of State laws?
- Pull It Together** Which of these arguments best describes our government today? Why?



DOCUMENT-BASED ASSESSMENT

- A
- State laws must not violate the Constitution nor federal laws.
- Possible response: The debate is still relevant today, because the Constitution continues to require interpretation to apply to current circumstances. The courts continue to judge the constitutionality of State and federal actions, case by case.

L2 Differentiate Students use all the documents on the page to support their thesis.

L3 Differentiate Students include additional information available online at PearsonSuccessNet.com.

L4 Differentiate Students use materials from the textbook, the online information at [PearsonSuccess](http://PearsonSuccessNet.com) **Net.com**, and do additional research to support their views.

Go Online to PearsonSuccessNet.com for a student rubric and extra documents.

States have a right to enforce their own laws, even if they differ from those of other States

9. (a) possible response: require a person to live within the State for some time before he or she can vote, hold public office, or be licensed to practice a profession; require nonresidents to pay higher fees for fishing and hunting licenses and higher tuition to attend State colleges (b) unreasonable distinctions, such as require employers to give hiring preference to in-State residents or set welfare benefits lower for newcomers

WRITING ABOUT GOVERNMENT

10. Students should compare and contrast the powers of the State and Federal governments.

APPLY WHAT YOU'VE LEARNED

11. Students should design a grant to pay for something that will benefit their community. They should explain the requirements to obtain their grant, the amount of money, what it is for, and who it benefits.
12. Students should use grants as an example plus facts from the text to support their opinion about whether the federalist system is the best way to govern the United States.

tem is the best way to govern the United States.

ANSWERS TO ESSENTIAL QUESTION WARMUP

Before assigning these questions, distribute the Rubric for Assessing a Writing Assignment (Unit 1 All-in-One, p. 221). Use the criteria and the guidelines below to grade students' answers to the Essential Question Warmup questions. Then send students to the **Essential Questions Journal** to answer the unit Essential Question.

1. To answer this question, students must understand the various forms that a government can take, including democracy, dictatorship, unitary, federal, confederate, presidential, and parliamentary. A good answer will show an understanding that a major goal of a democracy, for example, is preserving the rights of the people, while the goal of a dictatorship is to keep power in the hands of an individual.
2. Some additional factors that might determine a government's goals are the country's relative wealth, levels of education, need for supporting agriculture, industry, or services, level of employment, natural resources, and expectations for social supports such as healthcare.
3. Answers may include support for democratic institutions, the rights of individuals, individual freedom, and free enterprise.
4. They looked to the Enlightenment thinkers such as John Locke and to English documents such as the Magna Carta and the English Bill of Rights for ideas that supported democracy and popular sovereignty as well as to their own experiences as colonists under a monarchy.

Perspectives

Essential Question

What should be the goals of government?

For every government, there exists a set of goals unique to the country's needs and history. For the United States government, those goals have been discussed and debated for the more than 200 years of the nation's existence.



ON THE GOALS OF GOVERNMENT:

A wise and frugal [thrifty] government . . . shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned. This is the sum of good government.

—Thomas Jefferson, First Inaugural Address, March 4, 1801



ON WHERE GOVERNMENT DERIVES ITS POWER:

Here, sir, the people govern; here they act by their immediate representatives.

—Alexander Hamilton, on ratifying the Constitution, June 27, 1788



ON WHAT MAKES A GOOD GOVERNMENT:

Good government is a trust, and the officers of the government are trustees; and both the trust and the trustees are created for the benefit of the people.

—Sen. Henry Clay,
Speech at Ashland, Kentucky, 1829

Essential Question Warmup

Throughout this unit, you studied the origins and elements of various governments, including those of the United States. Use what you have learned and the quotations above to answer the following questions. Then, go to your **Essential Questions Journal**.

1. How might a government's goals be affected by that government's form?

2. What are some other factors that might determine a government's goals?
3. What are the goals of the U.S. government?
4. How did the Framers develop these goals?

Essential Questions Journal

To continue to build a response to the unit Essential Question, go to your **Essential Questions Journal**.

Assessment Resources

Unit 1 AYP Monitoring Assessment
ExamView Test Bank CD-ROM
SuccessTracker Assessment
Online Student Self-Tests
Chapter Tests
Section Quizzes
Chapter-level Document-Based Assessment

In This Unit

- Chapter 5:**
Political Parties
- Chapter 6:**
Voters and Voter Behavior
- Chapter 7:**
The Electoral Process
- Chapter 8:**
Mass Media and
Public Opinion
- Chapter 9:**
Interest Groups

Photo: President Obama greets supporters.

Essential Questions Journal To begin to build a response to the chapter Essential Question, go to your Essential Questions Journal.

Unit 2 Political Behavior: Government By the People

Essential Question In what ways should people participate in public affairs?

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ESSENTIAL QUESTION PERSPECTIVES

Essential questions frame each unit and chapter of study, asking students to consider big ideas about government. The question for this unit—**In what ways should people participate in public affairs?**—demands that students ask further questions. Is voting alone enough participation? Are interest groups helpful or harmful? How much does one vote matter? How can you participate if you are too young to vote? What is the best way to participate?

To begin this unit, assign the Unit 2 Warmup Activity on page 35 of the **Essential Questions Journal**. This will help students start to consider their position on the **Unit 2 Essential Question: In what ways should people participate in public affairs?**

Show the **Unit 2 American Government Essential Questions Video** to help students begin thinking about the unit Essential Question and designate a classroom bulletin board for students to post news articles related to the unit Essential Question. Use the Conversation Wall strategy (p. T27) to encourage students to post articles and comments on other students' postings.

Later, students will further explore the chapter-level essential questions:

Chapter 5: Does the two-party system help or harm democracy?

Chapter 6: Why do voters act as they do?

Chapter 7: How fair and effective is the electoral process?

Chapter 8: What is the place of the media and public opinion in a democracy?

Chapter 9: To what extent do interest groups advance or harm democracy?

Use the **Essential Questions Journal** throughout the program to help students consider these and other big ideas about government.

Government Online Resources

Government Online Teacher Center at **PearsonSuccessNet.com** includes

- Online Teacher's Edition with lesson planner and lecture notes
- Teacher's Resource Library with All-in-One Resources, Color Transparencies, Adequate Yearly Progress Monitoring, and an alternative lesson plan for each chapter
- SuccessTracker Assessment

Government Online Student Center at **PearsonSuccessNet.com** includes

- Interactive textbook with audio
- American Government Essential Questions Video
- Chapter-level WebQuests
- Guided Audio Tours and Interactivities
- Student Self-Tests

Introduce the Chapter

Essential Questions:

UNIT 2

In what ways should people participate in public affairs?

CHAPTER 5

Does the two-party system help or harm democracy?

ACTIVATE PRIOR KNOWLEDGE

Have students examine the photo and quotation on these pages. Ask: **What do the image and quotation suggest about political parties?** (*that political parties involve citizen participation and are an important part of politics and of American democracy*) In this chapter, students will learn about the role of the two-party system in our democracy. Then tell students to begin to further explore political parties by completing the Chapter 5 Essential Question Warmup activity in their **Essential Questions Journal**. Discuss their responses as a class.

BEFORE READING

L2 ELL Differentiate Chapter 5 Preading and Vocabulary Worksheet (Unit 2 All-in-One, p. 9)

SUCCESSNET STUDENT AND TEACHER CENTER

Visit **PearsonSuccessNet.com** for downloadable resources that allow students and teachers to connect with government “on the go.”

DIGITAL LESSON PRESENTATION

The digital lesson presentation supports the print lesson with activities and summaries of key concepts.

SKILLS DEVELOPMENT

ANALYZE POLITICAL CARTOONS

You may wish to teach analyzing political cartoons as a distinct skill within Section 2 of this chapter. Use the Chapter 5 Skills Worksheet (Unit 2 All-in-One, p. 23) to help students learn how to analyze political cartoons. The worksheet asks students to study a political cartoon and answer questions about it. For L2 and L1 students, assign the adapted Skill Activity (Unit 2 All-in-One, p. 24).



The chapter WebQuest challenges students to answer the chapter Essential Question by asking them about political parties.



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Block Scheduling

BLOCK 1: Teach the Section 1 and Section 2 lessons in their entirety.

BLOCK 2: Teach the Section 3 and Section 4 lessons in their entirety.