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.

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.

<table>
<thead>
<tr>
<th>Symbol</th>
<th>Description</th>
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<tbody>
<tr>
<td>L1</td>
<td>Special Needs</td>
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<td>L2</td>
<td>Basic</td>
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<td>ELL</td>
<td>English Language Learners</td>
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<td>LPR</td>
<td>Less Proficient Readers</td>
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<tr>
<td>L3</td>
<td>All Students</td>
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<tr>
<td>L4</td>
<td>Advanced Students</td>
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</tbody>
</table>
GUIDING QUESTION
How is power divided between the Federal Government and the States?

Federal
- Coin money
- Regulate foreign and interstate commerce
- Raise and maintain armed forces
- Declare war
- Fix standards of weights and measures
- Grant patents and copyrights
- Make treaties
- Make laws “necessary and proper” for carrying out expressed powers
- Regulate immigration
- Acquire territory
- Grant diplomatic recognition
- Protect against rebellion or overthrow of government
- Lay duties on imports

Concurrent
- Levy and collect taxes
- Borrow money
- Establish courts
- Define crimes and set punishments
- Set environmental and health standards
- Claim private property for public use
- Establish a police force
- Protect national borders

State
- Set marriage laws
- Issue licenses
- Confiscate property used in illicit activities
- Establish public schools
- Enact land use laws
- Regulate public utilities
- Protect and promote public health, public morals, public safety, and general welfare
- Powers the Constitution does not grant to the National Government nor deny to the States

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."

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.

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 constitution 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

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**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.

**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

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**Differentiated Resources**

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

- Prereading and Vocabulary Worksheet (p. 180)
- Reading Comprehension Worksheet (p. 183)
- Core Worksheet (p. 185)
- Skills Worksheet (p. 186)
- Quiz (p. 187)
- Quiz A (p. 188)
- Quiz B (p. 189)
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.)

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

enumerated
adj. specified, listed, identified

repeal
v. 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 Expressions 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 to:

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 McCulloch 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.

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.

96 Federalism
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.
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. 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.

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2 Most of the expressed denial 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.

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. 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.

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 20th Amendments.

5 Note the many provisions in your own States’ 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: “nor to the people.” We shall look at State constitutions later, and in more detail, in Chapter 24.

Confiscate
v. to take or seize illegally
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.

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

Differentiate Have students complete the worksheet individually.

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.

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.

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.

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

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 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

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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 peoples will. The Supreme Court has regularly held to that position from the first cases it decided on the point, *The Hepburn Money Cases*, in 1894.

**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.

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**Assess and Remediate**

1. **L1** Collect the Core Worksheet and assess students’ work.
2. **L2** Assign the Section 1 Assessment questions.
3. **L3** Section Quiz A (Unit 1 All-in-One, p. 188)
4. **L4** 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.

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**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.
Assessment Answers

1. 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.

2. (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.

3. (a) expressed, implied, and inherent powers

(b) regulate immigration, deport aliens, acquire territory, grant diplomatic recognition to foreign states, protect against rebellion or violent overthrow of the government

4. (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.

5. (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.

6. (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.
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.

<table>
<thead>
<tr>
<th>Responsibilities of the Federal Government</th>
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</thead>
<tbody>
<tr>
<td>Republican Government</td>
</tr>
<tr>
<td>• Representative government</td>
</tr>
<tr>
<td>• grant</td>
</tr>
</tbody>
</table>

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.

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.” 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.

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.

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

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.

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.

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.
Differentiated Resources

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

- LT7 Reading Comprehension Worksheet (p. 190)
- LT8 Reading Comprehension Worksheet (p. 192)
- LT7 Bellringer Worksheet (p. 194)
- LT7 Core Worksheet (p. 195)
- LT7 ELL Core Worksheet (p. 198)
- LT7 Extend Worksheet (p. 200)
- LT7 Quiz A (p. 203)
- LT7 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?

DISCUSS
Use these questions to facilitate a discussion of federal aid.

1. 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.)

2. In what ways does federal aid help your community? (Answers will vary.)

3. 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.)

4. 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 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.

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

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

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

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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.

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**Answers**

*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 admission to Congress in 1812, and on April 30, 1812, Louisiana became the 18th State. Which power gave Jefferson the right to acquire territory?

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.

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 one 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 public 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,
Assess and Remediate

- Collect the Core Worksheet and assess students’ work.
- Assign the Section 2 Assessment questions.
- Section Quiz A (Unit 1 All-in-One, p. 203)
- 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?**

- Mass transit, highway construction, healthcare, and many others.
- Grants-in-aid are based on the National Government’s taxing power. The Constitution gives Congress that power in order

**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 PILOT (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.

### SECTON 2 ASSESSMENT

**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

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**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 healthcare; 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.

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**REMEDIAUTION**

<table>
<thead>
<tr>
<th>If Your Students Have Trouble With</th>
<th>Strategies For Remediation</th>
</tr>
</thead>
<tbody>
<tr>
<td>The National Government’s obligations to the States (Question 1)</td>
<td>As a class, have students complete the section’s graphic organizer on the board.</td>
</tr>
<tr>
<td>The admission procedure for a new State (Questions 2, 5)</td>
<td>Write each step on an index card, mix them up, and have students put them in order.</td>
</tr>
<tr>
<td>The types of federal grants (Questions 3, 4)</td>
<td>Have students create and exchange crossword puzzles that include clues about each type of grant.</td>
</tr>
<tr>
<td>Cooperative federalism (Question 6)</td>
<td>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. (because both governments serve the same citizens)</td>
</tr>
</tbody>
</table>
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.

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.

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.

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.
**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
   B. Full Faith and Credit
   C. Privileges and Immunities

**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.

**Political Dictionary**
- interstate compact
- Full Faith and Credit Clause
- Privileges and Immunities Clause
- extradition

**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, 1895). 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.

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**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.

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.

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

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.

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

- Level 1: Reading Comprehension Worksheet (p. 205)
- Level 2: Reading Comprehension Worksheet (p. 206)
- Level 1: Core Worksheet (p. 207)
- Level 1: Quiz A (p. 208)
- Level 2: Quiz B (p. 209)
- Level 1: Chapter Test A (p. 210)
- Level 2: 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 in one state, moves to another state, is that couple legally married or not? 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 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.

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**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,

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**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.

**L3** 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.

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**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
The constitutional provisions that shape interstate relations (Questions 1–5)

Strategies For Remediation
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. 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.

Critical Thinking
4. 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?
5. 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.

15 The provision is reinforced in the 14th Amendment.
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**


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**For More Information**

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

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 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) Because of its strong central authority, the United States is able to protect its territories from foreign invasion. (b) According to Puerto Rico v. Branstad, who can order an uninvolved governor to extradite a suspect? (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. 53-55 in the Skills Handbook.
**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

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

1. Jefferson’s resolution declares
   
   A. the right of the States to nullify a federal statute or federal law.
   
   B. the right of the States to initiate amendments to the Constitution.
   
   C. the absolute power of the Federal Government over the States.
   
   D. the authority of the Supreme Court to review State court judgments.

2. According to Marshall, what is the test of the constitutionality of State laws?

3. **Pull It Together** Which of these arguments best describes our government today? Why?

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**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.
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?

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
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
ELL Differentiate Chapter 5 Prereading 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).

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.

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