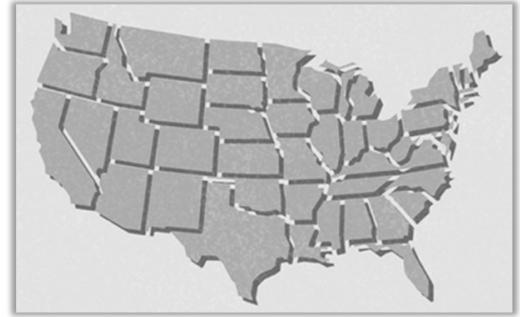


The "Federal" in Federalism

Name: _____

United States

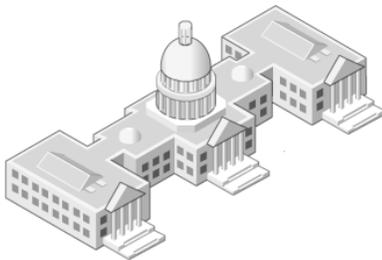
The United States is one country—but it's also a bunch of states. You could almost say it's a group of states that are... well... *united*. When our country was born, thirteen states already existed. Each one had been a British colony before gaining independence from Britain after the Revolutionary War. These new states wanted to come together as one nation, but they also wanted to be independent. After all, they'd just won their freedom from a powerful government! They needed a central government that would share power with the states, and that's exactly what they created when they wrote the Constitution.



Who is in charge? States or the federal government?

Let's Get Together

Each state already had its own government and court system, so the new Americans weren't exactly running amok. But if the new United States was going to be able to deal with other nations, it needed one government that would speak for the entire country. It also needed one central government to do things like declare war on other countries, keep a military, and negotiate treaties with other countries. There also needed to be federal courts where citizens from different states could resolve their disputes.



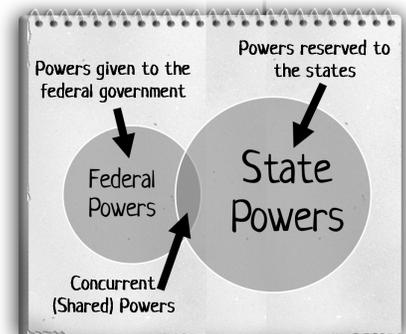
Government on Two Levels

The United States Constitution creates a central government known as the **federal government**. The federal government deals with issues that affect the entire country. Each state also has its own state government that only handles the affairs of that state. This division of power between a central government and state governments is called **federalism**.

The federal government gets all of its power from the Constitution. In order to keep the federal government from becoming too powerful, the Constitution says that any power not given to the federal government is a power the states or the people keep for themselves. These powers are said to be **reserved** to the states. There also a few powers that both the states and the federal government share! These are called **concurrent powers** because *concurrent* means happening at the same time.

federalism: the division of power between states and a central government

federal: a word that refers to the central government

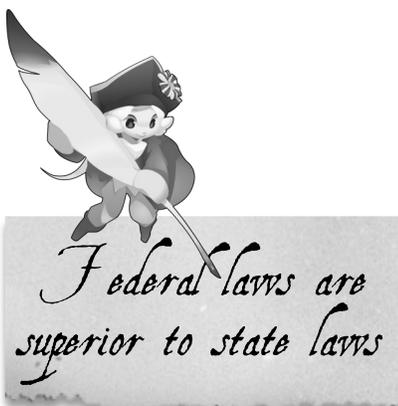


The Supremacy Clause

Before the Constitution, the United States tried another government that was very weak. It wasn't able to get much done because states could just ignore all the laws it passed—and they did! The Constitution has some very important language to prevent this:

This Constitution, and the laws of the United States which shall be made in pursuance thereof... shall be the supreme law of the land.

That means federal laws passed by Congress are supreme—they are superior to state laws. The Founders of our country learned from experience that this was necessary in order for the federal government to keep the power the Constitution gives it.

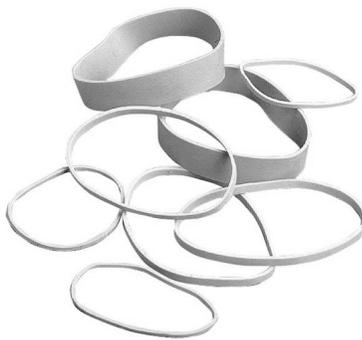
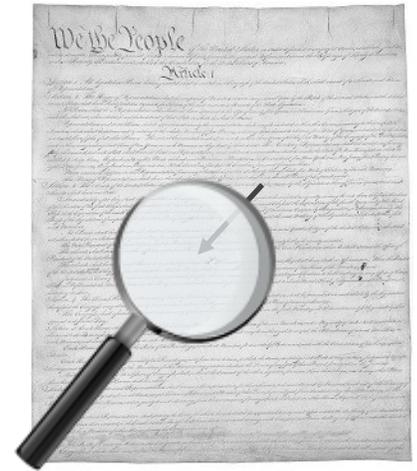


The "Federal" in Federalism

Name: _____

Federal Power: Expressed Powers

The Constitution gives Congress two types of powers. The most obvious type is **expressed powers**. When you *express* yourself, you state how you feel. Similarly, expressed powers are actually stated, or "expressed," in the Constitution. Each branch has expressed powers, but you mostly hear this term in reference to Congress. That's because the Constitution gives a long list of powers that Congress has. For example, Congress has the power to coin money, declare war, and establish immigration laws. Some of the president's expressed powers include negotiating treaties with other countries, nominating justices to the Supreme Court, and pardoning people who have committed a federal crime.



Can you guess why the *Necessary and Proper Clause* is also called the *Elastic Clause*?

Federal Power: Implied Powers

Implied powers are not expressly stated in the Constitution. When you *imply* something, your intention is clear even though you don't actually say it. For example, if you have permission to go to the mall, you probably also have permission to go into the stores in the mall. Permission to go into the stores is *implied*.

In the Constitution, the implied powers of Congress come from the **Necessary and Proper Clause**. This is a part of the Constitution that says Congress may make any law that is "necessary and proper" for carrying out its expressed powers. So the Constitution doesn't say Congress has the power to create a Postal Service website, but it does say Congress can establish post offices. Permission to create the website is implied because it is "necessary and proper" to running the post office.

Federal Power in Action

Sometimes Congress exercises powers it does not appear to have. The Civil Rights Act of 1964 is a good example. Congress wanted to prohibit racial discrimination in America... but that's not on the list of powers Congress has. So how could Congress do this? They did it by finding a link between racial discrimination and "interstate commerce"—something Congress *does* have power over. The Civil Rights Act prohibits racial discrimination by any facility that has anything to do with interstate commerce, which almost everything does. Finding these kinds of links is how Congress takes many actions that, at first, appear to be beyond its power.

WHITE ONLY

During the long period of legal discrimination known as "Jim Crow," people of color often had trouble finding businesses that would serve them, especially in the South.



Today's Federalism Debate

Just as when the nation was born, many people today are concerned about a powerful federal government. They worry that their freedom will be limited if the federal government makes decisions that should be made by local governments. At the same time, others worry that some issues need one decision that applies to everyone. They believe it isn't fair when some states do more or less to address a problem than other states do. If you follow the news, you'll see the federalism debate everywhere: Does the federal government have the power to pass laws about guns? Health care? Schools? The variety of opinions on these questions are all part of the two-hundred-year-old struggle between federal and state power.

The "Federal" in Federalism

Name: _____



If Not Federalism, Then What?

When the Founders wrote the Constitution, they could have chosen any type of government. What if they had chosen something else? Would it have lessened the power struggle between the states and the central government? Maybe, but there are benefits and drawbacks to any type of government. The following activity compares federalism with two other forms of government.

Read about each type and mark each characteristic S if it's a strength and W if it's a weakness. What role does the central government play?

Federal: Set of Chairs

A *federal* form of government splits power between independent states and a central government. The power rests in both places, and each gets its authority from a governing document, like the U.S. Constitution. Independent branches inside the central government may also share power.

- ___ There is national unity, but local governments can act as well
- ___ Citizens have more opportunities to be heard
- ___ Services can be duplicated by different levels of government
- ___ Disputes occur between national power and states' rights



The states and central government must work together and balance each other out, like a set of chairs around the table.



A confederation of states is like a bunch of different chairs grouped together. They hold power independently but work collectively.

Confederal: Many Different Chairs

The *confederal* form of government is an association of independent states. The central government gets its authority from the independent states. Power rests in each individual state, whose representatives meet to address the needs of the group. America tried a confederal system before the Constitution. It didn't work because the states did not give the central government enough power to do its job.

- ___ Keeps the power of government at the local level
- ___ States cooperate without losing their independence
- ___ Central government may be too weak to be effective
- ___ Laws may differ from state to state; no uniformity

Unitary: One Big Chair

In a *unitary* form of government, all the power rests in a central government. The country may be divided into states or other sub-units, but they have no power of their own. For example, England depends on its Parliament, a legislative body, to create and enforce the laws in the country. The leader of the nation, the Prime Minister, is a member of the Parliament and does not have any more power than its members.

- ___ Uniform laws, policies, and enforcement across the country
- ___ Little conflict between state and national governments
- ___ Government may be slow to meet local problems
- ___ Difficult to meet all the needs of all the citizens



A unitary government is like one really big chair, with all of the government's power sitting in one place.

Federal Power Cheat Sheet

Article I, Section 8 of the U.S. Constitution

The Congress shall have power to lay and **collect taxes**, duties, imposts and excises, to **pay the debts** and **provide for the common defense and general welfare** of the United States; but all duties, imposts and excises shall be uniform throughout the United States;

To **borrow money** on the credit of the United States;

To **regulate commerce** with foreign nations, and among the several states, and with the Indian tribes;

To establish a uniform **rule of naturalization**, and uniform laws on the subject of **bankruptcies** throughout the United States;

To **coin money**, regulate the value thereof, and of foreign coin, and fix the **standard of weights and measures**;

To provide for the **punishment of counterfeiting** the securities and current coin of the United States;

To establish **post offices** and post roads;

To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;

To constitute tribunals inferior to the Supreme Court;

To define and **punish piracies** and felonies committed on the high seas, and offenses against the law of nations;

To **declare war**, grant letters of marque and reprisal, and make rules concerning captures on land and water;

To raise and support **armies**, but no appropriation of money to that use shall be for a longer term than two years;

To provide and maintain a **navy**;

To make rules for the government and regulation of the land and naval forces;

To provide for calling forth the militia to execute the laws of the union, suppress insurrections and repel invasions;

To provide for organizing, arming, and disciplining, the **militia**, and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;

To exercise exclusive legislation in all cases whatsoever, over such District (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings; - - And

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.

The "Federal" in Federalism

Name: _____

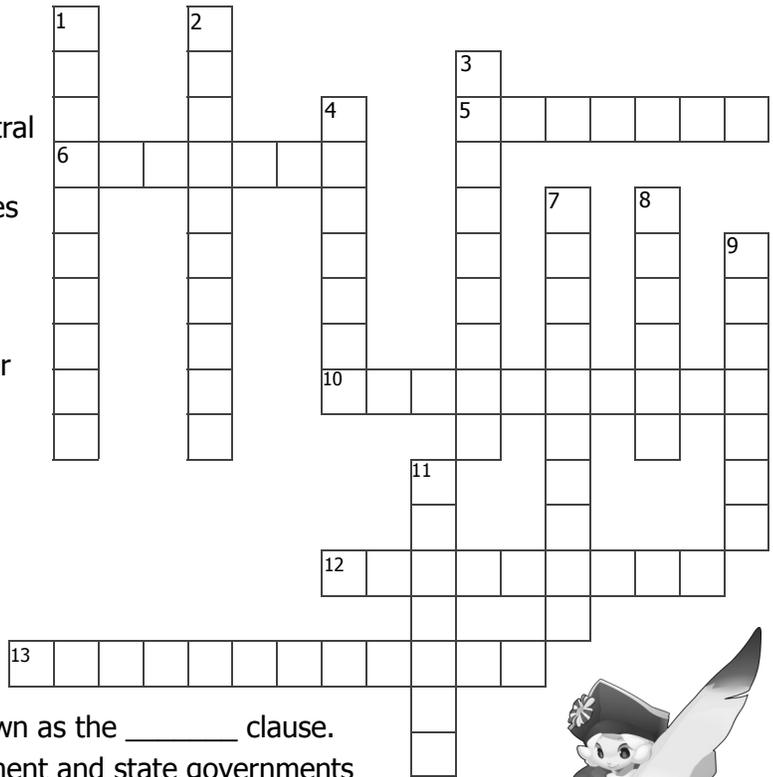
A. Crossword. Use what you learned in the reading to complete the crossword puzzle.

ACROSS

- 5. Type of government where the central government has all the power
- 6. Type of government where states and a central government share power
- 10. Special name for powers that both the states and federal government share
- 12. Powers that are actually stated in the Constitution
- 13. The federal government gets all of its power from this

DOWN

- 1. Type of government where the central government gets its power from the states
- 2. When America was born, each state already had one of these
- 3. Clause that says federal laws are superior to state laws
- 4. The necessary and proper clause is also known as the _____ clause.
- 7. Division of power between a central government and state governments
- 8. A word that describes the relationship of the states in America
- 9. The country that ruled the American colonies before the Revolutionary War
- 11. Powers that are not actually stated in the Constitution



B. Strengths and Weaknesses. Read each description of federalism. Does it describe a *strength* or a *weakness* of federalism? Label each line with an *S* for strength or *W* for weakness.

- _____ 1. Sometimes there is disagreement about whether states or the federal government is responsible for solving a certain problem.
- _____ 2. When different levels of government provide the same service, the delivery of that service may not be as coordinated and efficient as possible.
- _____ 3. Local communities often have the power to decide for themselves the best way to solve their own local problems.
- _____ 4. Having government on the state and local levels makes it easier for citizens to engage directly with their government.
- _____ 5. States and the federal government sometimes blame each other when problems are not addressed well enough.
- _____ 6. Many states experimenting with different solutions to problems makes it more likely that a good solution will be found.
- _____ 7. Citizens can choose to live in a state whose laws and rules are similar to their own beliefs.
- _____ 8. If a state isn't doing enough to solve a problem, the federal government may not have the power to step in and help.

The "Federal" in Federalism

Name: _____

C. Federal Powers. Match each headline to the expressed power found in the Constitution.

Daily Debate

A.

President Orders Executive Branch to Carry Out New Law!

Daily Debate

B.

Congress Says Print More \$2 Bills!

Daily Debate

C.

Supreme Court to Decide If New Ban is Constitutional

Daily Debate

D.

Congress Restricts Handguns in District of Columbia

Daily Debate

E.

President: "Troops Will Come Home"

Daily Debate

F.

Budget Falls Short; U.S. to Borrow \$10 Billion

Daily Debate

G.

Congress Extends Income Tax Cuts to Middle Class

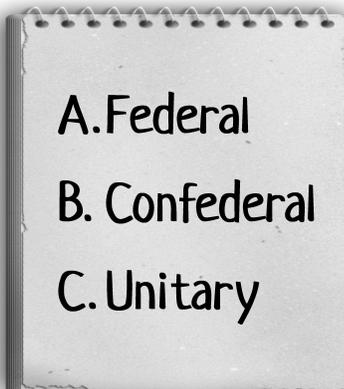
Daily Debate

H.

Agreement Reached on New Immigration Bill!

- ___ 1. "The President shall be Commander in Chief of the Army and Navy of the United States..."
- ___ 2. "The Congress shall have the Power... to establish an uniform rule of Naturalization..."
- ___ 3. "The judicial Power shall extend to all Cases ... arising under this Constitution, the Laws of the United States, and Treaties made ... under their Authority..."
- ___ 4. "The Congress shall have the power to...coin Money..."
- ___ 5. "...he shall take Care that the Laws be faithfully executed..."
- ___ 6. "The Congress shall have the power to lay and collect taxes on incomes..."
- ___ 7. "The Congress shall have the Power...to exercise exclusive Legislation in all Cases whatsoever, over such District... as may... become the Seat of the Government of the United States..."
- ___ 8. "The Congress shall have the Power... To borrow Money on the credit of the United States..."

D. Different Governments. Imagine you are in charge of creating a government for a brand new country! Which system would you choose if...



- ___ 1. You want the central government to have the most power?
- ___ 2. You want laws to be the same throughout the country?
- ___ 3. You want the central government to have the least power?
- ___ 4. You want individual states to keep as much independence as possible?
- ___ 5. You want both national laws and state laws to exist?
- ___ 6. You don't care whether individual states have any power?
- ___ 7. You want a balance between power in the states and the central government?
- ___ 8. You want there to be few, if any, national laws?