

The Federal System



Why It's Important

Federalism According to statistics, Americans move an average of 6 times during their lives, often from state to state. What federal laws protect them wherever they live? If you moved to a new state, how might laws differ?



To learn more about how the powers of the federal and state governments affect your life, view the ***Democracy in Action*** Chapter 4 video lesson:

The Federal System



CLICK HERE

GOVERNMENT
Online



Chapter Overview Visit the *United States Government: Democracy in Action* Web site at gov.glencoe.com and click on **Chapter 4-Overview** to preview chapter information.

National and State Powers

Reader's Guide

Key Terms

delegated powers, expressed powers, implied powers, elastic clause, inherent powers, reserved powers, supremacy clause, concurrent powers, enabling act

Find Out

- What are the differences between the expressed powers and the implied powers?
- How does the overall power of the national government compare to that of the states?

Understanding Concepts

Federalism In what ways does federalism provide constitutional safeguards for the people?

COVER STORY

Wallace Complies

TUSCALOOSA, ALABAMA, JUNE 1963

With the National Guard on campus, Governor George Wallace reluctantly complied with a request by General Henry Graham to step aside and let African American students register at the University of Alabama. Defying a federal court order, Wallace had stood in a doorway at the university, blocking two African American students. "I denounce and forbid this illegal and unwarranted action by the Central Government," Wallace stated as he refused to move. When President Kennedy responded by federalizing the Alabama National Guard, the governor backed down.



Wallace attempts to block desegregation

Few confrontations between the state and national governments are as dramatic as the one at the University of Alabama in 1963. Nevertheless, national and state powers have been continually redefined through conflict, compromise, and cooperation since the earliest days of the republic. How do the different levels of government cooperate?

The Division of Powers

The Constitution divided government authority by giving the national government certain specified powers, reserving all other powers to the states or to the people. In addition, the national and state governments share some powers. Finally, the Constitution specifically denied some powers to each level of government.

The Constitution has preserved the basic design of federalism, or the division of government powers, over the years. The American concept of federalism, however, has changed greatly since 1787.

Federalism is not a static relationship between different levels of government. It is a dynamic concept that affects everyday decisions at all levels. An understanding of federalism must begin with the Constitution.

National Powers

The Constitution grants three types of power to the national government: expressed, implied, and inherent powers. Collectively, these powers are known as **delegated powers**, powers the Constitution grants or delegates to the national government.

Expressed Powers The **expressed powers** are those powers directly expressed or stated in the Constitution by the Founders. Most of these powers are found in the first three articles of the Constitution. This constitutional

authority includes the power to levy and collect taxes, to coin money, to make war, to raise an army and navy, and to regulate commerce among the states. Expressed powers are also called **enumerated powers**.

Implied Powers Those powers that the national government requires to carry out the powers that are expressly defined in the Constitution are called **implied powers**. While not specifically listed, implied powers spring from and depend upon the expressed powers. For example, the power to draft people into the armed forces is implied by the power given to the government to raise an army and navy.

The basis for the implied powers is the **necessary and proper clause** (Article I, Section 8). Often called the **elastic clause** because it allows the powers of Congress to stretch, it says:


“Congress shall have power . . . to make all Laws which shall be necessary and proper for carrying into Execution the Foregoing powers, and all other powers vested . . . in the Government of the United States. . . .”

—Article I, Section 8

Implied powers have helped the national government strengthen and expand its authority to meet many problems the Founders did not foresee. Thus, Congress has used the implied powers to regulate nuclear power plants and to develop the space program.

Inherent Powers Those powers that the national government may exercise simply because it is a government are its **inherent powers**. For example, the national government must control immigration and establish diplomatic relations with other countries, even though these powers are not spelled out in the Constitution.

The States and the Nation

 The Constitution reserves certain powers for the states. These powers belong strictly to the states and are called **reserved powers**. While the Constitution does not list these reserved powers, it grants to the states, or to the people through the Tenth Amendment, those powers “not delegated to the United States by the Constitution, nor prohibited by it to the states.” Again, the Founders allowed for states’ needs they could not foresee.

GOVERNMENT and You

Displaying the Flag

Whether you display the American flag every day, or only on holidays and special occasions, certain laws and customs govern the use of this symbol of national unity.

The flag is usually flown only from dawn to dusk. If displayed at night, it should be lighted. In a group of flags, the U.S. flag should be at the center and higher than the others. Fly the flag at half-staff on the death of a government official and until noon on Memorial Day.

Inside, the flag may hang flat against the wall behind a speaker, with the stars on the left. If on a staff, it should be on the viewers’ left. Any other flags should be placed to the right. The flag may be flown upside down only to signal distress.

Remember that, as the symbol of the United States, the flag should be treated with respect.

Never let it touch the ground. When an American flag becomes too worn to display, it should be destroyed in a dignified way, preferably by burning.

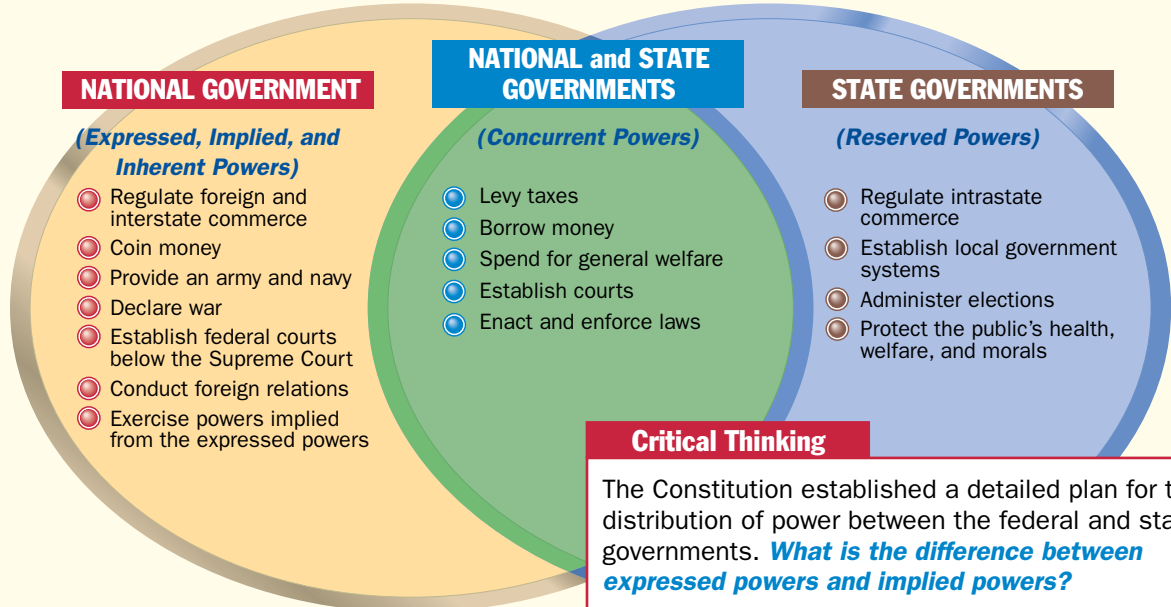


Proudly displaying the flag

Participating IN GOVERNMENT ACTIVITY

Flag Research What are the rules governing flying the flag at half-staff? When was the last time a flag flew at half-staff over your school?

Division of Federal and State Powers



Source: Bibby, *Governing by Consent*, 2d ed. (Washington, D.C.: CQ Press, 1995).

Thus the states may exercise any power not delegated to the national government, reserved to the people, or denied to them by the Constitution. As a result, states regulate public school systems, establish local governments, and require licenses for those who practice certain professions.

The Supremacy Clause What happens when states exceed their reserved powers and pass laws that conflict with national laws? Which law is supreme? Article VI, Section 2, of the Constitution makes the acts and treaties of the United States supreme. For this reason it is called the **supremacy clause**. This clause states:

“This Constitution, and the Laws of the United States which shall be made in Pursuance thereof, and all treaties 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.”

—Article VI, Section 2

No state law or state constitution may conflict with any form of national law. Article VI also requires that all national and state officials and judges be bound to support the Constitution. State officials are not permitted to use their state's reserved powers to interfere with the Constitution.

States create local governments such as those of cities and counties. As such, local governments get their powers from the states. Hence, local governments are also bound by the Constitution's supremacy clause—if a state is denied a certain power, so, too, are the local governments within the state.

Concurrent Powers The federal government and the states also have certain concurrent powers. **Concurrent powers** are those powers that both the national government and the states have. Each level of government exercises these powers independently. Examples of concurrent powers are the power to tax, to maintain courts and define crimes, and to appropriate private property for public use. Concurrently with the national government, the states may exercise any power not reserved by the



Federal and State Cooperation

Concurrent Powers Members of both the Noble County Sheriff's Department and FBI agents lead convicted terrorist Timothy McVeigh out of an Oklahoma courthouse. *Why did federal and state authorities have to cooperate after the bombing of the federal building in Oklahoma City?*

Constitution for the national government. Of course, state actions must not conflict with any national laws.

Denied Powers Finally, the Constitution specifically denies some powers to all levels of government. Article I, Section 9,¹ enumerates those things the national government cannot do. For example, the national government cannot tax exports, and it cannot interfere with the ability of states to carry out their responsibilities.

The next section of Article I presents a long list of powers denied to the states. No state can make treaties or alliances with foreign governments. Nor can states coin money, make any laws impairing the obligation of contracts, or grant titles of nobility. And states must have congressional permission to collect duties on exports or imports or to make agreements—called compacts—with other states.

Consistent with the belief in the sovereignty of the people, the Constitution applies important limitations to both the national and state governments. These restrictions, designed to protect individual liberties such as free speech and the rights of the accused, are set forth in Article I, Section 9, in the Bill of Rights, and in several other amendments.

Guarantees to the States



The Constitution obliges the national government to do three things for the states. These three obligations are outlined in Article IV, Sections 3 and 4.²

Republican Form of Government

First, the national government must guarantee each state a republican form of government. Enforcement of this guarantee has become a congressional responsibility. When Congress allows senators and representatives from a state to take their seats in Congress, it is in effect ruling that the state has a republican form of government.

The only extensive use of this guarantee came just after the Civil War. At that time, some Southern states had refused to ratify the Civil War amendments granting citizenship rights to African Americans. Congress ruled that these states did not have a republican form of government. It refused to seat senators and representatives from those states until the states ratified the Civil War amendments and changed their laws to recognize African Americans' rights.

Protection Second, the national government must protect states from invasion and domestic violence. An attack by a foreign power on one state is considered an attack on the United States.

Congress has given the president authority to send federal troops to put down domestic disorders when state officials ask for help. In the summer of 1967, for example, President Lyndon Johnson sent troops to Detroit to help control racial unrest and rioting. Johnson did so after Michigan's governor declared that the Detroit police and the Michigan National Guard could not cope with the widespread violence.

When national laws are violated, federal property is threatened, or federal responsibilities are interfered with, the president may send troops to a



See the following footnoted materials in the **Reference Handbook**:
1. *The Constitution*, pages 774–799.
2. *The Constitution*, pages 774–799.

state without the request of local authorities—or even over local objections. In 1894, for example, President Grover Cleveland sent federal troops to Chicago to restore order during a strike of railroad workers even though the governor of Illinois objected. During the strike, rioters had threatened federal property and interfered with mail delivery.

During the 1950s and 1960s, Presidents Eisenhower and Kennedy used this power to stop state officials from blocking the integration of Southern schools and universities. Eisenhower sent troops to Little Rock, Arkansas, in 1957 when local officials failed to integrate public schools. Kennedy used troops at the University of Mississippi in 1962 and the University of Alabama in 1963.

The national government has extended its definition of domestic violence to include natural disasters such as earthquakes, floods, hurricanes, and tornadoes. When one of these disasters strikes, the president often orders troops to aid disaster victims. The government also provides low-cost loans to help people repair damages.

Territorial Integrity Finally, the national government has the duty to respect the territorial integrity of each state. The national government cannot use territory that is part of an existing state to create a new state unless the national government has permission from the legislature of the state involved. The admission of West Virginia as a state in 1863 may be considered an exception to this rule.

Admission of New States



Thirty-seven states have joined the Union since the original 13 formed the nation. Most of these states became territories before taking steps to gain statehood. What procedures do these territories then follow to become states?

Congress Admits New States The Constitution gives Congress the power to admit new states to the Union. There are two restrictions on this power. First, as noted earlier, no state may be formed by taking territory from one or more states without the consent of the states involved and of Congress. Second, acts of admission, like all laws, are subject to presidential veto.

The procedure for admission begins when Congress passes an **enabling act**. An enabling act, when signed by the president, enables the people of the territory interested in becoming a state to prepare a constitution. Then, after the constitution has been drafted and approved by a popular vote in the area, it is submitted to Congress. If Congress is still agreeable, it passes an act admitting the territory as a state.

Since the original 13 states formed the Union, Congress has admitted new states under a variety of circumstances. Five states—Vermont, Kentucky, Tennessee, Maine, and West Virginia—were created from existing states. Two states, West Virginia and Texas, were admitted under unusual circumstances.

Federal Troops Enforce the Constitution

Federal and State Struggles

After members of the Arkansas National Guard prevented Elizabeth Ann Eckford from attending Little Rock High School on September 4, 1957, President Eisenhower sent federal troops to forcibly integrate the school.

What authority did the president have to send federal troops to Little Rock?



CONTENTS

Division of Powers



Federalism Guthrie became a quiet town after Oklahoma moved its capital to Oklahoma City, the state's largest metropolitan area. The State Capitol has stood in Oklahoma City since 1910. **Why do state authorities have the power to determine the state's governmental seat?**



**Oklahoma
state seal**

West Virginia was created from 40 western counties of Virginia that broke away when Virginia seceded from the Union. Some people have argued that the admission of West Virginia was a violation of the Constitution because the Virginia legislature did not give its consent. Congress, however, accepted the decision of the minority of the Virginia legislature that represented the 40 western counties. It held that the western representatives were the only legal acting Virginia legislature at that time.

Texas won independence from Mexico and sought annexation to the United States for several years before being admitted. Antislavery members of Congress opposed creation of a new slaveholding state. Texas was annexed to the United States by a joint resolution of Congress in 1845. The joint resolution provided for immediate statehood, allowing Texas to skip the territorial period. It also stated that Texas could be divided into as many as five states with the approval of both Texas and the United States.

The last two states to be admitted, Alaska and Hawaii, shortened the admission process. They each adopted a proposed constitution without waiting for an enabling act. Both were admitted in 1959.

Puerto Rico has considered statehood over a period of several decades. Puerto Ricans, however, rejected statehood by a vote in 1993.

Conditions for Admission Congress or the president may impose certain conditions before admitting a new state, including requiring changes in the drafted constitution submitted by a territory. In 1911 President Taft vetoed the congressional resolution admitting Arizona because he objected to a section in the Arizona constitution dealing with the recall of judges. Arizona then modified the constitution, and the next year it became the forty-eighth state. When Alaska entered the union in 1959, it was prohibited from ever claiming title to any lands legally held by Native Americans or Aleuts in Alaska. Ohio was admitted in 1803 on the condition that for five years it not tax any public lands sold by the national government within its borders.

The Supreme Court has ruled that the president or Congress may impose conditions for admission of a state. Once a state is admitted, however, those conditions may be enforced only if they do not interfere with the new state's authority to manage its own internal affairs. In the case of Arizona, once it was admitted as a state, it promptly amended its constitution to restore provisions about the recall of judges that Taft had requested be deleted.

When Oklahoma was admitted in 1907, Congress forbade it to move its capital from the city of Guthrie until 1913. The Supreme Court, however, upheld the right of Oklahoma to move the capital to Oklahoma City in 1911. The Court declared:

“The power to locate its own seat of government, and to determine when and how it shall be changed from one place to another, and to appropriate its own public funds for that purpose, are essentially and peculiarly state powers. . . . Has Oklahoma been admitted upon an equal footing with the original states? If she has . . . [Oklahoma] may determine for her own people the proper location of the local seat of government.”

—Justice Horace H. Lurton, 1911

Equality of the States Once admitted to the Union, each state is equal to every other state and has rights to control its internal affairs. No state has more privileges or fewer obligations than any other. Each state is also legally separate from every other state in the Union. All states in the Union are bound to support the Constitution.

The National Governors' Association



The National Governors' Association (NGA) supports federalism by helping governors in state policy making and in influencing national

policy. In 1908 President Theodore Roosevelt first called the nation's governors together to discuss conservation. After that the governors began to meet regularly as the Governors' Conference to deal with a variety of issues. In the 1960s the governors set up a permanent organization with an office in Washington, D.C.

NGA Helping the Governors In the 1970s the renamed National Governors' Association focused on helping the governors' performance within their own states. The NGA held seminars and published materials on subjects such as organizing the governor's office, dealing with the press, and organizing intergovernmental relations. A series of publications focused on the growing influence of states and governors as innovators. Through the NGA, states shared ideas on how to solve common problems.

NGA Influencing National Policy Beginning in the 1980s, governors focused their attention on national policy concerns. The NGA and its affiliates addressed educational, welfare, and health-care reforms as well as the changing balance in the federal system. Regional governors' associations also became active in policy issues. By joining together, the governors were becoming a big part of the national policy-making process.

Participating IN GOVERNMENT

Working Within the System



Contacting a legislator

Do we truly have government by and for the people? If so, how can citizens make their opinions known? Can you work within the system to change a law that you believe is unjust?

Your opinion will carry more influence if you join with others. Choose an appropriate means of expressing your views. To question a local ordinance, attend a city council meeting. If you object to

a state law, write to your state legislator. Petitions—formal requests for specific action signed by many people—are also effective. You could write letters to the editor or prepare an editorial for a local radio or television broadcast. The Internet also offers an avenue through which citizens can speak out on an issue.

Activity

Choose an issue from an opinion page of the local newspaper. Express whether you strongly agree or disagree in a letter to the newspaper's editor.

In 1989 the NGA hosted President George Bush at an education summit. As a result of this meeting and later interactions, President Bush endorsed a series of educational objectives that the NGA Task Force on Education had established.

When Governor Clinton of Arkansas became President Clinton, the governors seemed ready to have a major impact on national policy. President Clinton's health-care reform proposals, however, became a source of division within the NGA. Disagreement on how to solve the health-care problems began to split the governors along party lines.


The 1994 elections changed the working relationship of governors with the national policy makers. Republicans now controlled Congress, and the NGA had to work with the new congressional leadership. Balancing the budget was the focus of the Republican Congress. The governors lobbied against unfunded mandates that required states to provide programs without federal aid. In 1996 the bipartisanship of the NGA was reborn when 47 governors suggested plans for ending the Medicaid and welfare reform standoff. The effort was an example of the growing strength of the NGA as a supporting pillar of federalism.


Obligations of the States The states perform two important functions for the national government. State and local governments conduct and pay for elections of all national government officials—senators, representatives, and presidential

electors. The Constitution gives state legislatures the power to fix the “times, places, and manner” of election of senators and representatives (Article I, Section 4). Under the same provision, Congress has the authority to alter state election laws should it so desire.

In addition, the states play a key role in the process for amending the Constitution. Under the document, no amendment can be added to the Constitution unless three-fourths of the states approve it.

The Supreme Court as Umpire

 Because federalism divides the powers of government, conflicts frequently arise between national and state governments. By settling such disputes, the federal court system, particularly the Supreme Court, plays a key role as an umpire for our federal system. The question of national versus state power arose early in our nation's history. In 1819, in the landmark case of *McCulloch v. Maryland*,¹ the Supreme Court ruled on a conflict between a state government and the national government. In making the decision, the Supreme Court held that in the instance of a conflict between the national government and a state government, the national government is supreme.

 See the following footnoted materials in the *Reference Handbook*:
1. *McCulloch v. Maryland* case summary, page 761.

Section 1 Assessment

Checking for Understanding

- 1. Main Idea** Using a graphic organizer like the one at the right, give an example of each kind of power granted to the national government.
- 2. Define** delegated powers, expressed powers, implied powers, elastic clause, inherent powers, reserved powers, supremacy clause, concurrent powers, enabling act.
- 3. Identify** necessary and proper clause, *McCulloch v. Maryland*.
- 4.** What kinds of powers may states exercise?

expressed	
implied	
inherent	

Critical Thinking

- 5. Making Comparisons** How do the obligations of the national government to states compare to obligations of states to the national government?

Concepts IN ACTION

Federalism New states coming into the Union have had to follow a process established by Congress. Beginning with the enabling act passed by Congress, create a flow chart that shows the dates and conditions by which your state was admitted to the Union.

Relations Among the States

Reader's Guide

Key Terms

extradite, civil law, interstate compact

Find Out

- What provisions in Article IV of the Constitution attempt to provide for cooperation among the various state governments?
- What are some of the purposes of interstate compacts?

Understanding Concepts

Federalism Why is it necessary that the Constitution require states to cooperate with one another?

COVER STORY

Convict Goes Free

TALLAHASSEE, FLORIDA, OCTOBER 1996

A 64-year-old convict, who escaped from a Florida prison in 1952, but has been a model citizen since, is officially free. When Eddie Brown, of Brooklyn, New York, was stopped for a traffic violation recently, a routine check revealed him to be a long-sought fugitive. Originally Brown had been serving a 5-year sentence for robbery in Florida. When he was caught, Florida officials at first wanted Brown returned to serve his remaining sentence. However, after hearing about the model life Brown had led during his years of freedom, Florida governor Lawton Chiles dismissed the order to extradite him.



No longer needed

The Constitution, in establishing the federal system, defined not only national-state relations but also relations among the states. Conflicts and jealousies among the states had been a major reason for drafting the Constitution in 1787. One way the Constitution dealt with this problem was to strengthen the national government. The second way was to set the legal ground rules, such as extradition, for relations among the states. Because each state retains much power and independence, these rules help to assure cooperation among the states.

Interstate Relations

Article IV of the Constitution requires the states to do the following: (1) give “full faith and credit” to the laws, records, and court decisions of other states; (2) give one another’s citizens all the “privileges and immunities” of their own citizens; and (3) **extradite**—that is, return to a state—criminals and fugitives who flee across state lines to escape justice.

Full Faith and Credit The Constitution states that “full faith and credit” shall be given in each state to the public acts, records, and judicial proceedings of every other state. In other words, each state must recognize the laws and legal proceedings of the other states. For example, a car registration of one state must be accepted by all the other states. This clause applies only to **civil law**, or laws relating to disputes between individuals, groups, or with the state. One state cannot enforce another state’s criminal laws.

The need for this kind of rule in the federal system is obvious. Without it, each state could treat all other states like foreign countries. Further, each state could become a haven for people who decided to move to another state to avoid their legal duties and responsibilities.

The coverage of the “full faith and credit” rule is quite broad. *Public acts* refers to civil

Nonresidents' Rights



Reasonable Discrimination It is often more expensive for residents of one state to attend an out-of-state public college. *Why do you think states charge out-of-state students higher tuition fees?*

laws passed by state legislatures. *Records* means such documents as mortgages, deeds, leases, wills, marriage licenses, car registrations, and birth certificates. The phrase *judicial proceedings* refers to various court actions such as judgments to pay a debt.

Judicial decisions in civil matters in one state will be honored and enforced in all states. If, for example, a person in Texas loses a lawsuit requiring a specific payment, and moves to Illinois to avoid paying the money, Illinois courts will enforce the Texas decision.

Privileges and Immunities The Founders knew that when citizens traveled between states, they might be discriminated against. A citizen of Delaware, for example, might be treated as an alien in Virginia or Maryland. Therefore, the Constitution provides that “the Citizens of each State shall be entitled to all Privileges and Immunities of

Citizens in the several States.” As interpreted by the Supreme Court, this clause means that one state may not discriminate unreasonably against citizens of another state. It must provide citizens of other states the same privileges and immunities it provides its own citizens.

The courts have never given a complete listing of “**privileges and immunities.**” Included, however, are rights to pass through or live in any state; use the courts; make contracts; buy, sell, and hold property; and marry.

On the other hand, states may make reasonable discrimination against nonresidents. The privileges and immunities clause does not apply to voting, serving on juries, or using certain public facilities. All states require that a person live in a state for a certain amount of time before becoming a voter or public official. States may also require individuals to establish residency before they can practice such professions as medicine, dentistry, or law.

In addition, nonresidents do not have the same right to attend publicly supported institutions such as schools or to use state hospitals as do residents of the state. Nonresidents may be re-

quired to pay higher fees for hunting or fishing licenses than residents. State colleges and universities may, and usually do, charge higher tuition fees to students from other states than they do to resident students.

Extradition Because states are basically independent of one another, some means is needed to prevent criminals from escaping justice simply by going from one state to another. For this reason, the Constitution provides:

“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

This clause provides for the extradition of fugitives. Congress has made the governor of the state to which fugitives have fled responsible for returning them.

The Supreme Court has softened the meaning of the extradition provision by ruling that a governor is not required to return a fugitive to another state. Although extradition is routine in the vast majority of cases, occasionally a governor will refuse. For example, a Michigan governor once refused to return a fugitive to Arkansas because, the governor said, prison conditions in Arkansas were inhumane. Arkansas officials could do nothing about the governor's decision. In recent years Congress has acted to close the extradition loophole by making it a federal crime to flee from one state to another in order to avoid prosecution for a felony.

Interstate Compacts The Constitution requires the states to settle their differences with one another without the use of force. The principal way in which states may do this is to negotiate **interstate compacts**. Such compacts are written agreements between two or more states. The national government or foreign countries may also be part of an interstate compact.

Congress must approve interstate compacts. This requirement prevents states from threatening the Union by making alliances among themselves. Once a compact has been signed and approved by Congress, it is binding on all states signing it. Its terms are enforceable by the Supreme Court.

Before 1900, only 13 interstate compacts had received congressional approval. Most of them

involved boundary disputes between states. As society has become more complex, however, the number of compacts sent to Congress has increased. Today nearly 200 compacts are in force.

States use compacts to deal with such matters as air and water pollution, pest control, toll bridges, and transportation. New Jersey and New York helped start this trend in 1921 when they created the Port of New York Authority to develop and manage harbor facilities in the area. Many compacts today deal with the development and conservation of natural resources. Others deal with the transport and disposal of hazardous waste materials. Interstate compacts have become an important way for the states to deal with regional problems.

Lawsuits Between States Sometimes states are unable to resolve their disputes by these or other methods. When this happens, an interstate lawsuit may result. Since 1789 more than 220 disputes between states have wound up in court. Suits among two or more states are heard in the United States Supreme Court, the only court in which one state may sue another.

States bring one another to court for a variety of reasons. Cases in the West often involve water rights. Arizona, California, and Colorado have gone to the Court in disputes over water from the Colorado River. Other cases have involved sewage from one state polluting the water in another state. Still other cases are disputes over boundary lines. Arkansas and Tennessee had such a dispute as recently as 1970.

Section 2 Assessment

Checking for Understanding

- 1. Main Idea** In a chart, list three ways states treat nonresidents differently and the same as residents.

Treated differently	Treated the same
1.	
2.	
3.	

- 2. Define** extradite, civil law, interstate compact.
3. Identify "full faith and credit," "privileges and immunities."
4. What three constitutional provisions are aimed at promoting cooperation among the states?

Critical Thinking

- 5. Understanding Cause and Effect** What environmental problems could interstate compacts address, and what solutions could they achieve?

Concepts IN ACTION

Federalism Imagine you have moved to a new state. Find out if and how a driver's license, automobile registration, and voting registration are changed. Write a report on your findings.

Developing Federalism

Reader's Guide

Key Terms

states' rights position, nationalist position, income tax

Find Out

- Compare the view of the federal government as seen by a states' rightist and a nationalist.
- What events show that federalism has been dynamic rather than static since the 1960s?

Understanding Concepts

Federalism How do national crises, such as war, tend to shift power to the national government?

COVER STORY

Shopping the Net

WASHINGTON, D.C., MARCH 19, 1998

The National Governors' Association (NGA) and other groups representing local officials have decided to support national legislation that temporarily bans sales taxes on Internet transactions. The announcement marks a major policy change for the NGA. Earlier, the group had asked Congress to give states the right to collect sales taxes on Internet commerce based on the tax rates of customers' home states. The NGA agreed to a three-year delay on Internet taxes after negotiating with congressional supporters of legislation banning the taxes. To gain the governors' support, the bill's authors agreed to reduce the length of the delay from six to three years.



Internet User

The roles of state and national government officials have been defined during two centuries of developing federalism. Early Federalists such as John Jay and Alexander Hamilton had to convince the people in the states that the new federalism of the Constitution was better than the old confederacy. While they deeply believed that the United States needed a strong central government to survive, they also knew that many people feared the centralization of power. The colonial experience with the power of British government was still fresh in people's minds.

Alexander Hamilton wrote:

"The proposed Constitution, so far from implying an abolition of the State governments, makes them constituent parts of the national sovereignty, by allowing them a direct representation in the Senate, and leaves in their possession certain exclusive and very important portions of sovereign power. This fully corresponds . . . with the idea of a federal government."

—Alexander Hamilton, 1787

While Hamilton's basic definition of federalism remains true, interpretations of how federalism affects national-state relationships have changed since 1787 and will no doubt continue to do so.

States' Rightists Versus Nationalists



Throughout American history, there have been two quite different views of how federalism should operate. One view—the **states' rights position**—favors state and local action in dealing with problems. A second view—the **nationalist position**—favors national action in dealing with these matters.

The States' Rights Position The states' rights view holds that the Constitution is a compact among the states. States' rightists argue that the states created the national government and gave it only certain limited powers. Any doubt about whether a power belongs to the national government or is reserved to the states should be settled in favor of the states. Because the national government is an agent of the states, all of its powers should be narrowly defined.

States' rights supporters believe state governments are closer to the people and better reflect their wishes than the national government. They tend to see the government in Washington, D.C., as heavy-handed and a threat to individual liberty.

At various points in United States history, the Supreme Court has accepted this view. Under **Chief Justice Roger B. Taney** (1836–1864), the Court often supported states' rights against powers of the national government. The same was true from 1918 to 1936, when the Court ruled new federal laws attempting to regulate child labor, industry, and agriculture in the states unconstitutional. During these times, the Court largely ignored John Marshall's principle of implied powers set out in *McCulloch v. Maryland*. Instead, it based its decision on the Tenth Amendment, which says powers not delegated to the national government are reserved to the states or the people.

The Nationalist Position The nationalist position rejects the idea of the Constitution as merely a compact among the states. Nationalists deny that the national government is an agent of the states. They argue that it was the people, not the states, who created both the national government and the states. Therefore, the national government is not subordinate to the states.

Nationalists believe the powers expressly delegated to the national government should be expanded as necessary to carry out the people's will. They hold that the "necessary and proper" clause of the Constitution means that Congress has the right to adopt any means that are convenient and useful to carry out its delegated powers. They also claim that the reserved powers of the states should not limit how the national government can use its own powers.

Nationalists believe the national government stands for all the people, while each state speaks for



The Pledge of Allegiance

The pledge to the United States flag has been around so long that many people think it dates back to the beginning of the Republic. Not so. **Francis J. Bellamy**,



a Baptist preacher, wrote the pledge in 1892 for the observance marking 400 years since **Christopher Columbus's** arrival in the Americas. As originally published, it read: "I pledge allegiance to my Flag and to the Republic for which it stands: one Nation indivisible, with Liberty and Justice for all." The words "my Flag" were changed to "the flag of the United States of America" during the 1920s. Congress added the pledge to the official Flag Code in 1945 and inserted the words "under God" in 1954.

only part of the people. They look to the national government to take the lead in solving major social and economic problems facing the nation.

The Supreme Court established the nationalist position in 1819 in *McCulloch v. Maryland*, but it really gained ground in the Court during the late 1930s. At that time, the Great Depression gripped the nation. The national government under President Franklin D. Roosevelt responded by starting new social welfare and public works programs. At first, the Court ruled these programs were unconstitutional. As the Depression grew worse, however, the Court adjusted its views. It supported the expansion of the national government's powers in order to deal with the nation's terrible economic problems.

Growing National Government



A major factor shaping the development of American federalism has been the growth in the size and power of the national government.

Over the years this expansion came largely at the expense of the states.

A key reason for the change is that the Constitution's flexibility has allowed the Supreme Court, Congress, and the president to stretch the government's powers to meet the needs of a modern industrial nation. The expansion of the national government's powers has been based on three major constitutional provisions: (1) the war powers; (2) the power to regulate interstate commerce; and (3) the power to tax and spend.

War Powers The national government has power to wage war. This authority has greatly expanded the federal government's power because, in today's world, national defense involves more than simply putting troops in the field. Such factors as the condition of the economy and the strength of the educational system can affect the nation's military capabilities.

Commerce Power The Constitution gives Congress the authority to regulate commerce. Supreme Court decisions have expanded this power.

The courts today consistently interpret the term *commerce* to mean nearly all activities concerned with the production, buying, selling, and transporting of goods. For example, Congress passed the **Civil Rights Act of 1964** forbidding

racial discrimination in public accommodations such as hotels and restaurants. In upholding this law the Supreme Court reasoned: (a) racial discrimination by innkeepers and restaurant owners makes it difficult for the people discriminated against to travel and thus restricts the flow of interstate commerce; (b) Congress has the power to regulate commerce; (c) therefore, Congress may pass laws against racial discrimination.

Taxing Power Congress has no specific constitutional authority to pass laws to promote the general welfare. Congress does, however, have authority to raise taxes and spend money for such purposes.

The Sixteenth Amendment, ratified in 1913, gave Congress the power to tax incomes. The **income tax** levied on individual earnings has become the major source of money for the national government. It has given the national government much greater financial resources than any state or local government has.

Finally, Congress has used its taxing power to increase the national government's authority in two ways. First, taxes may be used to regulate businesses. For example, Congress has put such heavy taxes on certain dangerous products that it is not profitable for companies to make and sell them. Second, Congress may use taxes to influence states to adopt certain kinds of programs. Federal law

Congressional Desegregation



Civil Rights In 1940, many businesses discriminated against African Americans. Congress used its commerce power to desegregate businesses such as this cafe in Durham, North Carolina.

How is the commerce power of Congress related to desegregation?



Fighting segregation

allows employers to deduct from their federal taxes any state taxes they pay to support state unemployment programs. This federal tax break helped persuade all the states to set up their own unemployment insurance programs.

Federal Aid to the States



A continuing issue of federalism has been the competition between states for national government spending. Each state wants to get its fair share of national government projects because this spending affects the economies of every state.

Politics and Spending

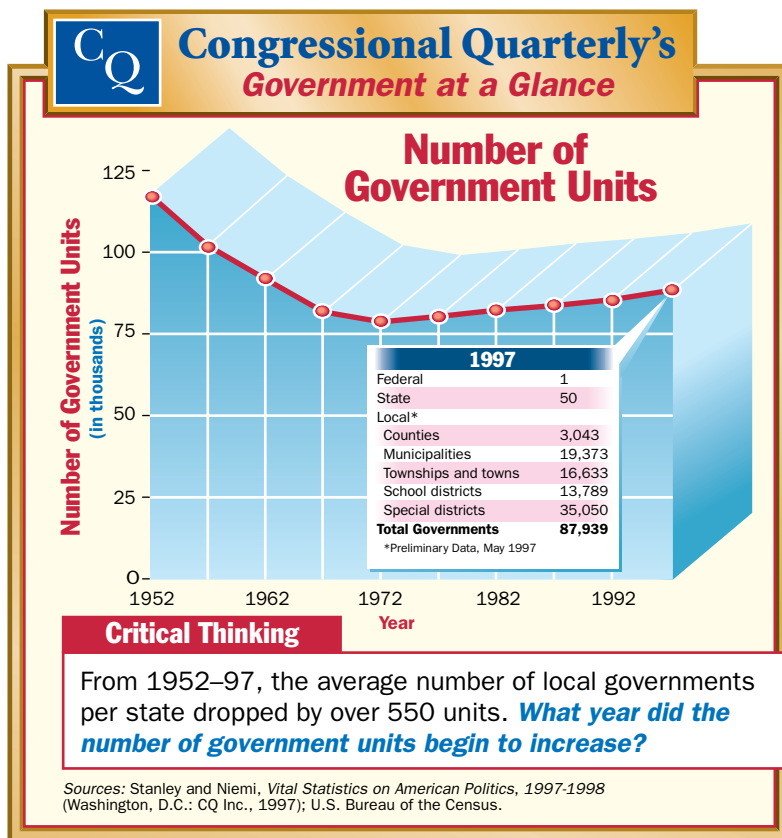
The recent population shift from the states of the Northeast and the Midwest to the states of the South and the Southwest has shifted power in Washington, D.C. More federal government spending has started to go to the Southern states and less to the Northern states.

Direct federal aid to the states is another political issue. The national government has historically provided different types of aid to the states. In 1862 Congress passed a law giving nearly 6 million acres of public land to the states for the support of colleges. Since the 1950s, federal aid to state and local governments has increased tremendously.

State and local offices have learned that along with more federal aid comes greater federal control and red tape. This is because many federal aid programs provide money only if the state and local governments are willing to meet conditions set by Congress.

Shifting Responsibilities

In recent years, some presidents and some congressional leaders have wanted to shift the balance of power in the federal system back toward the states. In 1969, for example, President Nixon called for a “New Feder-

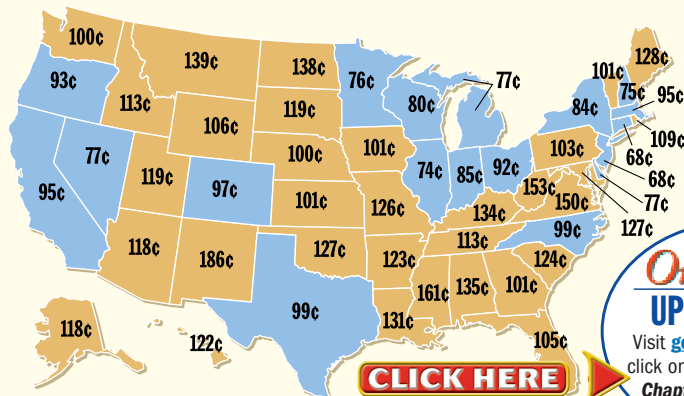


alism” that would return more authority to state and local governments.

In 1982 President Reagan called for sweeping changes in federal aid policies. These included turning responsibility for dozens of federal programs in areas like education and welfare over to state and local governments. President Bush continued this policy, decreasing federal aid along with federal control. Between 1980 and 1990 federal grants declined dramatically—from \$50 billion to \$19 billion. Obviously, the relationship between federal and state governments is dynamic and is affected by the policies of the president and of Congress.

President Clinton emphasized the need to “reinvent government,” when he came into office. At the same time, the 103rd Congress strongly supported giving the states more authority over spending intergovernmental funds. The House and Senate, however, could not agree on the specific legislation needed. Special interests from both the conservative and liberal sides deadlocked the conference committee that was charged with resolving their differences.

Federal Revenue Returns to the States



For each dollar of federal taxes sent to Washington, D.C.

- 100¢ or more of federal spending returned
- 99¢ or less of federal spending returned

Critical Thinking

Source: Hovey and Hovey, *State Fact Finder 1997* (Washington, D.C.: CQ Inc., 1997).

Federal revenue received from the states is returned unevenly across the nation. **Which area of the country receives the highest federal returns? The lowest?**

Online
UPDATE

Visit gov.glencoe.com and click on **Textbook Updates—Chapter 4** for an update of the data.

CLICK HERE

using federal funds. The nation's governors, through the National Governors' Association, urged the president to take action.

President Clinton earlier had appointed Vice President Al Gore to head the effort to reinvent government. The administration's National Performance Review drafted the statutory language that could be applied to individual agencies for new regulatory flexibility. It would allow the agencies to set aside federal rules and regulations that were counterproductive to public goals. The

idea was not totally new. State requests for waivers of regulations had already been approved in the areas of health and human services, job training and education, the environment, and workplace safety. The Clinton administration seemed willing to extend the same favor in instances where states and localities provided commonsense

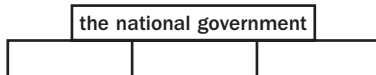
reasons for sidestepping regulations. Those who were willing to put in the effort to support their case and follow through could now reinvent federalism one small step at a time.

When the effort to reform the federal system broke down in Congress, the task fell to the executive branch. Governors had long had an interest in obtaining increasing authority and flexibility in

Section 3 Assessment

Checking for Understanding

- Main Idea** Using a graphic organizer like the one below, identify three constitutional provisions that have been the basis for the tremendous growth of the national government.
- Define** states' rights position, nationalist position, income tax.
- Identify** Chief Justice Roger B. Taney, Civil Rights Act of 1964, "New Federalism."
- In what two ways has Congress used its taxing power to increase the national government's authority?



Critical Thinking

- Making Comparisons** What is the major difference between the states' rights and the nationalist views of federalism?

Concepts

IN ACTION

Federalism Write an opinion paper stating your position on the following question: Should the national government distribute money to states today with "no strings attached," or should the money be directed toward specific programs? Explain your position.



Supreme Court CASES TO DEBATE

Philadelphia v. State of New Jersey, 1978

*Americans take for
granted the right to
unrestricted travel*

from one state to another. If we make a purchase outside our home state, we know we can transport it home without paying a duty or fee. Are there any limits to traffic among the states? The case of City of Philadelphia v. State of New Jersey addressed this question.



Landfill in New Jersey

Background of the Case

The disposal of solid and liquid wastes is a problem in urban areas. As the available sites for landfills continue to shrink, some metropolitan areas such as Philadelphia, Pennsylvania, have had to ship their wastes across state lines. In the early 1970s, the volume of waste being shipped into New Jersey was increasing rapidly. The state legislature believed that the treatment and disposal of wastes posed a threat to the quality of the environment in the state.

In 1973 the New Jersey legislature passed laws prohibiting the importation of solid or liquid waste that originated or was collected outside the territorial limits of the state. Operators of private landfills and several cities in other states with whom the collectors had contracts for waste disposal brought suit, attacking the New Jersey law as unconstitutional. They believed that it violated their right to ship materials across state lines under the commerce clause of the Constitution. The Supreme Court heard the case of *City of Philadelphia v. State of New Jersey* in 1978.

The Constitutional Issue

In the United States, power is divided among the national government, the state governments, and the people. The Constitution gave the national government power to regulate interstate commerce—trade that crosses state lines. In the New Jersey case, the issue was whether liquid and solid wastes could be defined as interstate commerce according to the Constitution.

Throughout United States history the Supreme Court has expanded the definition of interstate commerce. One early case occurred in 1824. The Court decided in *Gibbons v. Ogden* that travel by ship on the Hudson River between New York and New Jersey was interstate commerce. In the 1930s the Court upheld the Wagner Act, a law that extended the meaning of interstate commerce by allowing Congress to regulate business and labor relations. The Court also applied a broad definition of commerce to uphold the Civil Rights Act of 1964, considering the issue of commerce, specifically restaurants, along interstate highways.

Debating the Case

Questions to Consider

1. What caused new legislation to be passed in New Jersey in 1973?
2. Why do waste haulers consider their shipments a form of commerce?
3. What national impact might a decision concerning New Jersey have?

You Be the Judge

Many states are facing the same environmental and commerce issues that faced New Jersey. What could be a far-reaching result if the Court decided in favor of New Jersey? In favor of the landfill owners? In your opinion, does the commerce clause apply in this case? Why or why not?

Federalism and Politics

Reader's Guide

Key Terms

sunset law, sunshine law, bureaucracy

Find Out

- How has federalism benefited the two-party system?
- What advantages does federalism provide a person who may be dissatisfied with conditions in his or her home state or area?

Understanding Concepts

Public Policy How does federalism allow for more political participation?

COVER STORY

Term Limits Dead

WASHINGTON, D.C., FEBRUARY 1997

A political reform that started in the states a decade ago came to a halt in Congress today. A proposed constitutional amendment to limit the number of terms a senator or representative could serve failed to pass the House. Not only was the vote well short of the two-thirds majority needed, but the proposal received less support than the last time it was considered, in 1995. Although more than 20 states have passed laws limiting the service of state legislators, the reform now seems unlikely to reach Congress. "Our existing system of term limits works splendidly," claimed Michigan Democrat John Dingell, "it's called elections."

**TURN OUT FOR
TERM Limits**

Calls for term limits

The issue of term limits for state and national representatives is just one example of how federalism influences the practice of politics and government. It affects government policy making, the political party system, the political activities of citizens, and the quality of life in the 50 states.

Federalism and Public Policy

A policy is a stated course of action. A high school principal says, "It is our policy that students not park in the teachers' parking lots." A local store announces, "It is our policy to prosecute all shoplifters." In each example, people are defining courses of action they take in response to problems that occur over and over again. Announcing a policy means that a person or an organization has decided upon a conscious, deliberate way of handling similar issues.


The course of action a government takes in response to some issue or problem is called **public policy**. Federalism affects public policy making in two ways. First, it affects how and where new policies are made in the United States. Second, it introduces limits on government policy making.

New Ideas Develop The existence of 50 states and thousands of local governments encourages experimenting with new policies and ideas. Federalism permits states and localities to serve as proving grounds where new policies can be developed and tested. Georgia, for example, was the first state to allow 18-year-olds to vote. That right has since been given to all Americans through the Twenty-sixth Amendment. In 1976 Colorado pioneered the use of **sunset laws**. Sunset laws require periodic checks of government agencies to see if they are still needed. In California local interest groups concerned with the environment were able to get the state to start new air-pollution control programs. California laws became a model for national air-pollution laws.

In 1976 Florida passed a **sunshine law** prohibiting public officials from holding closed meetings.

Policy may also originate at the national level. Sometimes the national government imposes new policies on states in which local pressure groups have resisted change. Some of the great political struggles in the nation's history have occurred over such policies. In the late 1950s and early 1960s, African Americans struggled to win voting and other civil rights in many states. State and local officials resisted these changes. Eventually, African American leaders attracted enough national attention and support to influence the national government to force the states to change civil rights and voting policies.

Federalism and Political Parties

 Rival political parties are a key element of democratic government. Politics in the United States, however, is not a desperate all-or-nothing struggle for control of the national government, because federalism makes victories in state and local elections possible. Each political

party has a chance to win some elections somewhere in the system. In this way, federalism helps to lessen the risk of one political party gaining a monopoly on political powers.

After the Civil War, for example, the Democratic Party went into a long period of decline on the national level. Yet the party survived because Democratic candidates managed to maintain control of many state and local offices in the Southern states. With such state and local bases, the party developed new policies and new leadership with which to challenge the majority party.

The Democratic Party controlled the White House for only 5 of the 12 presidential terms between 1952 and 2000. Democratic organization at the state and local level, however, enabled the party to win a majority in Congress during most of that period.

GOVERNMENT



Student Web Activity Visit the *United States Government: Democracy in Action* Web site at gov.glencoe.com and click on **Chapter 4—Student Web Activities** for an activity about federalism and politics.



CLICK HERE

We the People

Making a Difference

David Levitt



**Points of
Light
medal**



David Levitt was only a sixth grader when he decided to do something about the 30 million people in the United States who go to bed hungry every day. He asked his middle school principal whether he could start a program to distribute cafeteria leftovers. The principal pointed out that district health regulations prohibited using previously served food. But encouraged by his mother, David put a plan in motion. First he made his case before the Pinellas County (Florida) school board. After the board gave its approval, he worked to satisfy state health department requirements.

Since its beginnings in 1994, David's

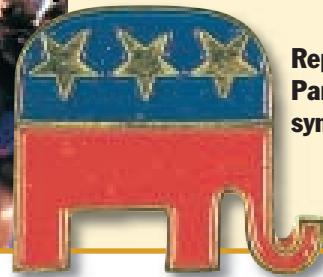
food sharing program has distributed more than a quarter of a million pounds of food to county shelters and food banks.

David's efforts to help the people of his state did not stop with the distribution of food. As a high school freshman David worked on state legislation to protect donors of surplus food from liability lawsuits. Most importantly, David's efforts have drawn attention to hunger and the availability of food in his community. David Levitt received recognition for his hard work. When he was awarded a Points of Light medal in a White House ceremony in 1996, David asked Mrs. Clinton what the White House did with its leftovers.

A Balanced Party System



Impact of Parties Clinton and Gore's Democratic victory at the federal level was balanced by Republican victories at state and local levels. *How might rival political parties be advantageous for a democracy?*



Republican Party symbol

Political Participation



Federalism increases opportunities for citizens of the United States to participate in politics at the national, state, and local levels. It also increases the possibility that a person's participation will have some practical effect at any one of these levels.

Many Opportunities Because federalism provides for several levels of government, people have easier access to political office. The road to national office often begins at the local or state level. This aspect of federalism has tended to preserve political organization from the bottom up.

American federalism gives citizens many points of access to government and increases their opportunities for influencing public policy. Noted political scientist Martin Grodzins believes the two-party system contributes to this access:

“The lack of party discipline produces an openness in the system that allows individuals, groups, and institutions (including state and local governments) to attempt to influence national policy at every step of the legislative process.”

—Martin Grodzins, 1985

Americans vote frequently for governors, state lawmakers, mayors, council members, school board members, county prosecutors, and many other state and local officials. They also vote on such local issues as whether to build a mass transit system in their city, whether to outlaw smoking in public places, or whether to increase property taxes for schools.

Citizens may also work with interest groups to influence national policies and state and local government agencies. A group of concerned neighbors may petition their county zoning board to set aside nearby land for a public playground. Members of a local labor union may work together to support their union's efforts to influence passage of a law in the state legislature.

Increasing Chances of Success A related effect of federalism is an increased chance that one's political participation will have some practical impact. Most people are more likely to become involved in political activities if they think there is a reasonable chance their efforts will bear fruit. People working in the campaign of a candidate for city council, for example, need to persuade relatively few voters to elect their candidate. The increased chance for success encourages political participation.

Federalism's Professional Politicians



Since the 1960s more and more public policy has been initiated by people in government service. The great increase in federal programs beginning in the mid-1930s called for a large **bureaucracy**, or organization of government administrators, to carry out legislation. As these bureaucrats gained expertise, they increasingly offered solutions. Political writer Samuel H. Beer describes the results:

“In the fields of health, housing, urban renewal, transportation, welfare, education, poverty, and energy, it has been . . . people in government service . . . acting on the basis of their specialized and technical knowledge, who first perceived the problem, conceived the program, initially urged it on president and Congress, went on to help lobby it through to enactment, and then saw to its administration.”

—Samuel H. Beer, 1986

Various political analysts have used the term *technocracy* to describe this kind of decision making which is based on the technical expertise of professionals.

The increase in federal programs also changed the political relationship of state and federal officials. As mayors and state officials sought to take advantage of the new federal programs, they needed to work more closely with federal officials. Organizations such as the United States Conference of Mayors established headquarters in Washington, D. C., to keep up with events and in touch with lawmakers. In time these officials acquired political influence.

CLICK HERE

Differences Among the States



Federalism contributes to real economic and political differences among the states because it permits each state considerable freedom in arranging its own internal affairs. As a result, some states do more than others to regulate business and

industry, while some provide more health and welfare services. Among the individual states, some have stricter criminal laws, some have higher taxes.

Because states can create different economic and political environments, Americans have more choices regarding the conditions under which they want to live. This also means that when people cross a state boundary, they become members of a different political system with its own officials, taxes, and laws.

The Direction of Federalism



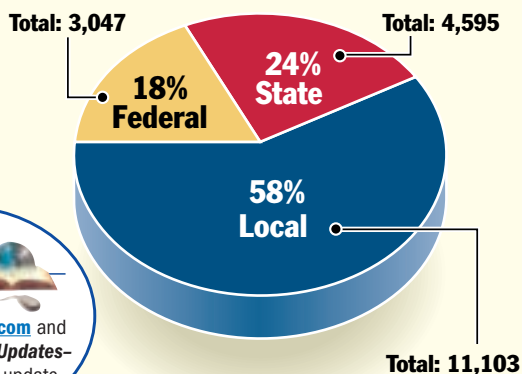
Contemporary American federalism has experienced a dramatic shift toward the states. Governors are demanding more responsibility, and budget pressures are acute. In response Congress passed the Unfunded Mandates Reform Act of 1995, limiting the federal government's power to require state and local governments to



Congressional Quarterly's Government at a Glance

Government Employees

Total number in thousands



**Online
UPDATE**

Visit gov.glencoe.com and click on **Textbook Updates—Chapter 4** for an update of the data.

Critical Thinking

The total number of government employees increased by over 12 million people in the last 50 years. **Why would there be more local employees than state and federal employees combined?**

Source: Stanley and Niemi, *Vital Statistics on American Politics 1997–1998* (Washington, D.C.: CQ Inc., 1997).

Accepting New Responsibilities



Federalism at Work

Despite reduced federal aid, Cleveland's mayor Michael White adopted a hard-driving business style of management to help turn around a once-troubled city. **How are local leaders, like Mayor White, working to reshape federalism?**

Cleveland's city seal

provide services that are not funded from Washington, D.C. At the same time the federal government is loosening regulations, it is tightening the purse strings. This has the effect of shifting the social policy agenda to the states.

The states are ready and willing to accept new responsibilities. Many governors are reengineering state government, modernizing their administrative machinery, and overhauling social programs. Some political observers believe that the shifting power toward states and localities is supported by the need for community identity. Neighborhoods, towns, cities, and states seem to

provide more community identity than the national government does. Local governments also feel they more fully understand the needs of their citizens.

For years, people assumed that the national government had the most talented experts and trained executives. Today there is an increasing realization that state governments have talented men and women as nongovernmental advisers who can offer creative innovations in governing. States also have an abundance of expertise in state and local government personnel to guide these innovations. States are using their strengths to reshape American federalism.

Section 4 Assessment

Checking for Understanding

- 1. Main Idea** Using a graphic organizer like the one to the right, show two ways that federalism influences public policy making.

Federalism	
- 2. Define** sunset law, sunshine law, bureaucracy.
- 3. Identify** public policy.
- 4.** How did African Americans use national attention to change policy in state and local governments in the 1950s and 1960s?
- 5.** How does federalism affect the two-party system in the United States?

Critical Thinking

- 6. Making Inferences** How does federalism allow for political and economic diversity among the states?

Concepts IN ACTION

Public Policy Federalism allows people to have easier access to political office and greater opportunities for influencing public policy. Find out the political offices that a person living in your community can vote for on the state and local levels. Illustrate your findings in a poster display.

Skills

Study and Writing

Writing a Paragraph

Writing a good paragraph involves stating information clearly and in a logical order. A well-organized paragraph helps you express your ideas clearly. You can use this skill for many purposes, from writing a speech to writing the answers to the essay questions on your next test.



Auto impact tests

1966, however, the auto industry supported national auto safety standards. Why? The industry realized that the national standards were likely to be more moderate than the tough state regulations set by California and New York, where automakers sold nearly 20 percent of their cars.

Learning the Skill

To write a good paragraph, follow these steps:

- Decide on the main idea you want to express and write it in sentence form. This will be the topic sentence of the paragraph.
- Include sentences that add information and explain or expand the main idea expressed in the topic sentence.
- Evaluate your paragraph. Does the topic sentence state the main idea clearly? Do the other sentences support the main idea?

Read the paragraph below. The topic sentence clearly states the main idea. The sentences that follow support the main idea.

Today federalism is more complicated than simply a struggle between nationalists and supporters of states' rights. Sometimes, states' rights supporters and national government supporters switch sides, depending on which view best serves their interests at the time. For example, since 1930 most business groups have supported states' rights. These groups believe state courts and state legislatures are more likely to make decisions favorable to businesses than the national government. In

Practicing the Skill

Follow the steps described and organize the sentences below into an effective paragraph.

1. These powers include any powers not reserved for the national government by the Constitution.
2. The Constitution allows for concurrent powers—those shared by the national and state governments.
3. Concurrent powers are exercised separately and simultaneously by the two basic levels of government.
4. An example of a concurrent power is the levying of taxes.

Application Activity

Choose a topic related to this chapter and write an explanatory paragraph about it. Then exchange papers with a classmate. Evaluate the paragraphs according to step three under Learning the Skill.



The **Glencoe Skillbuilder Interactive Workbook, Level 2** provides instruction and practice in key social studies skills.

Chapter 4

Assessment and Activities

CLICK HERE

GOVERNMENT

Online



Self-Check Quiz Visit the *United States Government: Democracy in Action* Web site at gov.glencoe.com and click on **Chapter 4–Self-Check Quizzes** to prepare for the chapter test.

Reviewing Key Terms

On a sheet of paper write the headings “National Government” and “State Government.” Group the terms below under the appropriate heading.

1. implied powers
2. expressed powers
3. inherent powers
4. reserved powers
5. elastic clause

Recalling Facts

1. Name the clause of the Constitution that resolves conflicts between state law and national law.

Current Events JOURNAL

Researching Federalism Use the electronic index to periodicals in your library or the *Readers' Guide to Periodical Literature* to find an article that provides a recent example of cooperation between the federal and state governments. Write a brief summary of the article and post it on a bulletin board display.

2. Which governments are responsible for creating cities and counties?
3. Who provided Americans with a lasting definition of federalism?
4. Describe how Congress gained power to regulate farm production, child labor, wages and hours, and criminal conduct.
5. What is the major source of income for the national government?
6. How did federalism help the Democratic Party survive after the Civil War?
7. How does the federalist system affect political participation?
8. Who pays for elections of senators, representatives, and presidential electors?

Understanding Concepts

1. **Federalism** Why does the Tenth Amendment use the term *reserved* to describe the powers that belong to the people and the states?
2. **Federalism** On what historical basis do states' rights supporters argue that the national government is only an agent of the states?
3. **Public Policy** Experts in government agencies initiate many national laws in health, the environment, energy, welfare, education, and business. Why do these bureaucrats have great influence on legislation and decision making?

Critical Thinking

1. **Making Comparisons** Use a graphic organizer like the one below to compare President Ronald Reagan's concept of federalism with President Franklin D. Roosevelt's.

Concepts of Federalism	
Roosevelt	Reagan

2. **Identifying Central Issues** What was the main issue in the case of *McCulloch v. Maryland*?

CONTENTS

Chapter 4

3. Identifying Assumptions

“Federalism helps lessen the risk of one political party gaining a monopoly on political powers.” What assumption about the value of a two-party system does this statement make?

Cooperative Learning Activity

Creating a Front Page Choose an event from this chapter that illustrates the development of the federal system. Work together in groups to produce a newspaper front page that reports the event. The page should include a lead article and several supporting articles. Some students will research the event; others will write about it, edit the articles, and lay out the page. A few students may produce cartoons to illustrate the news event.

Interpreting Political Cartoons Activity



“Look, the American people don’t want to be bossed around by federal bureaucrats. They want to be bossed around by state bureaucrats.”

1. How does this cartoon demonstrate the states’ rights position of federalism?
2. How are the American people “bossed around” by federal bureaucrats?
3. Is the speaker probably a state or federal official? Why?

Technology Activity

Using the Internet Use the Library of Congress World Wide Web home page to find out about several bills that are being considered in the current congressional term. Identify the kind of power—expressed, implied, or inherent—that each piece of legislation illustrates.



2. States’ rights advocates and nationalist position supporters disagree on how federalism should operate.
3. States must compete for funds from the national government.

Skill Practice Activity

Writing a Paragraph Write a short paragraph for each of the topic sentences that follow. Each paragraph must have at least three sentences supporting the topic and be arranged in a logical way. Use transitional words or phrases to connect your ideas smoothly.

1. The Supreme Court decides conflicts between the national and state governments.

Participating in Local Government

Congress has the power to add new states to the Union. Find out how and when your state was first settled, developed government, and was admitted to the Union. Use research materials from your school or local library and present your findings in an illustrated report. Create a time line that includes important governmental developments.

