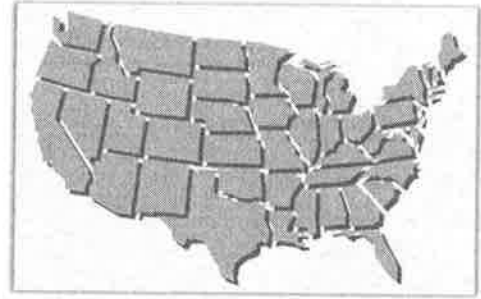


The "Federal" in Federalism

Name: _____

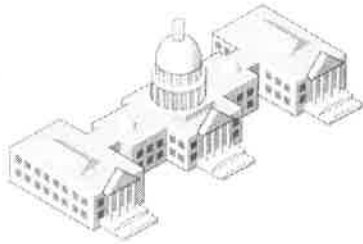
United States

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, so it wasn't as if the new Americans were 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. Each state also had its own court system, but there needed to be federal courts where citizens from different states could resolve their disputes.

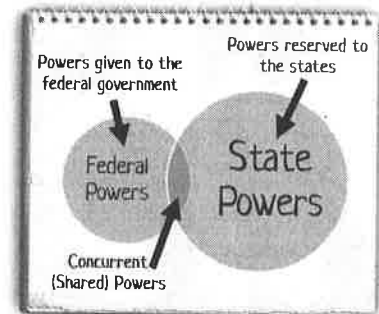
Government on Two Levels

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**.

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

federal: a word that refers to the central government

The federal government gets all of its power from the Constitution. Federal power is divided among three branches of government: the executive, legislative, and judicial branches. The Constitution explains the role and powers of each branch. 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. There are a few powers that both the states and the federal government share.



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

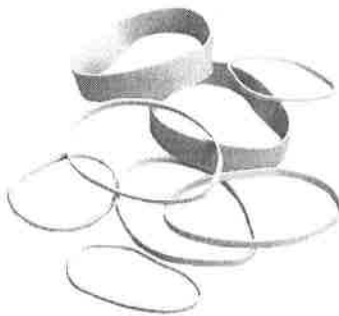
The Constitution gives most of the federal power to Congress. This was another way of limiting federal power: Because members of Congress represent citizens in their home states, they are most likely to be responsive to citizens' wants and needs. The Constitution gives Congress two types of powers. The 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. The Constitution states that Congress has the power to do things like coin money, declare war, and establish immigration laws.



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.



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

Federal Power in Action

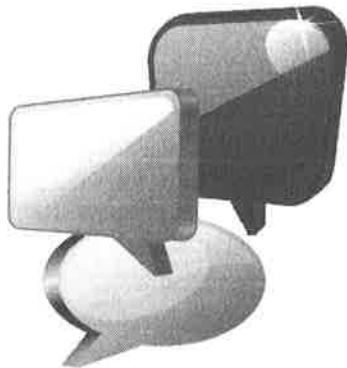
Sometimes Congress exercises powers it does not appear to have. The Civil Rights Act of 1964 is a good example. Congress wanted to prohibit racial discrimination in America... but that's not on the list of powers Congress has. So how could Congress do this? They did it by finding a link between racial 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.

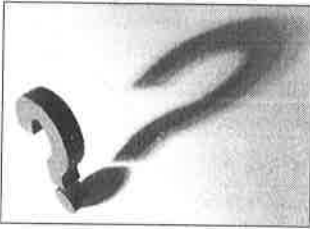


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Reading p.2

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.

The "Federal" in Federalism

Name: _____

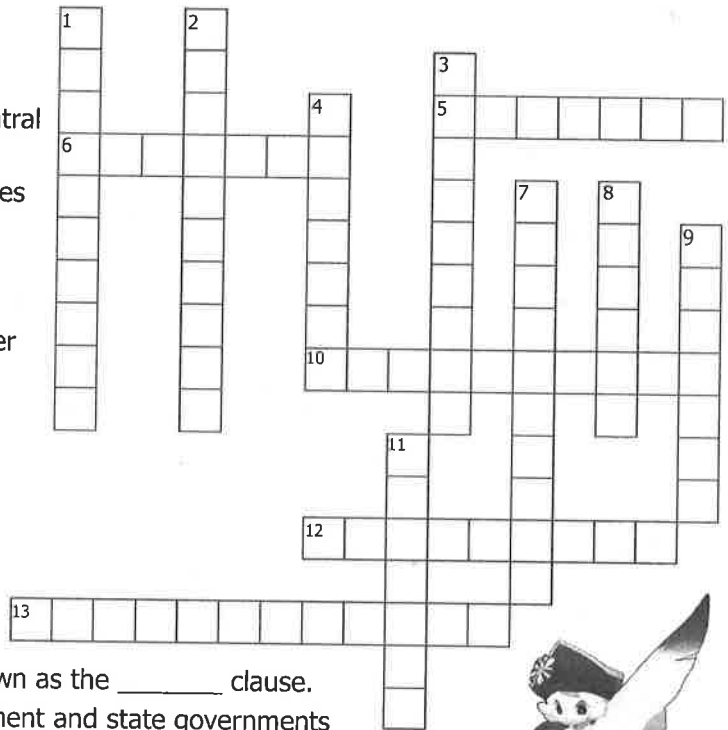
A. Crossword. Use what you learned in the reading to complete the crossword puzzle.

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

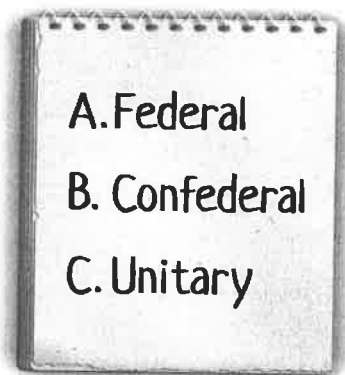
Name: _____

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?

