



Mr. Rodefeld
Room 22
Irondale High School
U.S. Government
October 25th, 2018

1st Hour 8:35 - 9:31

2nd Hour 9:37 - 10:33

3rd Hour 10:39 - 11:35

4th Hour 11:41 - 1:11

5th Hour 1:17 - 2:13

6th Hour 2:19 - 3:15





Today in Class: Read P. 99-108

Federalism

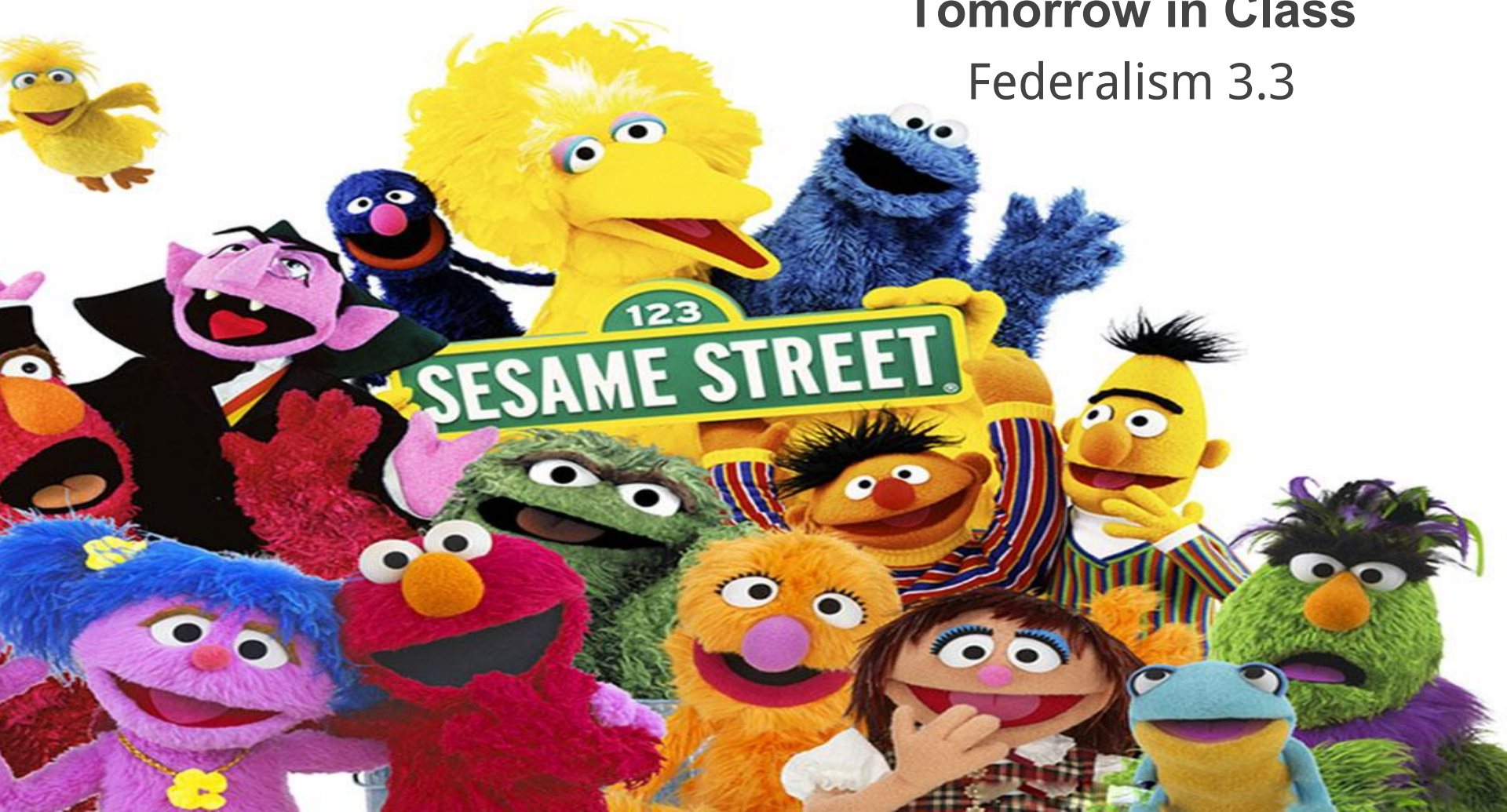




Today's Homework:
Finish Constitution Sheet

Tomorrow in Class

Federalism 3.3



I'M a
BLUE WAVE.

... NOW
THAT'S
SCARY.

HAPPY
HALLOWEEN

Review Amending the Constitution

- Formal Process
 - Article V (5)
 - 27 “official changes” (Bill of Rights = 10)
- Informal Changes
 - 5 key ways
 - Significance of the branches

Federalism Analogy

On the back of your study guide, create a T-chart. One side is a list for you, other side a list for your parents.

- What decisions do you believe your parents or guardians should make for you?
- What decisions should you be able to make yourself?
- What decisions should be made cooperatively? Place these on the middle line of the t-chart

Federalism Analogy

- Did every student in the class have the same perspective about who should make certain decisions?
- Have you and your parents or guardians ever had a conflict over who gets to make certain decisions?
- Why is it important that some decisions are made exclusively by parents or guardians?

Balancing National and State Powers

Tough question for the Framers at the Constitutional Convention:

- How could they create a new federal government that would be strong enough to meet the needs of the day AND preserve the States?

Balancing National and State Powers

Reasons the Framers wanted to limit federal powers:

- 1) governmental power inevitably poses a threat to individual liberty
- 2) the exercise of governmental power must be restrained
- 3) to divide governmental power (federalism), is to prevent its abuse



Federal law requires men to register for the draft at age 18. Federal law also sets a minimum wage, but States can as well. Many laws reflect this federal and State division of power.

Video: [What is Federalism?](#)

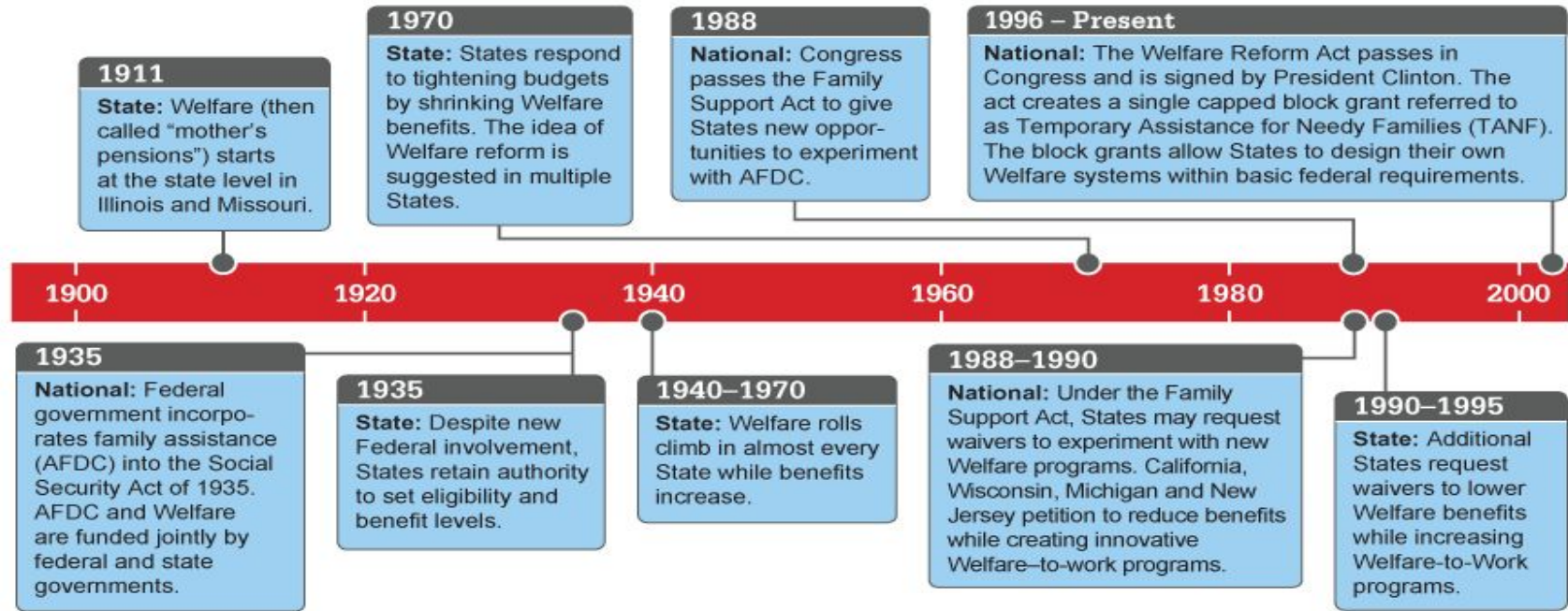


- Federalism Video
-
- The American system of government is a great example of Federalism.
- The Constitution is designed to reflect the **division of powers** = powers granted to the federal government and reserved to the states
 - *Each of those basic levels of government has its own set of powers.*
 - *Additionally, each level of government operates through its own agencies and acts directly through its own officials and laws.*

Strengths of Federalism

1. Local action in matters of local concern, and national action in matters of wider concern
 - a. Traditions, needs and geographic differences can vary from state to state
2. Experimentation and innovation in solving public policy problems
 - a. States = laboratories of Democracy
 - b. example: Welfare Reform Act 1996 (started in states)
3. Provides the strength that comes from a unified country
 - a. examples: national defense, foreign affairs, natural disasters

The Role of State and Federal Governments in Welfare Reform



Welfare reform has alternated between State and National governments for many years. How are welfare programs now managed at both levels of government?

Federalism Powers

1) Federal Powers

a) Those powers handled by the federal government

2) Reserved Powers

a) Those powers handled by the state government

3) Concurrent Powers

a) Those powers handled by BOTH the federal and state

Complete assignment

- [Federalism powers and scenarios](#)

Three Types of Federal Powers

- The federal government has specific powers **delegated** (granted) to it in the Constitution.
- There are three distinct types of delegated powers:
 - **expressed,**
 - **implied, and**
 - **inherent**

Three Types of Federal Powers

- **Expressed/Enumerated Powers**
 - powers written in the Constitution

Examples:

- Article I section 8 - legislative powers (power to tax, coin money, declare war)
- Article II section 2 - executive powers (commander in chief, appoint federal officials)
- Article III - judicial powers

Three Types of Federal Powers

- **Implied Powers**

- powers not stated in the Constitution, but are reasonably suggested by the expressed powers.

Examples:

- ***Necessary and Proper Clause (elastic clause)*** -
Article 1 Section 8 Clause 18
 - regulation of labor-management relations
 - interstate highway system
 - prohibited racial discrimination

Three Types of Federal Powers

- **Inherent Powers**

- A National Government has these powers because it is a sovereign state. These powers exist because the U.S. exists!

Examples:

- regulate immigration
- protect against rebellion

Powers denied the Federal Government

- Although the Constitution delegates certain powers to the National Government, it also denies certain powers to that level of government in order to keep federalism intact.

- **Examples:**

- Take private property without payment/compensation (Eminent domain)
- Prohibit freedoms from the Bill of Rights



Bill of Rights: These first 10 amendments to the Constitution limit federal power in some areas and guarantee some personal freedoms.

Examples of Powers Expressly Denied to the Federal Government

POWER DENIED	EXAMPLE OF ILLEGAL USE OF POWER
Levy taxes on exports	The Federal Government levies a tax on coal exports from Pennsylvania to Canada.
Take private property for public use without payment of compensation	The Federal Government appropriates a farmer's land to build a highway, and offers him no compensation.
Prohibit freedom of religion, speech, press, or assembly	The Federal Government enacts a law stating that no one may make a speech outside of public buildings.
Conduct illegal search or seizure	The Federal Government sends an agent without a warrant to find and confiscate a business's financial records.
Deny a speedy trial to an accused person	The Federal Government holds a suspected criminal in jail without trial for two years.

The powers denied to the National Government are varied and extensive. How is federalism preserved by the denial of these powers?

Powers of the States

- **Reserved powers**

- those not granted to the National Government nor denied to the States

Example:

- States can forbid persons under 18 to marry without parental consent
- permit some forms of gambling and prohibit others (ex. Vegas)
- establish public schools

Concurrent Powers

- **Concurrent powers**
 - powers that both the National Government and the States possess and exercise

Example:

- power to levy and collect taxes
- define crimes and set punishments for them

Constitution Reigns Supreme

- A division of powers in the American federal system produces a dual system of government.
- One in which two basic levels of government operate over the same territory and the same people at the same time.
- Such an arrangement is bound to result in conflicts between national and State law.

Constitution Reigns Supreme

- **Supremacy Clause (Article 6 section 2)**

- The U.S. Constitution = “Supreme law of the land”
- the “linchpin of the Constitution” because it joins the Federal and State governments into a single governmental unit

- Key Supreme Court Case

- *McCulloch v. Maryland, 1819*

Facts of the case

In 1816, Congress chartered The Second Bank of the United States. In 1818, the state of Maryland passed legislation to impose taxes on the bank. James W. McCulloch, the cashier of the Baltimore branch of the bank, refused to pay the tax. The state appeals court held that the Second Bank was unconstitutional because the Constitution did not provide a textual commitment for the federal government to charter a bank.

Question

1. Did Congress have the authority to establish the bank?
2. Did the Maryland law unconstitutionally interfere with congressional powers?

Conclusions / Takeaways

- Quick write and report out:
 - Summarize the powers of Federalism