

Chapter 4

The Federal System



Why It's Important

Federalism According to statistics, Americans move an average of six 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



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

 Some people felt that the Constitution granted too much power to the national government. In *The Federalist*, No. 45, James Madison argued that in fact it granted few and limited powers to the national government while the state's powers were many and broadly drawn. The Constitution also reserves certain powers strictly to the states. These are called **reserved powers**. While the Constitution does not list these

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

NATIONAL GOVERNMENT (Expressed, Implied, and Inherent Powers)

- Regulate foreign and interstate commerce
- Coin money
- Provide an army and navy
- Declare war
- Establish federal courts below the Supreme Court
- Conduct foreign relations
- Exercise powers implied from the expressed powers

NATIONAL and STATE GOVERNMENTS (Concurrent Powers)

- Levy taxes
- Borrow money
- Spend for general welfare
- Establish courts
- Enact and enforce laws

STATE GOVERNMENTS (Reserved Powers)

- Regulate intrastate commerce
- Establish local government systems
- Administer elections
- Protect the public's health, welfare, and morals

Critical Thinking The Constitution established a detailed plan for the distribution of power between the federal and state governments. *What powers are shared by the national and state governments?*

powers specifically, it grants to the states those powers “not delegated to the United States by the Constitution, nor prohibited by it to the states.” Thus the states have authority over matters not found in the Constitution, such as the regulation of public school systems.

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.

Analyze the role of the executive branch in protecting individual rights. What authority did the president have to send federal troops to Little Rock?



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.

Obligations of the States The states perform two important functions for the national government. First, 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 of amending the Constitution. According to the document, no amendment can be added to the Constitution unless three-fourths of the states approve it.


The Courts 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.

Since *McCulloch*, the Supreme Court has made many rulings on the constitutional division of power between the national and state governments. The Court’s view of this division has shifted through the years depending on the mood of the nation and on the number of conservative and liberal justices on the Court. Early in its history, the Court usually favored states’ power. During the Depression and the civil rights movement, the Court tended to favor a strong national government. Since the 1990s, a narrow majority of conservative justices has again generally ruled in favor of the states. For example, in *United States v. Lopez* (1995), the Court held that Congress had exceeded its authority over the states by passing a law banning gun possession in or near schools.

Federal judges also serve as umpires of federalism when they review the actions of state and local governments. In recent decades the power of federal judges has increased because of modern interpretations of the Fourteenth Amendment, which prohibits states from depriving any person of life, liberty, or property without “due process of law.” Broad interpretation of these words makes nearly every action by state and local officials open to questioning by a federal judge.

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

Section 1 Assessment

Checking for Understanding

- 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.
- Define** delegated powers, expressed powers, implied powers, elastic clause, inherent powers, reserved powers, supremacy clause, concurrent powers, enabling act.
- Identify** necessary and proper clause, *McCulloch v. Maryland*.
- What kinds of powers may states exercise?

expressed	
implied	
inherent	

Critical Thinking

- 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. Some 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 required 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

- 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.	

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

Critical Thinking

- 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

TIME

For the Record

The 51st State? Puerto Ricans hotly debate their political future. Though they are U.S. citizens and must follow U.S. laws, they lack some rights of mainland Americans, such as the right to vote in presidential elections. If Puerto Rico became a state, residents would have to pay federal income taxes, but they would also acquire all the rights U.S. citizens have. Those in favor of Puerto Rican independence fear that statehood would force them to speak English and could weaken their heritage. Some claim that commonwealth status gives Puerto Ricans the best of both worlds. They are U.S. citizens and have military protection, but they retain their rich Spanish culture. In the past 30 years, public support for statehood has increased on the island.



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



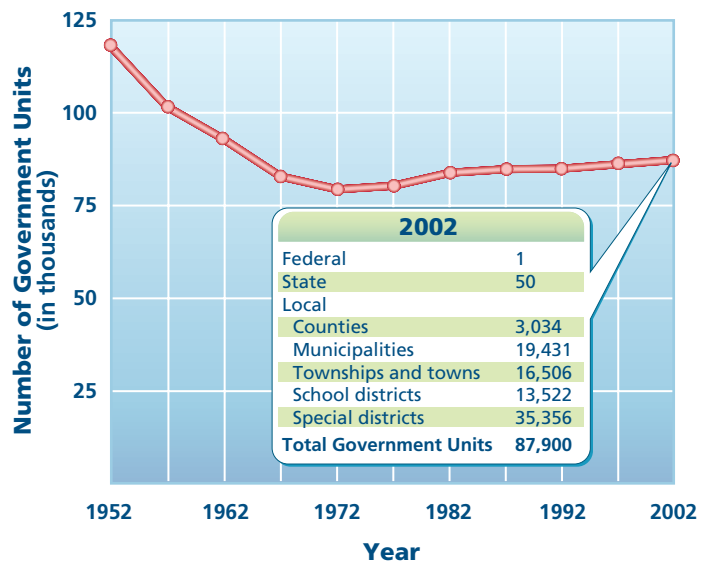
As the national government has grown and enlarged its powers, Congress has developed two major ways to influence the policies of state and local governments. The first is by providing money through various federal grants. The second is by imposing mandates that take away, or **pre-empt**, the ability of state and local governments to make their own policies.

Types of Federal Aid The national government has always provided different types of aid to the states. In 1862, for instance, Congress passed a law giving nearly 6 million acres of public land to the states for support of colleges. Since the 1950s, federal aid to state and local governments has increased tremendously.

The main way the national government provides money to the states is through **federal grants**. These are sums of money given to state or local governments to be spent for a variety of specific purposes. For example, federal money might go to a city to help improve airport runways or to a state for building new roads.

Federal grants redistribute income among the states. Taxes are collected by the federal government from citizens in all fifty states; this money is then allocated through grants to people in other states. In this way, federal grants have often worked to help reduce inequalities between wealthy and less wealthy states. The process of deciding how grant money is allocated can be very political, with states and their representatives in Congress competing fiercely to get as large a share as possible.

Number of Government Units



Source: U.S. Bureau of the Census.

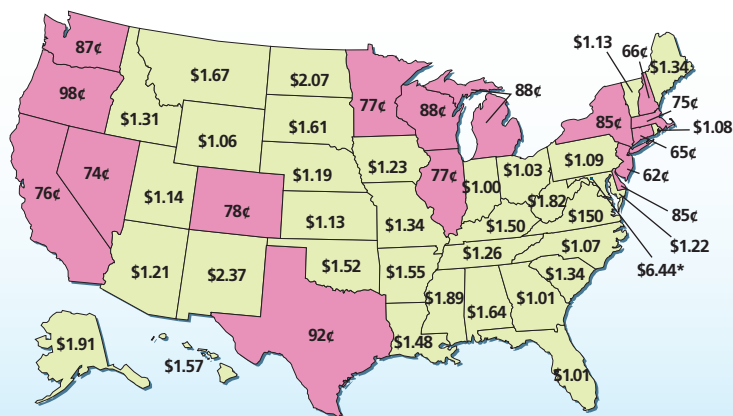
Critical Thinking From 1952 to 1972, the total number of local governments in the United States decreased by 38,487. What type of local government is most numerous?

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

Preemption Laws Since the mid 1960s, Congress has used **preemption**, or the power to assume responsibility for a state government function, in order to gain authority over a state. For example, Congress passed the Nutritional Labeling and Education Act in 1990 to establish national food labeling standards. This law took away the power of individual states to set their own requirements, even if those requirements were more strict than the new national standards.

Preemption laws limit the authority of state and local governments through restraints and mandates. A **restraint** is a requirement set by Congress that prohibits a local or state government from exercising a certain power. A **mandate** is a federal order requiring states to provide a service

Federal Revenue Returns to the States, 2002



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

- \$1.00 or more of federal spending returned
- 99¢ or less of federal spending returned

*District of Columbia

Source: Tax Foundation, Washington, D.C.

Critical Thinking Federal revenue received from the states is not returned equally to the states. Which state receives the highest federal returns? The lowest?

and alter curbs on sidewalks to better accommodate the physically challenged. Federal preemption laws address issues such as setting water quality and clean air standards and protecting civil rights.

Advocates of states' rights dislike the use of preemption because these laws may prevent the enforcement of a state or local law. They also can interfere with the ability of local and state governments to set priorities for themselves. Finally, preemption laws do not require Congress to pay for new mandates. Congress can therefore establish new programs and regulations and pass the burden of paying for them to the states.

The balance of power in the federal system has shifted from time to time. Presidents Ronald Reagan and George H.W. Bush put in place several policies that turned the responsibility for many federal programs over to state and local governments. The total

amount of federal aid given to the states declined as well. The relationship between federal and state governments is dynamic and is affected by the policies of the president and of Congress.

amount of federal aid given to the states declined as well. The relationship between federal and state governments is dynamic and is affected by the policies of the president and of Congress.

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.

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** Analyze 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 1967 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

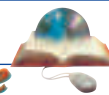
party has a chance to win some elections somewhere in the system. In this way, federalism helps to lessen the risk of one political party gaining a monopoly on political powers.

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

Online



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.

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

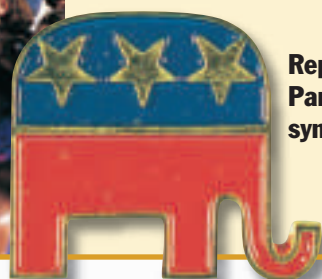
food sharing program has distributed more than a half million pounds of food to county shelters and food banks.

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 offered more and more ideas. 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 to stay in touch with lawmakers. In time these officials acquired political influence.


Differences Among the States

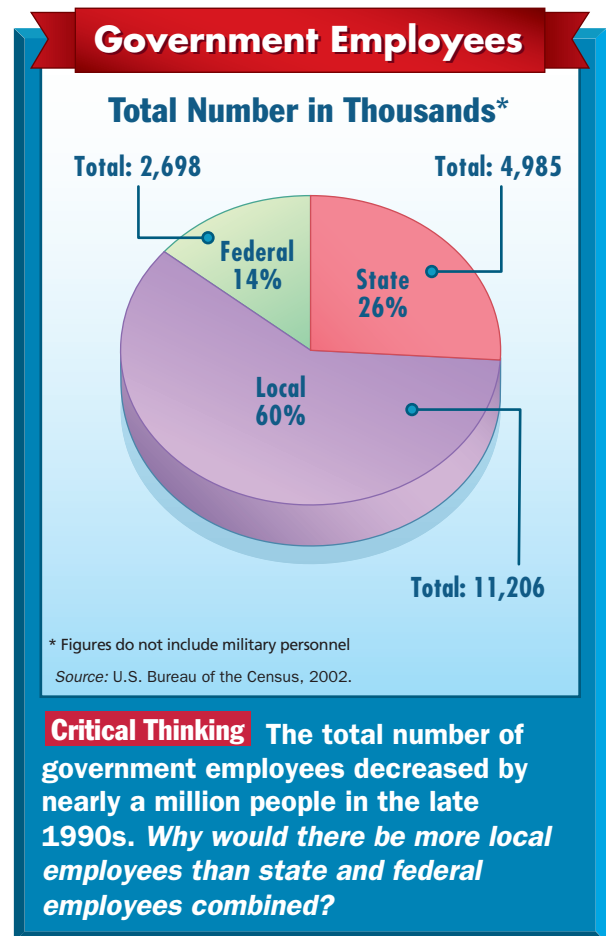
 Federalism allows for real economic and political differences among the states because it permits each state considerable freedom in arranging its own internal affairs. As a result, some states do more than others to regulate business and industry,

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

Because states can create different economic and political environments, Americans have a wide range of choices regarding the conditions under which they want to live, depending upon which state they live in. 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

 Since the founding of the country, there has always been a debate about what the proper division of powers between the national government and the states should be. While the general tendency over the years has been in favor of the national government, the power balance is constantly evolving in response to new issues.



Accepting New Responsibilities



Federalism at Work

Despite reduced federal aid, Cleveland's former 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

In recent decades, Democrats have generally supported a nationalist position favoring federal grants that are supervised by Congress and targeted at specific issues. Republicans have favored a states' rights view and preferred relying upon the judgment of state and local authorities. Because of the relatively even distribution of party seats in recent Congresses, legislation has reflected both positions. For example, Congress has given states greater control over spending for rural development, allowed states to set their own highway speed limits, and transferred responsibility for social welfare programs. At the same time, Congress has established

national food safety standards and voided state laws limiting telecommunications competition.

Scholar Donald Kettl has pointed out that ideas about federalism go in cycles:

“Complaints about excessive federal control tend to be followed by proposals to shift more power to state and local governments. Then, when problems arise in state and local administration—and problems inevitably arise when any organization tries to administer anything—demands for closer federal supervision and tighter federal controls follow.”

—Donald F. Kettl, 1987

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.

Analyzing Primary Sources

Primaries sources are records of events made by the people who witnessed them. They include letters, diaries, photographs, news articles, and legal documents.

Primary sources yield several important kinds of information. Often they give detailed accounts of events. However, the account reflects only one perspective. For this reason, you must examine as many perspectives as possible before drawing any conclusions.



School integration in Little Rock

Executive Branch of the Federal Government to use its powers and authority to uphold Federal Courts, the President's responsibility is inescapable. In accordance with that responsibility, I have today issued an Executive Order directing the use of troops under Federal authority to aid in the execution of Federal law at Little Rock,

Arkansas. . . . It was my hope that this localized situation would be brought under control by city and State authorities. If the use of local police powers had been sufficient, our traditional method of leaving the problems in those hands would have been pursued. But when large gatherings of obstructionists made it impossible for the decrees of the Court to be carried out, both the law and the national interest demanded that the President take action.

Learning the Skill

To analyze primary sources, follow these steps:

- Identify the author of the source.
- Identify when and where the document was written.
- Read the document for its content and try to answer the five “W” questions: Who is it about? What is it about? When did it happen? Where did it happen? Why did it happen?
- Determine what kind of information may be missing from the primary source.

1. When was this document written?
2. What event does the document address?
3. Why do you think the document was written?

Practicing the Skill

The primary source that follows is part of an address given by President Eisenhower. Read the source, and then answer the questions.

September 24, 1957

Whenever normal agencies prove inadequate to the task and it becomes necessary for the

Application Activity

Find a primary source from your past—a photo, a report card, an old newspaper clipping, or your first baseball card. Bring this source to class and explain what it shows about that time in your life.



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

Assessment and Activities

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

Chapter Summary

Federal System

- Constitution delegates certain powers to national government
- Some powers are shared by federal government and states
- All other powers are reserved to the states or the people

Developing Federalism

- States’ rights position favors the power of states over national government
- Nationalist position favors supremacy of national government over states
- Size and power of national government expanded over the years to meet the needs of a modern industrial nation
- Today states are gaining responsibility as federal government loosens regulations

Federalism and Politics

- Federalism determines whether public policy originates at local, state, or national level
- Federalism lessens the risk of one political party monopolizing power
- Federalism gives citizens greater opportunities to participate in politics

Recalling Facts

1. Name the clause of the Constitution that resolves conflicts between state law and national law.
2. Describe how Congress gained power to regulate farm production, child labor, wages and hours, and criminal conduct.
3. What is the major source of income for the national government?
4. How does the federalist system affect political participation?
5. 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 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?

Analyzing Primary Sources

In 1964 Lyndon B. Johnson declared his desire to create a Great Society that would utilize the wealth of the nation to meet the needs of all of its people. Read the excerpt from his speech, and answer the questions that follow.

“The Great Society rests on abundance and liberty for all. It demands an end to poverty and racial injustice, to which we are totally committed in our time. But that is just the beginning. . . .

So I want to talk to you today about three places where we begin to build the Great Society—in our cities, in our countryside, and in our classrooms. . . .

The catalog of ills is long: there is the decay of the centers and the despoiling of the suburbs. There is not enough housing for our people or transportation for our traffic. Open land is vanishing and old landmarks are violated. . . .

But I do promise this: We are going to assemble the best thought and the broadest knowledge from all over the world to find those answers for America. I intend to establish working groups to prepare a series of White House conferences and meetings—on the cities, on natural beauty, on the quality of education, and on other emerging challenges. And from these meetings . . . we will begin to set our course toward the Great Society.”

1. How do you think President Johnson interpreted his executive powers based on an interpretation of the "necessary and proper" clause? Did he interpret this clause loosely or more strictly?
2. Do you believe Johnson was acting within his power to enact a program like the Great Society? Explain.

Applying Technology Skills

Using the Internet Use the Library of Congress Web site to find out about several bills that



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?

are being considered in the current congressional term. Identify the kind of power—expressed, implied, or inherent—that each piece of legislation illustrates.

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.

