

Federalism & the Commerce Clause of the Constitution

Chapter 3, Theme A

An activity & discussion of Supreme Court
Cases

POP QUIZ 3

- ☐ You may use any notes you took to answer each of the following. Match each to its decision:
- 1. McCulloch v. MDA. The Gun-Free School Zones Act is unconstitutional.**
 - 2. Gibbons v. OgdenB. Holding 5% of highway \$ to force the 21 drinking age is legal.**
 - 3. US v. LopezC. The Violence Against Women Act is unconstitutional**
 - 4. US v. MorrisonD. Congress controls interstate commerce not states**
 - 5. SD v. DoleE. US can charter bank as necessary**



Federalism Diagram

**Powers Denied
to the Fed. Gov't**

**Powers Denied
to the States**

**Source?
Examples?**

**Enumerated
Powers**

**Sources?
Examples?**

**Concurrent
Powers**

Examples?

**Reserved
Powers**

**Source?
Examples?**

**Source?
Examples?**



Discussion Points

- For each case, answer the following:
 - What law is being challenged?
 - What constitutional provision is the basis of the challenge?
 - What is the decision of the Court?
 - Whose view of Federalism is supported by the ruling? (Madison, FDR, or Reagan?)
 - What is the outcome of the case—who wins, who loses?



The Supreme Court Speaks

- Hamilton's view espoused by John Marshall... Why?
- McCulloch v. MD
 - Background
 - Could Congress charter a bank?
 - Could states tax a federal bank?
 - Precedent in later battle over taxing bonds

Federalism throughout US History

□ The Early Years: The Marshall Court View

- McCulloch v. MD, Cohen v. VA and **Gibbons vs. Ogden** spurred a movement towards national government supremacy
- Detail Gibbons case. Discuss issue & ruling.
- Increased role of government in nation's economy- Commerce clause



Federalism throughout US History

- ❑ Pre-Civil War:
- ❑ Threats to National Government power from:
 1. Theory of nullification
 2. Threat of secession
- ❑ Shift towards states rights



Dual Federalism

- ☐ **What is this?**
- ☐ **Example: Interstate vs. Intrastate**
- ☐ **Whiskey?**
- ☐ **What is interstate commerce and what is not?**



Discussion Points: US v. Lopez

- For each case, answer the following:
 - What law is being challenged?
 - What constitutional provision is the basis of the challenge?
 - What is the decision of the Court?
 - Whose view is supported by the ruling?
 - What is the outcome of the case—who wins, who loses?



Discussion Points: US v. Morrison

- For each case, answer the following:
 - What law is being challenged?
 - What constitutional provision is the basis of the challenge?
 - What is the decision of the Court?
 - Whose view is supported by the ruling?
 - What is the outcome of the case—who wins, who loses?



Discussion Points: SD v. Dole

- For each case, answer the following:
 - What law is being challenged?
 - What constitutional provision is the basis of the challenge?
 - What is the decision of the Court?
 - Whose view is supported by the ruling?
 - What is the outcome of the case—who wins, who loses?



Discussion Points

- ❑ How are the Gibbons case & the McCulloch case similar? Different?
- ❑ What was the intent of the Gun-Free School Zones Act? Does that matter? Should it?
- ❑ What was the intent of the Violence Against Women Act? Does that matter? Should it?
- ❑ How is the Morrison case similar to the Lopez case? Different?
- ❑ Who supports the 21 drinking age? 18? Why?

Expand Your Knowledge

- ☐ http://www.youtube.com/watch?v=EA-91_LoKIw
- ☐ Which side are you on? Debate!
- ☐ Relate this debate to fiscal issues.



Assignment

- ☐ Read pp. 63-72. Take notes on vocabulary and key information relating to fiscal federalism.
- ☐ Complete chart!
- ☐ Due Tuesday!