All About Chapter 4 - Federalism

CHAPTER OBJECTIVES: (STUDENTS WILL BE ABLE TO…)

Section 1
● Define & be able to explain the following terms: federalism, division of powers, designated powers, expressed powers, implied powers, inherent powers, reserved powers, exclusive powers, concurrent powers, Supremacy Clause.
● Define federalism and explain why the Framers chose this system.
● Identify the powers delegated to and denied to the National Government, and powers reserved to the for and denied to the States.
● Explain the difference between exclusive & concurrent powers.
● Examine the Constitution as “the supreme law of the land.”

Section 2
● Define and explain the following terms: enabling act, act of omission, grant-in-aid program, categorical grant, block grant, & project grant.
● Summarize the obligations that the Constitution places on the National Government with regard to the States.
● Explain the process for admitting new States to the Union.
● Examine the many & growing areas of cooperative federalism.

Section 3
● Define & explain the following terms: interstate compact, Full Faith & Credit Clause, extradition, Privileges & Immunities Clause.
● Explain why the States make interstate compacts.
● Describe the purpose of the Full Faith & Credit Clause.
● Describe the Extradition Clause & Explain its purpose.
● Explain the purpose of the Privileges & Immunities Clause.

FOCUS ON THE BASICS:

Section 1
○ The Framers created a federal system, with two levels of government: national and State.
○ The Constitution delegates powers to the National Government.
○ The States exercises reserved powers - those not assigned to the National Government nor denied to the States.
○ The National Government & the States exercise some concurrent powers.
○ The Constitution is the supreme law of the land.
Section 2
- The National Government guarantees States representative government, protection from invasion and internal disorder, and territorial integrity.
- Congress has the power to admit new States.
- The federal system involves a range of powers shared between the Federal Government & the States.

Section 3
- States can make interstate compacts for matters of mutual concern.
- The Constitution required each State to respect the laws, official records, and court actions of other States.
- The Constitution requires each State to return fugitives from other States.
- No State can draw unreasonable distinctions between its own residents & residents of other States.

ENDURING UNDERSTANDINGS:

Section 1
- Dividing powers of government helps prevent abuse of power.
- Federalism promotes national unity, while giving States control over State & local matters.

Section 2
- Federalism produces a dual system of government under which States & the Federal Government govern the same people and same territory at the same time.
- The Federal Government & the States operate in a spirit of cooperation, with some inevitable conflict.

Section 3
- Several key provisions of the Constitution promote cooperation between and among the States.
ADDITIONAL INFORMATION:

Section 1

SUPREME COURT NOTES - Implied Powers

Chief Justice John Marshall recognized the importance fo the Necessary & Proper Clause. In McCullough v. Maryland, 1819, he wrote: “this provision is made in a constitution intended to endure for ages to come, and , consequently, to be adapted to the various crises of human affairs. To have prescribed the means by which government should, in all future time, execute its powers, would have been to change, entirely, the character of the instrument, and give it the properties of a legal code." The Framers could not spell out every power the National Government might need in the future. With the Necessary & Proper Clause, they built in flexibility that would allow adaptation OGT future needs, thus enabling the Constitution to endure. With this rule, the Marshall Court established that the National Governments has implied powers not enumerated in the Constitution.

CONSTITUTIONAL PRINCIPLES - Limited Government

Although the Necessary & Proper Clause of the Constitution seems to give Congress an almost unlimited power to make laws, there are limitations. The power of judicial review, established under Chief Justice John Marshal in Marbury v. Madison, allows the nation's courts to determine which laws are unconstitutional. This judicial power serves as a check on the power of the National Government by limited the types of laws that Congress can enact to only those that are necessary & proper. The Court has declared many laws passed by Congress to be unconstitutional.

BACKGROUND - Laboratory Government

The power of States to enact their won laws in our federal system enables them to experiment with innovative solutions that could become a model for other States & for the nation as a whole. In 2006, Massachusetts became a “laboratory government” on health insurance reform. It passed a bill requiring all residents to buy health insurance. Under the plan, citizens can choose from a range of inexpensive policies. People with low incomes can purchase plans subsidized by the State government, based on ability to pay. In 2010, President Barack Obama spearheaded a move to overhaul the healthcare system on a national level. The resulting legislation, called the Patient Protection & Affordable Care Act, drew on parts of the Massachusetts plan. Similar to that State’s plan, the national plan also provides subsidies to low-income Americans & prohibits insurance companies from charging higher rates to those with pre-existing conditions.
MYTHS & MISCONCEPTIONS - Reverse Delegation

The Constitution reserves a number of powers to the States. But would you be surprised to learn that some of these powers are surrendered back to the National Government? The reason is simply that billions of dollars are at stake. The National Government often attaches preconditions to federal grants-in-aid. If a State wants the money, it has to comply with those preconditions and give up certain decision-making powers in the process. For example, the National Highway System Designation Act of 1995 repealed a law that had required that States, as a condition of receiving federal-aid highway assistance, adhere to a national maximum speed limit.

Section 2

BACKGROUND - Puerto Rico: Our 51st State?

As a US commonwealth, Puerto Rico is not quite a State and not quite an independent nation. Puerto Ricans are US citizens and can vote for local officials, but not for the President. They can elect a representative to Congress, who can vote in committee but not on the House floor. The Puerto Rico Democracy Act of 2007, which was first introduced in 2007 and then again in 2009 (passed in the House; failed in the Senate), was meant to allow the people of Puerto Rico to vote on the future status of the commonwealth. The voters in Puerto Rico voted 4 different times (2012 latest) to see whether they preferred Statehood, independence, or commonwealth. In 2012, the voters chose Statehood. This drew attention to the issue and many believed that the shift in public opinion would lead to action by Congress.

BACKGROUND - California versus the EPA

The Clean Air Act allows California to set anti-pollution standards higher than required nationally, with EPA-approved waivers. In the last 40 years, the EPA approved every waiver California requested - more than 40 in all. California became an innovator in pollution control, requiring car makers to install equipment to reduce tailpipe emissions and gasoline evaporation. Following California's lead, many States enacted similar regulations. In 2005, California requested another waiver to further limit car emissions. Despite repeated urging by California’s governor, the EPA at first refused to grant the waiver. It was not until 2009, at the urging of President Obama, that the EPA re-examined and reversed its decision and granted the waiver. California will continue to push for EPA waivers as show by its latest waiver request to enact still tougher standards for the years 2017-2025.