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**FEDERALISM**

**SS.7.C.3.4** Identify the relationship and division of powers

between the federal government and state governments.

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***Lesson Summary***

***Essential Questions***

What is federalism? How is power divided between the federal and state governments?

***NGSSS Benchmark***

SS.7.C.3.4 Identify the relationship and division of powers between the federal government and state governments.

***Florida Standards***

LAFS.68.RH.1.2 LAFS.68.RH.2.4 LAFS.68.WHST.1.2 LAFS.68.WHST.3.9

LAFS.68.WHST.4.10 LAFS.7.SL.1.1 MAFS.K12.MP.1.1

***Overview***

In this lesson, students will be introduced to the concept of federalism by reading text, examining the U.S. Constitution and applying their understanding to various examples and scenarios.

***Learning Goals/Benchmark Clarifications***

* Students will define the system of federalism.
* Students will analyze how federalism limits government power.
* Students will compare concurrent powers, enumerated powers, reserved powers, and delegated powers as they relate to state and federal government.
* Students will analyze the issues related to the Tenth Amendment of the U.S. Constitution.

***Benchmark Content Limits***

* Items will not ask students to evaluate the efficacy of the Tenth Amendment.

***Civics EOC Reporting Category***

Reporting Category 4 – Organization and Function of Government

***Suggested Time Frame***

* Two 45-50 minute class periods

***Civics Content Vocabulary***

* concurrent powers, delegated powers, enumerated powers, federalism, reserved powers, Supremacy Clause, and Tenth Amendment

***Instructional Strategies***

Direct instruction Reading of complex text Cooperative learning

***Materials***

Copies of the U.S. Constitution – for student use and to be projected on the board for the whole class: (<http://constitutioncenter.org/constitution#article-list>)

Student activity sheets and reading materials:

* Federalism
* Who Has the Power?

***Lesson Activities and Daily Schedule***

Please use the chart below to track activity completion.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Day** | **Task #** | **Steps in Lesson** | **Description** | **Completed?**  **Yes/No** |
| **Day One** | Task 1 | 1-4 | Hook Activity |  |
| Task 2 | 5-10 | Federalism Activity Sheet |  |
| Task 3 | 11-14 | Tenth Amendment Activity |  |
| Task 4 | 18-20 | Who Has the Power? Activity |  |
| **Day Two** | Task 4 | 18-20 | Who Has the Power? Activity (continued) |  |
| Task 5 | 21-23 | Tenth Amendment Scenarios and the Supremacy Clause |  |
| Task 6 | 24-27 | Federalism and Limited Government |  |
| Task 7 | 28 | Checking for Understanding |  |

***Suggested Student Activity Sequence***

1. To begin this lesson, list the following civics content vocabulary terms with definitions on the board: federal government, state government and local government.
2. Pass out the “Federalism” student activity sheet and review the three terms as a whole class.
3. Instruct students to work independently to create a visual representation for each of the vocabulary terms.
4. Have students share out.
5. Instruct students to return their attention back to the activity sheet.
6. Read aloud the definition of federalism.
7. Explain to students the following points about federalism and instruct students to take notes on their activity sheet.
   * Federalism is a core democratic principle of our government.
   * In a federal system, the power of the government is distributed to different levels of government: national (federal), state, and local.
   * The national government is also referred to as the federal government.
8. Project the flow chart from page one of the activity sheet. Instruct students to read aloud the next two paragraphs on the activity sheet and discuss key points to ensure student understanding.
9. Review the graphic organizer on page two of the activity sheet as a whole class.
10. Instruct students to work independently to define federalism in their own words on page two of the activity sheet. Teacher Note: Monitor student work to confirm student understanding or misconceptions.
11. Ask students to place their copies of the U.S. Constitution on their desk.
12. Remind students that state powers are referred to as reserved powers. States have the powers that are not granted to the federal government in the U.S. Constitution. Teacher Note: A helpful way for students to remember that reserved powers are for state governments is to point out that the word “reserved” has the letter “s” in it and the word “state” begins with the letter “s”.
13. Instruct students to turn to the Tenth Amendment of the U.S. Constitution, and have a student read it aloud. *The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.*
14. Explain to students the following points about the Tenth Amendment.
    * The Tenth Amendment was included in the Bill of Rights to further define the balance of power between the federal government and the states.
    * The amendment says that the federal government has only those powers specifically granted by the U.S. Constitution.
    * Some of the powers of the federal government are the power to declare war, collect taxes, and regulate interstate business activities.
    * According to the amendment, any power not listed is left to the states or the people.
    * Although the amendment does not specify what the state powers are, the U.S. Supreme Court has ruled that laws affecting marriage, divorce, adoption, commerce that occurs within a state’s borders, and local law enforcement are among the powers specifically reserved to the states or the people.
15. Pass out the “Who Has the Power?” student activity sheet.
16. Explain to students that citizens in the community have been asking questions and they aren’t sure which level of government they should approach to have their questions answered. Their task is to identify the level of government (local, state, and/or federal) and the type of power that level of government has to solve each of the questions on the list.
17. Provide time for students to work with their partner or in a small group to complete the activity sheet.
18. Review the activity sheet as a whole class.
19. Ask the students to share out any answers they were surprised by or they have questions about.
20. Pose the following questions to the class for reflection and discussion: “Why is it important for citizens to know the powers of each level of government? Why do you think different levels of government are responsible for different things? What would be different if there was only a federal (national) government and no state or local entities? Or vice versa?”
21. Discuss some contemporary issues related to the Tenth Amendment. Propose the following scenarios to the students and ask them to determine if a federal, state, or concurrent power is being expressed
    * After Superstorm Sandy in October 2012, President Obama worked with Governor Chris Christie of New Jersey and pledged federal support to help repair the massive storm damage throughout the state. What is this an example of? (concurrent power) Why is this an example of a concurrent power? Why is assisting with storm repair in New Jersey of interest to the federal government?
    * Each state has its own rules and regulations for obtaining a teaching certificate. If a teacher living in Florida would like to move and teach in Texas, he or she would need to pass one or more exams in order to be certified to teach in Texas. What is this an example of? (reserved power) Why do you think teaching certification requirements are a state decision?
    * The state of Montana borders Canada. If a conflict occurs between Montana and Canada, can Montana declare war on Canada? (no) Why not? (Declaring war is an enumerated or delegated power.) What is the benefit of the federal government having the sole power to declare war rather than it being a concurrent or reserved power?
22. Ask students to consider the following question: “What happens if a state or local government writes a law which conflicts with the U.S. Constitution or a federal law?”
23. Allow students to brainstorm and share out. Lead students to the understanding that the U.S. Constitution is the supreme law of the land and that a state or local government cannot make laws that conflict with the U.S. Constitution or with laws passed by Congress. This is because of the Supremacy Clause.
24. Return student attention back to the “Federalism” activity sheet and have students turn to page two.
25. Read aloud the two paragraphs on page two as a whole class.
26. Instruct students to answer the question at the bottom of the page.
27. Have students share out.
28. Checking for Understanding (Formative Assessment):

Instruct students to write a well-crafted informative response using the following prompt:

Prompt

Your friend in 6th grade has not taken a civics class yet and doesn’t understand what you mean when you say you are learning about federalism. Write an informative paragraph to your friend to explain the concept of federalism. Include the following terms in your paragraph: concurrent powers, enumerated powers, reserved powers, and delegated powers.

**Federalism**

|  |  |  |
| --- | --- | --- |
| **Term** | **Definition** | **Visual Representation** |
| **Federal**  **Government** | the organization through which political authority is exercised at the national level, government of the United States |  |
| **State Government** | the organization through which political authority is exercised at the state level, government of a specific state |  |
| **Local Government** | the governing body of a municipality or county |  |

Federalism is a system of government where power is divided and shared between the federal (national) government, the state governments and the local governments.

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**NOTE**

**S**

**U.S. Constitution**

**Federal & State Governments**

**Concurrent Powers**

**Federal Government**

**Enumerated (Delegated) Powers**

**State Governments**

**Reserved Powers**

**Local Governments**

**State**

**Constitution**

Federalism is found in the U.S. Constitution. In the Constitution, there are powers specifically listed for the federal government and an amendment about state government powers. Powers set aside specifically for the federal government are called enumerated or delegated powers. Powers for each branch of the federal government are located in Articles I, II, and III. Powers for state governments are called reserved powers and are listed in the Tenth Amendment. Some powers belong to both the federal and state governments. These powers are called concurrent powers. Local governments get their powers from state constitutions. The Florida Constitution outlines the organization and powers of county and city governments.

The powers of each level of government relates to the types of issues each level deals with. The federal government has the power to handle issues the entire nation is concerned about. The state governments have the power to handle issues that concern citizens of particular states. Similarly, local governments have the power to address issues that concern citizens in towns, cities and counties.

|  |  |  |
| --- | --- | --- |
| **Type of Power** | **Definition** | **Examples** |
| **Enumerated or Delegated Powers** | powers specifically listed in the U.S. Constitution for the federal (national) government only | 1. The power to raise and support an army and navy. 2. The power to coin money. 3. The power to declare war. 4. The power to conduct foreign policy. 5. The power to regulate trade between states and internationally. |
| **Reserved Powers** | powers that are given to the states by the Tenth Amendment to the U.S. Constitution | 1. The power to run elections. 2. The power to set up and run schools. 3. The power to establish local governments 4. The power to regulate business in the state. |
| **Concurrent Powers** | powers shared by the federal (national) and state governments | 1. The power to levy taxes (tax the people). 2. The power to establish courts. 3. The ability to borrow money. |
| **Local Government Powers** | powers given to towns, cities and counties by the Florida Constitution | 1. The power to create speed limits. 2. The power to protect citizens from crime. 3. The power to provide services related to garbage, sewage, fire protection, and traffic control. |

**Define the term federalism in your own words**:

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Before the U.S. Constitution, the United States had the Articles of Confederation and was organized with a confederal system. A confederal system is a system of government where power is held by independent states and there is little power in the federal (national) government. The U.S. Constitution was written because of concerns about the weaknesses of the Articles of Confederation. The federal government had very little power and the states acted as independent nations with too much power. Government power was unbalanced and there was no sense of national unity (togetherness).

To solve these problems, the U.S. Constitution was written and the United States moved from a confederal system to a system of federalism. The Founding Fathers had a big goal. They needed to limit state power because states had too much power under the Articles of Confederation. They also needed to create a federal government with limited power. As a solution, the Founding Fathers created a system of federalism. This means that power is shared between the federal, state, and local governments. The federal government has its own powers, shares some powers with the states, and gives states some of their own powers. By dividing power between different levels, this limits the power of each level of government and one level of government cannot become too powerful.

**How does federalism limit government power? Highlight the relevant passages in the text that helped you answer this question.**

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Adapted from: Ben’s Guide to Government for Kids - <https://bensguide.gpo.gov/journeyperson-federal-versus-state-government>

**Who Has the Power?**

**Directions:** Work in small groups to decide which level or levels (federal, state, or local) of government has the power to deal with each of the questions on the list and what type of power they have to deal with the issue (enumerated/delegated, reserved, concurrent or local). Write the level or levels and their associated power in the blank space underneath the question. Be prepared to explain your answers to the class.

1. Who is going to keep people safe from speeding cars (speed limits)? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
2. Who is going to protect us from foreign invasion or threats? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
3. There is a pothole in the street outside my house. Who should I talk to? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
4. A group of people want to establish a new city. Who should they talk to? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
5. Who decides who might get married legally? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
6. Who resolves conflicts between states? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
7. My garbage hasn’t been picked up in two weeks, who do I talk to about this issue? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
8. Who makes sure that the country’s economy is safe and stable? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
9. My taxes keep going up! Who can I talk to about this? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
10. Who is in charge of passing laws around here? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

***Sources***

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<http://www.ipa.udel.edu/democracy/resources/lessonplans.html#middle>

School Improvement in Maryland, Government Lesson Plan 1:

<http://mdk12.org/instruction/curriculum/hsa/government/lesson_plan/lesson1.html>

Ben’s Guide to Government for Kids: Adapted from: <https://bensguide.gpo.gov/journeyperson-federal-versus-state-government>

**Who Has the Power? – Sample Answers**

**Directions:** Work in small groups to decide which level or levels (federal, state, or local) of government has the power to deal with each of the questions on the list and what type of power they have to deal with the issue (enumerated/delegated, reserved, concurrent or local). Write the level or levels and their associated power in the blank space underneath the question. Be prepared to explain your answers to the class.

1. Who is going to keep people safe from speeding cars (speed limits)? (Local)
2. Who is going to protect us from foreign invasion or threats? (Federal, Enumerated/Delegated)
3. There is a pothole in the street outside my house. Who should I talk to? (Local)
4. A group of people want to establish a new city. Who should they talk to? (State, Reserved)
5. Who decides who might get married legally? (State, Reserved)
6. Who resolves conflicts between states? (Federal, Enumerated/Delegated)
7. My garbage hasn’t been picked up in two weeks, who do I talk to about this issue? (Local)
8. Who makes sure that the country’s economy is safe and stable? (Federal, Enumerated/Delegated)
9. My taxes keep going up! Who can I talk to about this? (Federal, State and Local, Concurrent)
10. Who is in charge of passing laws around here? (Federal, State, and Local, Concurrent)

***Civics Content Vocabulary***

|  |  |  |
| --- | --- | --- |
| **Word/Term** | **Part of Speech** | **Definition** |
| **concurrent powers** | noun | powers shared by the national, state, and/or local government |
| **delegated powers** | noun | the powers specifically named and assigned to the federal government or prohibited to be exercised by the states under the U.S. Constitution, also known as enumerated powers |
| **enumerated powers** | noun | the powers specifically named and assigned to the federal government or prohibited to be exercised by the states under the U.S. Constitution, also known as delegated powers |
| **federal government** | noun | the national level of government; the government of the United States |
| **federalism** | noun | a system of government in which power is divided and shared between national, state, and local governments |
| **local government** | noun | the government of a municipality (city) or county |
| **reserved powers** | noun | powers that are not granted to the federal government that belong to (are reserved for) the states and the people, see Tenth Amendment |
| **state government** | noun | the government of an individual state |
| **Supremacy Clause** | proper noun | the clause that states that the U.S. Constitution is the supreme law of the land, and that national laws are supreme over state laws, found in Article VI (six) |
| **Tenth Amendment** | proper noun | the final amendment in the Bill of Rights, it states: ”The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.” |

***Essential Teacher Content Background Information***

|  |
| --- |
| **This section addresses the following issues:**   1. Federalism in the U.S. Constitution 2. Federal and state powers in the U.S. Constitution 3. The Tenth Amendment 4. A note on tax policy |

**1. Federalism in the U.S. Constitution**

The framing of the U.S. Constitution was organized around the power of the national and state governments. The first national government formed by the colonists following independence in 1776 was the Articles of Confederation, which focused power at the state level giving little power to the national government. The problems experienced under the Articles of Confederation became evident soon afterward: no unified foreign policy, state governments working against one another when facing common concerns, and a lack of coordination among states and between the states and the central government.

Adding to these concerns is that most of those attending the Constitutional Convention attended for the purpose of retaining the confederal system while addressing and fixing those factors that weakened it. James Madison worked with George Washington and Alexander Hamilton to shift the direction and purpose of the convention such that the final document, the U.S. Constitution, presented a federal structure.

Federalism is a system of government in which power is divided and shared between the national, state, and local governments. This division of powers extends exclusive powers to the national government only (enumerated, also known as delegated), the state governments only (reserved), or to both (concurrent). Federalism is found throughout the U.S. Constitution.

In the section that follows, specific powers relating to federalism found in the U.S. Constitution are presented and discussed.

**2. Federal and state powers in the U.S. Constitution**

| **Article and Section in the U.S. Constitution** | **Explanation of Power** | **Example of Power** | **Type of Power** |
| --- | --- | --- | --- |
| Article I, Section 4  (The Legislative Branch; elections) | States organize elections although the federal government may set national standards | The national government sets the date for presidential and congressional elections; the states may determine the date for scheduling primaries | Concurrent |
| Article I, Section 8 (The Legislative Branch; powers of Congress) | Congress, as the national legislature, enjoys specific powers. | Core powers of Congress include:  Laying and collecting taxes  Providing for the common defense  Borrowing money on the credit of the U.S.  Regulating commerce  Establishing a uniform rule of naturalization  Coining money  Declaring war  Raising and supporting armies and navies | Enumerated or delegated |
| Article I, Section 10 (The Legislative Branch; restrictions on state power) | The states are forbidden from engaging in certain activities | State may not (partial list):  Enter into treaties  Coin money  Keep troops during peacetime | N/A; Article I, Section 10 restricts power; it does not extend power. |
| Article II, Section 1 (Executive Branch; Electoral College) | State legislatures determine the rules for appointing members of the Electoral College (the Electoral College elects the president). | State legislatures give to each political party the power to select Electors from that party; all Electors are assigned to the party of the presidential candidate earning the most votes in that state (except Maine and Nebraska). | Reserved |
| Article III, Section 1 (Judicial Branch; creation of courts) | Congress establishes courts inferior to the U.S. Supreme Court | Congress created the federal appellate court system. | Enumerated or delegated |
| Article VI (Supremacy Clause) | State law may not conflict with federal law | Federal law mandates that no state may require residency exceeding 30 days for purposes of voter registration. | N/A |

**3. The Tenth Amendment**

The Tenth Amendment was added to the U.S. Constitution as part of the Bill of Rights, which is comprised of the first ten amendments. The Tenth Amendment reads:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

It is in the Tenth Amendment where one finds the “reserved powers” that extend to the states powers that are not granted to the national government. An interesting contrast is found between the powers extended to the national government and the state governments. In the U.S. Constitution, the powers that are granted to Congress are listed out, or enumerated. This suggests that, because the framers were concerned about giving too much power to the national government, they gave specific powers (noted above) to Congress. Critics, including the Anti-Federalists, argued that the last phrase in Article I, Section 8, called the “elastic” or “necessary and proper” clause (“To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.”) , extended so much power to Congress that it violated the concept of enumerating congressional powers. By comparison, the Tenth Amendment does not identify any powers. Instead, the Tenth Amendment extends to the states and by extension, the people, powers that are not specifically granted to Congress or denied to the states.

**4. A note on tax policy**

One of the best known powers of government is the power to tax. The power to “lay and collect taxes” is a power of Congress, as found in Article I, Section 8. However, state and local governments are also permitted to lay and collect taxes because these powers are not forbidden in Article I, Section 10. Consequently, even though the power to “lay and collect” taxes is enumerated in Article I, Section 8 among the powers delegated to Congress, the power to tax is a concurrent power because it is not forbidden to the states.