



FEDERALISM

SS.7.CG.3.4 Explain the relationship between state and national governments as written in Article IV of the U.S. Constitution and the 10th Amendment.

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2023 BENCHMARK UPDATES

- Updated from SS.7.C.3.4
 - Changed from, “~~Identify the relationship and division of powers between the federal government and state governments.~~” to “Explain the relationship between state and national governments as written in Article IV of the U.S. Constitution and the 10th Amendment.”
- Depth of Knowledge Changes within Benchmark
 - Changed from, “Identify” to “Explain”
- Benchmark Clarification Changes
 - Changed from “Students will ~~define~~ the system of federalism.” to “Students will describe the system of federalism as established by the U.S. Constitution.”
 - Changed from “Students will compare concurrent powers, enumerated powers, reserved powers, and delegated powers as they relate to state and ~~federal~~ government.” to “Students will compare concurrent powers, enumerated powers, reserved powers, and delegated powers as they relate to state and national government.”
 - Deletion of “Students will analyze the issues related to the Tenth Amendment of the U.S. Constitution.”
- Vocabulary Changes
 - Changed from federal to national
 - Addition of Article IV

Essential Teacher Content Background Information

[Teacher Content Notes Not Appropriate For Student Use]

This section addresses the following topics:

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 national 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.	<u>Core powers of Congress include:</u> <ul style="list-style-type: none">● 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	Enumerated or delegated

Article and Section in the U.S. Constitution	Explanation of Power	Example of Power	Type of Power
		<ul style="list-style-type: none"> Raising and supporting armies and navies 	
Article I, Section 10 (The Legislative Branch; restrictions on state power)	The states are forbidden from engaging in certain activities	<u>State may not (partial list):</u> 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 IV (Full Faith & Credit Clause; Guarantee Clause)	<p>Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state</p> <p>The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states</p> <p>New states may be admitted by the Congress into this union; but no new states shall be formed or erected within the jurisdiction of any other state; nor any state be formed by the junction of two or more states, or parts of states, without the consent of the legislatures of the states concerned as well as of the Congress</p> <p>The United States guarantees each state a republican form of government, protection against foreign invasion, and upon request,</p>	<p>One state's judgment on a gambling debt can still be collected in another state where gambling is a crime, as the Court established in <i>Fauntleroy v. Lum</i> (1908).</p> <p>Persons charged with a crime in one state who fled to another state must be returned.</p> <p>On March 12, 1959, Congress approved Hawaii for admission to the union as the 50th state</p> <p>In <i>Texas v. White</i> (1868) the Supreme Court held that the grounding the establishment of Reconstruction governments in the former Confederate states as an exercise of the power conferred by the guaranty clause to the United States</p>	N/A

Article and Section in the U.S. Constitution	Explanation of Power	Example of Power	Type of Power
	protection against internal rebellion		
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.

Lesson Summary

ESSENTIAL QUESTION		
What is federalism? How is power divided between the national and state governments?		
BENCHMARK		
SS.7.CG.3.4 Explain the relationship between state and national governments as written in Article IV of the U.S. Constitution and the 10th Amendment.		
CIVICS EOC REPORTING CATEGORY		
N/A		
OVERVIEW		
In this lesson, students will learn the concept of federalism by reading text, examining the U.S. Constitution and applying their understanding to various examples and scenarios.		
BENCHMARK CLARIFICATIONS		
<ul style="list-style-type: none"> Students will describe the system of federalism as established by the U.S. Constitution. 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 national governments. 		
BENCHMARK CONTENT LIMITS		
N/A		
CIVICS CONTENT VOCABULARY		
<ul style="list-style-type: none"> Article IV, concurrent powers, delegated powers, enumerated powers, national government, federalism, local government, reserved powers, state government, Supremacy Clause, Tenth Amendment 		
INSTRUCTIONAL STRATEGIES		
Direct instruction	Reading of complex text	Cooperative learning
MATERIALS		
<ul style="list-style-type: none"> Highlighters Sticky notes Levels of Government Vocabulary slide Federalism activity sheet U.S. Constitution text (external link) Tenth Amendment slides Who Has the Power? activity sheet What is the Purpose of Article IV? video (external link) 		

- Federalism Scenarios slides

B.E.S.T. STANDARDS

- ELA.7.R.2.1- Explain how individual text sections and/or features convey a purpose in texts.
- ELA.7.R.3.2- Paraphrase content from grade-level texts.
- ELA.V.1.3- Apply knowledge of context clues, figurative language, word relationships, reference materials, and/or background knowledge to determine the connotative and denotative meaning of words and phrases, appropriate to grade level.
- ELA.K12.EE.1.1- Cite evidence to explain and justify reasoning.

Suggested Student Activity Sequence & Pace

DAY	ACTIVITY SEQUENCE
DAY 1	<ol style="list-style-type: none"> 1. To begin this lesson, project the “Levels of Government Vocabulary” slide with the following civics content vocabulary terms with definitions: national government, state government and local government. 2. Have students brainstorm what they think each level of government has the power to do. 3. Have students share out answers for each level. 4. Pass out the “Federalism” activity sheet and review the three terms as a whole class. 5. Instruct students to work independently to create a visual representation for each of the vocabulary terms. 6. Have students share out. 7. Instruct students to return their attention back to the activity sheet. 8. Read aloud the definition of federalism. 9. Explain to students the following points about federalism and instruct students to take notes on their activity sheet. <ul style="list-style-type: none"> ■ 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, state, and local. ■ The national government is also referred to as the federal government. 10. 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 mark the text to differentiate between national and state powers and how both levels of government work together. Teacher Note: The highlight colors can be altered to reflect the materials that are accessible. If no highlighters are available, have students use a pencil to mark the text. 11. Review the graphic organizer on page two of the activity sheet as a whole class. 12. Have students read the following two paragraphs to answer the question: How does federalism limit government power? Students should highlight or underline any evidence from the text that helps them answer the question. 13. Review student answers as a whole group. 14. Project the “U.S. Constitution” text from the Constitution Center for reference for the class. 15. Remind students that state powers are referred to as reserved powers. States have the powers that are not granted to the national 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’. 16. Navigate through the projected constitution to the Tenth Amendment, and have a student read it aloud. <i>‘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.’</i> 17. Explain to students the following points from the “Tenth Amendment” slides: <ul style="list-style-type: none"> ■ The Tenth Amendment was included in the Bill of Rights to further define the balance of power between the national government and the states. ■ The amendment says that the national government has only those powers specifically granted by the U.S. Constitution. ■ Some of the powers of the national 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.

	<ul style="list-style-type: none"> ■ 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. <ol style="list-style-type: none"> 18. Pass out the “Who Has the Power?” activity sheet. 19. 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 national) and the type of power that level of government has to solve each of the questions on the list. 20. Provide time for students to work with their partner or in a small group to complete the activity sheet. 21. Review the activity sheet as a whole class. 22. 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 national government and no state or local entities? Or vice versa
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DAY 2	<ol style="list-style-type: none"> 1. Begin the lesson by asking students: If you were in charge of a state, what would be an advantage of having a national government? 2. Project the “U.S. Constitution” text for reference from the Constitution Center. 3. Explain to students that while the 10th amendment plays an important role in defining federalism, Article IV of the U.S. Constitution also helps define the relationship between the national and state levels of government, as well as clarifies relationships between states (sometimes known as ‘horizontal federalism’). 4. While projecting, review with the students key points illustrated in Article IV and how it applies to the states. Teacher Note: Focus on Section 3 and 4 and the importance that the national government has on admitting new states and protecting states. 5. Have students watch, “What is the Purpose of Article IV?” video explanation of Article IV of the U.S. Constitution from University of Virginia School of Law. 6. After reviewing the video, have students write a summary of Article IV on a sticky note or scrap paper. 7. Organize students into pairs and have them share their summary with another student, adding anything they may have missed. Complete this process 1-2 times before returning to their seats. 8. Next, break students into two groups. Each group will be assigned either question below. <ul style="list-style-type: none"> ■ Group A: What would be different if there was only a national government and no state or local entities? ■ Group B: What would be different if there was only a local government and no state or national entities? 9. Have students work in pairs to answer their assigned question. 10. To review answers, have students partner up with a pair from the opposite group to share their answers. 11. As a whole group, review student responses. 12. Have students return to a whole-class setting for a final activity to review federalism using contemporary issues.
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| | <p>13. Propose the following scenarios from the “Federalism Scenarios” slides to the students and ask them to determine if a national, state, or concurrent power is being expressed.
Teacher Note: Use the questions in the speaker notes section of the slides to guide discussion.</p> <p>14. 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 national law?</p> <p>15. 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.</p> <p>16. Checking for Understanding (Formative Assessment):
Instruct students to write a well-crafted informative response using the following prompt:
<u>Prompt</u>
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.</p> |
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Civics Content Vocabulary

Word/Term	Definition
Article IV	defines relationships between states; grants Congress the power to admit new states; provides states national protection against invasion and domestic disputes
concurrent powers	powers shared by the national, state, and/or local government
delegated powers	the powers specifically named and assigned to the national government or prohibited to be exercised by the states under the U.S. Constitution, also known as enumerated powers
enumerated powers	the powers specifically named and assigned to the national government or prohibited to be exercised by the states under the U.S. Constitution, also known as delegated powers
federalism	a system of government in which power is divided and shared between national, state, and local governments
local government	the government of a municipality (city) or county
national government	the national level of government; the government of the United States
reserved powers	powers that are not granted to the national government that belong to (are reserved for) the states and the people, see Tenth Amendment
state government	the government of an individual state
Supremacy Clause	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	the final amendment in the Bill of Rights, 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."

ADDITIONAL RESOURCES

[Civics 360 Resources](#)

Florida Department of Education's Civic Literacy Reading List

- *A Kids' Guide to the Bill of Rights: Curfews, Censorship and the 100-Pound Giant* by Kathleen Krull
- *Words We Live By: Your Annotated Guide to the Constitution* by Linda R. Monk

ANSWER KEYS

Sample Answers: Federalism activity sheet

Sample Answers: Who Has the Power? activity sheet

Note: The answers for the Federalism Scenarios are in the speaker notes section below the slides

Written Response: Sample Scoring Rubric

SOURCES

The Democracy Project at the University of Delaware, "Figuring Out Federalism":

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

"What is the purpose of Article IV?" video from University of Virginia Law School:

<https://www.youtube.com/watch?v=ra0VnEjyAj8>

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

U.S. Constitution link - <http://constitutioncenter.org/media/files/constitution-full-text.pdf>