

FEDERALISM APPLIED
SS.912.CG.3.13 Explain how issues between Florida, other states and the national government are resolved.

TABLE OF CONTENTS

Essential Teacher Content Background Information	2
Lesson Summary	6
Suggested Student Activity Sequence & Pace	8
Government Content Vocabulary	9
Additional Resources, Answer Keys, and Sources	10

2023 BENCHMARK UPDATES
<ul style="list-style-type: none"> New benchmark added to the 2023-2024 high school civics and government standards

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. The Role of Federalism in Resolving Disputes

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.

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	Enumerated or delegated

		<p>naturalization</p> <ul style="list-style-type: none"> • Coining money • Declaring war • 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	<p><u>State may not (partial list):</u></p> <p>Enter into treaties</p> <p>Coin money</p> <p>Keep troops during peacetime</p>	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,</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

	<p>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, protection against internal rebellion</p>		
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.

A. 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.

3. The Role of Federalism in Resolving Disputes

Federalism plays a key role in resolving issues among states (horizontal federalism) and between states and the national government (vertical federalism). Federalism establishes a system of shared governance and defines the powers and responsibilities of each level of government. It serves as another system of checks and balances within the government. Each level of government has its own set of responsibilities and can check the power of the other. For example, states have control over matters like education, health, and criminal law, while the national government manages immigration and international affairs. This division minimizes conflicts by allowing each government to focus on its specific areas of expertise. Federalism also allows for flexibility and adaptability to changing circumstances. States can experiment with different policies, which can serve as laboratories of democracy. Successful state-level policies may eventually be adopted at the national level, or states may develop their own solutions to problems without federal interference.

The Framers anticipated that even though the federal system would work well to balance power, disputes and issues may still arise either among states or between states and the national government. Where to resolve those disputes is articulated in Article III, Section 2 of the U.S. Constitution. In outlining jurisdiction of federal courts, the Constitution states that:

The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—between a State and Citizens of another State,—between Citizens of different States,—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

Lesson Summary

BENCHMARK		
SS.912.CG.3.13 Explain how issues between Florida, other states and the national government are resolved.		
BENCHMARK CLARIFICATIONS		
<ul style="list-style-type: none">Students will explain the concept of federalism as it applies to each issue.Students will use historical and issue-based scenarios to demonstrate understanding of how disputes between Florida, other states and the national government are resolved (e.g., water rights arguments between Florida and Georgia, national and state conflict over rights to adjacent waters and seabeds, civil rights).		
FLORIDA CIVIC LITERACY EXAM COMPETENCY CONNECTION		
Competency 1: Understanding of the basic principles and practices of American democracy and how they are applied in our republican form of government		
OVERVIEW		
In this lesson, students will look at various scenarios to explain how issues between Florida, other states, and the national government are resolved.		
ESSENTIAL QUESTION		
How are issues between Florida, other states, and the national government resolved in our federal system?		
GOVERNMENT CONTENT VOCABULARY		
<ul style="list-style-type: none">10th Amendment, Article IV, concurrent powers, delegated powers, enumerated powers, national government, federalism, litigation, local government, reserved powers, state government, Supremacy Clause		
INSTRUCTIONAL STRATEGIES		
Case studies	Reading of complex text	Cooperative learning
MATERIALS		
<ul style="list-style-type: none">Hexagonal Thinking Federalism Review handoutCase Study: State Government vs. State Government DisputeCase Study: State Government vs. National Government DisputeCase Studies OrganizerHighlighters (optional)		
B.E.S.T. STANDARDS		

The grade in which this lesson is taught will determine the specific B.E.S.T. standards correlation.

Thematically, this lesson aligns to:

- ELA.R.2.1 - Structure
- ELA.R.3.2 - Paraphrase and Summarize
- ELA.V.1.3 - Context and Connotation

Suggested Student Activity Sequence & Pace

DAY	ACTIVITY SEQUENCE
DAY 1	<p>Planning Note: This lesson assumes you have already taught concept and details of federalism in SS.912.CG.3.12</p> <ol style="list-style-type: none"> 1. Provide each student with a copy of the “Hexagonal Thinking Federalism Review” handout. 2. Have the students use prior knowledge of federalism terms to build connections using the hexagonal thinking diagram. Teacher Note: If you have never used this strategy/pedagogical tool before, see the article in the sources section below for more information. 3. Lead a whole class discussion around some of the connections students made. 4. After reviewing federalism through the opening activity, ask students the following review questions: How does the concept of federalism sometimes lead to conflict? (unclear whose power it is) In our federal system, what is the most commonly used method for challenging state/national government when they may be overstepping their authority/power/responsibilities? (litigation-bring it to the courts) 5. Explain to students that in this lesson, they will continue to examine disputes that have arisen around the concept of federalism. One will be a case study involving a dispute between states, and one will be a case study of a dispute between a state and the national government. 6. Split students into pairs. 7. Distribute a “Case Studies Organizer” to each student. 8. Explain to students that their task is to read each case study and add appropriate information to the indicated section of the organizer. 9. Provide students with the first reading: “Case Study: State Government vs. State Government Dispute” 10. While pairs read and fill out their organizers, circulate the room to monitor for engagement and understanding, checking in with each pair at least once. 11. Once a pair is ready, provide them with the second reading: “Case Study: State Government vs. National Government Dispute”. 12. Have students continue to read and fill in their organizer. Teacher Note: You may want to set a time expectation for when you expect pairs to have both case studies completed. 13. Once all pairs have completed both case studies, review the information and organizer through a whole class discussion. Allow students to modify their answers to reflect their growing understanding. Teacher Note: Use the answer key provided to help guide discussion. 14. Check for understanding: Have students individually answer the question on the bottom of their organizer.

Government Content Vocabulary

Word/Term	Definition
10th 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."
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
litigation	the process of taking legal action
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

ADDITIONAL RESOURCES
<p>Florida Department of Education: Florida Civic Literacy Exam Homepage</p> <p>Florida Department of Education's Civic Literacy Reading List</p> <ul style="list-style-type: none">• N/A

ANSWER KEYS
Sample Answers 1: Case Studies Organizer

SOURCES
<p>Hexagonal Thinking: https://www.cultofpedagogy.com/hexagonal-thinking/</p> <p>Florida-Georgia Water Dispute: https://www.jstor.org/stable/42842886</p> <p>United States v. Lopez: https://constitutioncenter.org/the-constitution/supreme-court-case-library/united-states-v-lopez</p>