

Law Studies Lesson Plan (#9)

Federal and State Power

Lesson Objectives:

- Identify the relationship and division of powers between the federal government and state governments.

Essential Questions:

- Why is the concept of Federalism so important for the US government?
- What are some examples of Federal and State powers?
- How has the Supreme Court helped define the balance of power under federalism?
- What are some current issues/events that show how powers are separated between federal, state, and local governments?

Key Vocabulary:

Article I, concurrent powers, Constitution, enumerated powers, expressed powers, Federalism, foreign affairs, reserved powers, delegated powers, Supremacy Clause, trade

Materials Needed:

Attachment A:	Chart: Levels of Government
Attachment B:	Blank map of USA
Attachment C:	The Federal System
Attachment D:	Graphic Organizer: Enumerated powers, Concurrent powers and Reserved powers
Attachment E:	Post Quiz

Steps to Deliver the Lesson:

Lesson Opening:

- Briefly review the different levels of government. Explain to students that the United States has three levels of government: National, State and local. Have students play an interactive game deciding which item falls in the appropriate

level of government at <https://peo.gov.au/sub-site/three-levels-of-government-game/index.html>.

Activities:

- Show students the chart listing the different levels of government (**Attachment A**). Distribute the blank Map of the United States (**Attachment B**) and ask students to label it using the concepts from Attachment A. Students should label the USA as a national government, draw their state and put state government, and finally draw their city/county.
- Distribute reading (**Attachment C**): The Federal System. Use jump in reading or other effective reading strategies appropriate for your class to read the background information contained in the article. Distribute and discuss the graphic organizer (**Attachment D**): Enumerated, Concurrent and Reserved powers. Ask students to write examples using the Reading selection. (Attachment B), i.e., enumerated/expressed powers is to declare war or print money, reserved powers is conduct elections, and concurrent powers is to tax citizens. After students have finished writing examples for each category ask students to share their answer and write some of them on the board.
- Have students take the post-quiz associated with this lesson (**Attachment E**). Go over the quiz with students. Check for understanding and re-teach any concepts not understood.

Lesson Closure:

After completing and reviewing the post quiz with students, ask students the following questions to conclude the lesson:

- How does Federalism help limit the power of government?
- Give examples of the different powers that belong to the National, state, and local governments?
- Define enumerated, concurrent, and reserved powers.
- What is the Supremacy clause?

Differentiated Instruction Strategies:

How to accommodate a variety of student learning needs, remediation strategies as well as enrichment strategies.

- As students are completing the graphic organizers, work individually with students who are having difficulty with this task.
- Re-teach by using the different activities given in the Technology Integration part.
- Pair students who are struggling readers and/or English Language Learners with another student for assistance.

Technology Integration:

Activities incorporating technology, e.g., address lesson content through online resources.

- Have students watch video on Marshall's view on Federalism
<https://florida.pbslearningmedia.org/resource/bf09.socst.us.const.marshvw/marshalls-view-of-federalism/>
- For a lesson review, have students watch video on "Having a strong National Government."
<https://florida.pbslearningmedia.org/resource/bf09.socst.us.const.nation.strongovv/having-a-strong-national-government/>
- Have students access PBS – Constitution USA - and find more information on Federalism. <https://www.pbs.org/tpt/constitution-usa-peter-sagal/federalism/#.X5cFwGhKiUk>
- Student can learn more about Federalism at:
<https://courses.lumenlearning.com/os-government2e/chapter/the-division-of-powers/>

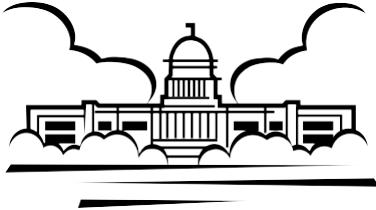
Extension/Home Learning Activity:

- Have students create a Venn diagram showing powers of the Federal Government, powers of the state government, and powers shared by both.

Attachment A

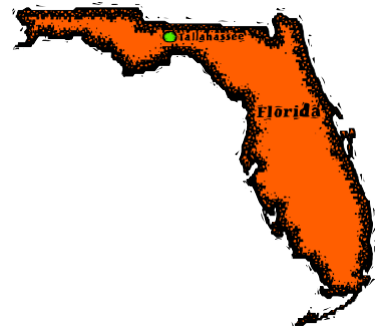
Power is distributed between different levels of government.

National Government



United States

State Government



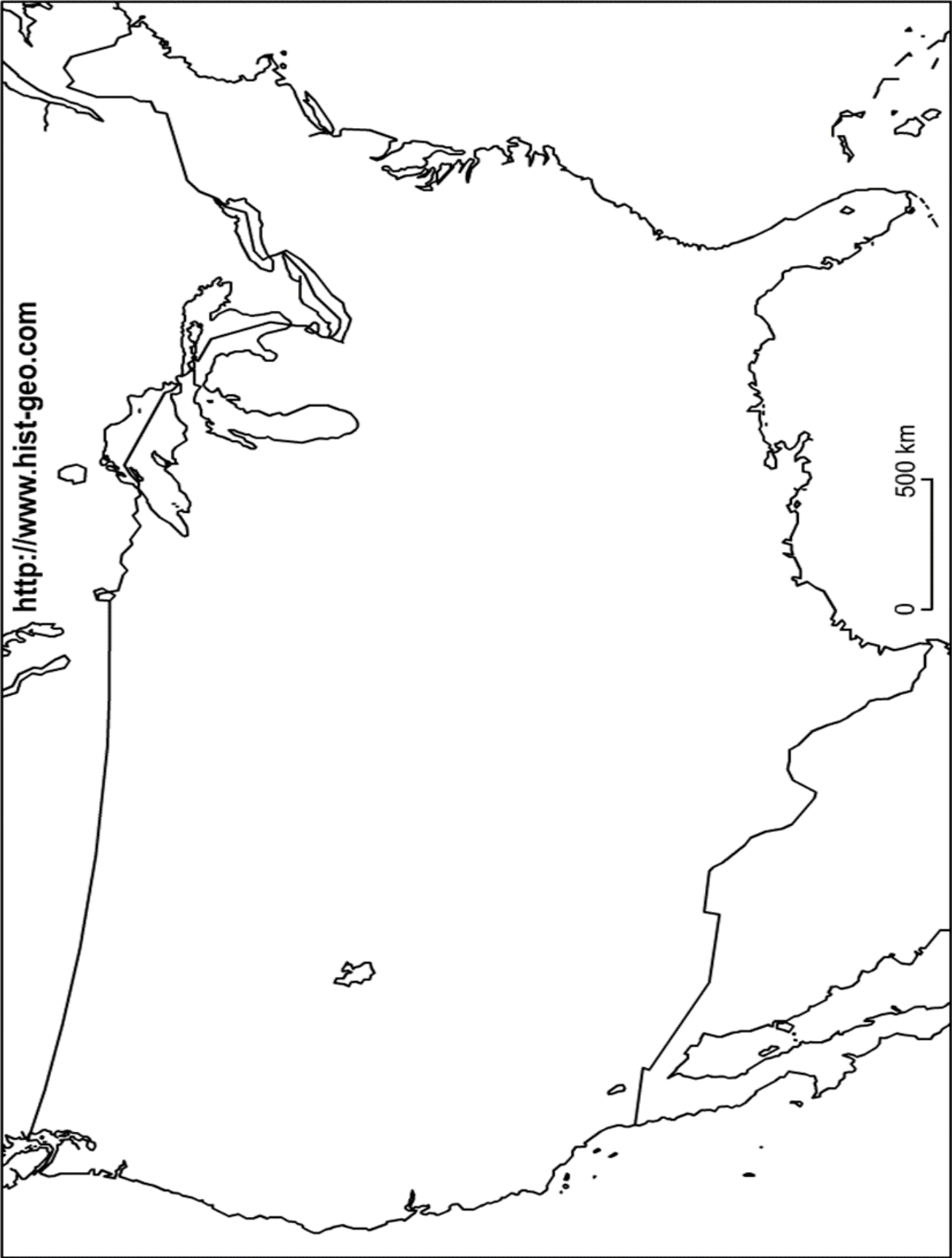
Florida

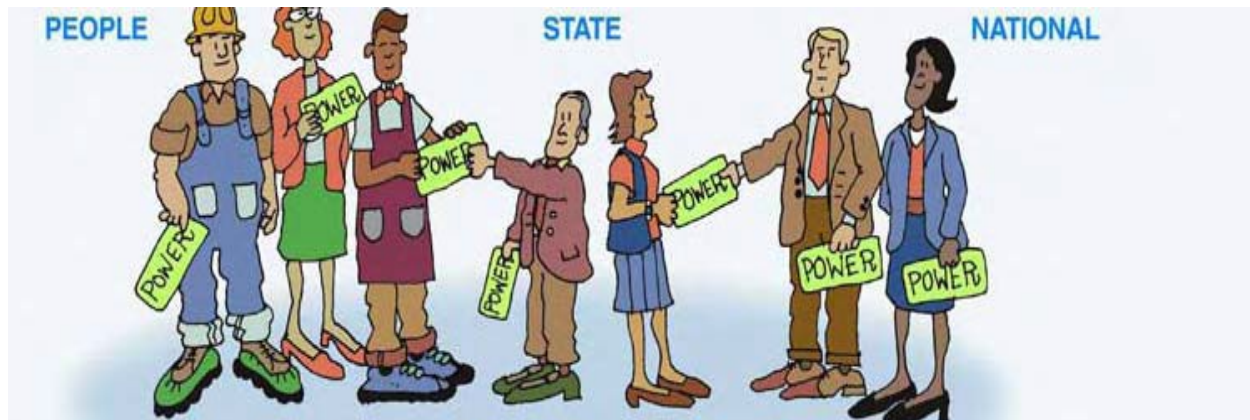
Local Government



Miami Dade County

Attachment B





The Constitution provides for a federal system of government. In a federal system the people do not delegate, or give, all power to one central government. Instead, they delegate some power to the national government, some to their state governments, some to both.

Federalism is the division of powers between a national or central government and a regional or state government. The United States has a federal system of government in which the states and national government share the powers. Americans must obey both federal and state laws.

Alexander Hamilton, writing in “Federalist No. 28,” suggested that both levels of government would exercise authority to the citizens’ benefit: “If their [the people’s] rights are invaded by either, they can make use of the other as the instrument of redress.” Meaning if one level of government violates your rights, then the other would be there in order to protect you.

Powers to the national or federal government

As citizens of the nation, the people give certain powers to the federal government. These powers are described in the Constitution. They include the power to create post offices, control interstate and foreign trade, declare and conduct war, and create a national currency. The powers given to the national government are called **enumerated or expressed powers**. Some other examples include passing federal laws, regulating trade with other countries and among the states. The federal government also takes care of foreign affairs, provides for the country’s defense, coins and prints money, establishes a postal system, admits new states, governs US territories and regulates immigration.

Powers given to the states

The powers given to the states are called **reserved powers** because they are set aside for the states or the people. Some examples of these powers are the power to conduct elections, regulate trade within the state, establish local governments and public-school systems.

Powers that are shared

It is important to know that in our federal system the federal and state governments also share many powers. These powers are known as **concurrent powers**. For example, both governments have the power to tax citizens and businesses and to provide for the health and welfare of the people. Both governments have to enforce laws, borrow money if needed, establish courts and create banks.

The Constitution is the highest law of the land. In case the laws of the national and the state conflict with one another, the Framers or Founding Fathers included the **supremacy clause** in Article VI, saying that the Constitution and other laws made by the National Government are the supreme "Law of the Land".

Low Complexity Items:

1. Amanda and her friends have noticed this problem in their neighborhood:
Problem: The garbage cans in the public park are overflowing.

What should Amanda do to solve her problem?

- a. Write a letter to the president
 - b. Call his/her US senator
 - c. Call an attorney
 - d. Contact her local Mayor's office

2. What does federalism mean?
 - a. The right to have a government
 - b. Power is shared by the national and state governments
 - c. The power to enforce laws
 - d. The power to create courts

3. What is an example of a power that the federal and state governments share?
 - a. Establish a postal service
 - b. Establish public school
 - c. Coin money
 - d. Enforce laws

Moderate Complexity Items

4. What does the statement below mean?

“The US Constitution in Article I says that only the national Government can coin money and make treaties with other nations”

- a. Article one is referring to one of the examples of the enumerated powers.
- b. This article is referring to state powers
- c. This means that the Constitution does not give any powers to the states.
- d. Article I gives powers to the banks.

5. The Framers of the US Constitution included the “supremacy clause” in Article VI that declares that the Constitution and other laws and treaties made by the national government are the supreme law of the land. This means that:

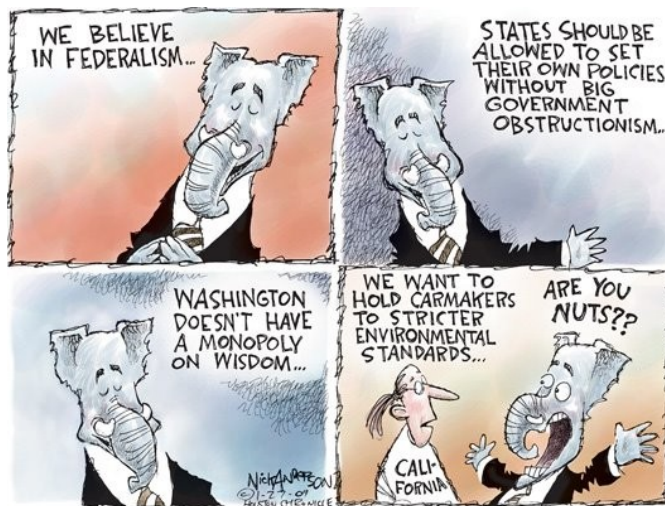
- a. The National government can't violate the Constitution.
- b. The states may do nothing that goes against the US Constitution or federal law.
- c. The states can do as they please
- d. The states are part of the Supremacy Clause.

6. Which statement is true about the concept of federalism?

- a. Americans must obey only state laws.
- b. Federalism was designed to give the President more power.
- c. It does not put a limit on government.
- d. The power is shared by the national and states' governments.

High Complexity Level

7. In addition to their exclusive powers, both the national government and state governments share powers. Shared powers between the national government and state governments are called concurrent powers. Which of the items below is an example of concurrent powers?
- a. Make treaties with foreign governments
 - b. Regulate trade between the states
 - c. Establish trash collection services
 - d. Establish courts and prisons
8. What information about federalism can you infer from the cartoon?



- a. The Federal government does not care what laws are passed by the states.
- b. State laws can't go against federal or national laws.
- c. California is a powerful state.
- d. States are allowed to do anything they want.

9. “The Rehnquist Court is well known for its many five-four decisions in favor of enhanced state power”

William Rehnquist was a US Supreme Court Chief Justice for many years. According to the above quote, what was he known for?

- a. He favored the reserved powers.
- b. He favored the enumerated powers.
- c. He was known for supporting concurrent powers.
- d. He was known for favoring a conservative liberal government.

“Although, among the enumerated powers of government, we do not find the word ‘bank’ or ‘incorporation,’ we find the great powers to lay and collect taxes; to borrow money; to regulate commerce; to declare and conduct a war; and to raise and support armies and navies . . . But it may with great reason be contended, that a government, entrusted with such ample powers . . . must also be entrusted with ample means for their execution. The power being given, it is the interest of the nation to facilitate its execution...”

— Chief Justice John Marshall

10. Based on the above quote, which of the following is true about John Marshall?
- a. He wanted more powers for the national government.
 - b. He wanted more powers for the state governments.
 - c. He was talking about the powers of the courts.
 - d. He wanted the states and national government to be entrusted with more powers.

Answer

1. D
2. B
3. D
4. A
5. B
6. D
7. D
8. B
9. A
10. A