

University of Virginia Center for Politics



Federalism

Purpose: The purpose of this lesson is to teach the students that the United States governmental powers are divided among the national, state, and local governments.

Objectives:

1. Students will define the concept of **federalism**.
2. Students will be able to compare and contrast the powers held by the local, state, and national governments.
3. Students will be able to explain the powers held by the local, state, and national governments.

Key Words:

federalism

concurrent powers

Materials:

1. Overhead with copy of *Federalism* definition.
2. Student handout: *Which Part of the Government is Responsible?*
3. Student handout: *Finland vs. United States: The Need for Federalism*.
4. Student handout: *National, State, or Local? Word Bank*.
5. Student handout: *National, State, or Local? Venn diagram*.
6. Teacher Resource: *National, State, or Local? Answer key*.
7. Overhead with copy of the *Tenth Amendment*.
8. Overhead with copy of *U.S. Constitution, Article I, Section 8, Enumerated Powers of Congress*.

Procedures:

1. Warm-up: Distribute copies of the handout, *Finland vs. United States: The Need for Federalism*. Students will look at geographical statistics of the two countries to determine why there is a need to divide government powers in a country as vast as the United States.
Questions asked on the handout will include:
 - Which population is more likely to have similar needs throughout?
 - Which country would be easier to govern?
2. Using pictures of some of the framers of the Constitution, explain the history and definition of federalism.

In 1877, a majority of Americans feared a national government that was too strong. They had just fought a war to detach themselves from a government that was too controlling in Britain. Americans wanted a government that would reflect the needs of the people and not just the central government. Under the Articles of Confederation, however, the federal government did



not have enough power. The states held most of the power and were able to conduct government to suit their geographical needs. However, there was not enough national unity to conduct governmental business as a country. So the framers of the Constitution set up a government with a balance of power between individual states and the federal government.

Definition:

Federalism: A system of government with a national government, state governments, and local governments. The powers of the national, state, and local governments are divided and balanced.

3. Refer to the copies of the *Tenth Amendment* and *Article 1, Section 8* of the Constitution to show where the organization of the government was included in the Constitution.
4. Think-Pair-Share: Powers of the National, State, and Local Governments
 - Using the *Venn Diagram* handout, the students will sort the powers of the various levels of government. They will need to distinguish the powers of each level as well as the powers that the different levels share (concurrent powers).
 - After completing the handout individually, the students can work with their partners to compare their answers, discussing any discrepancies.
5. When the students have completed the Venn Diagram activity, review the answers using the teacher resource, *National, State or Local? Answer key*.
6. *Exit Slip*: Students will look at the motto *E pluribus Unum* and state how it reflects the way the United States government is organized.

Extension Activities:

1. Debate: Hamilton vs. Jefferson
 - Students learn how the framers (Federalists and Anti-federalists) differed in their opinions of how the government should be organized.
Federalists: Alexander Hamilton, James Madison, John Jay
Federalist: favored a strong but balanced central government; pessimistic about human nature, distrustful of putting all the power in the hands of the people. Believed that the masses need the government to maintain order; elitist.
Anti-federalists: Thomas Jefferson, Patrick Henry, Sam Adams
Anti-Federalist: favored stronger state government with a weak national government; thought that strong state governments were closer to the people; worried about a too tyrannical national government; argued that a strong national government would render states powerless; worried about heavy taxation by a national government; feared a violation of liberties, concerned about lack of a Bill of Rights. (They would only ratify the Constitution after the Bill of Rights was added.)
 - After the students choose a side, hold a class debate as to which way the United States Government should be organized.
2. Disaster example
 - Imagine that a hurricane comes and hits the eastern seaboard. What crisis management will the local government take care of? The state government? The federal government?



3. Gun Control:

- Should gun control laws come from the national, state, or local governments? Should they be universal?
- Debate

Federalism

A system of government with
a national government,
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and
local governments.

The powers of the national, state, and local governments are divided and balanced.

Finland vs. United States: The Need for Federalism

	 Finland	 The United States
Population (as of 2005)	5,223,442	295,734,134
Area (in km)	338,145 sq km, which is slightly smaller than the state of Montana	9,631,418 sq km
Shared Borders	Norway, Sweden, and Russia	Canada and Mexico
Median Age	40.97 years	36.27 years
Ethnic Groups	Finn 93.4%, Swede 5.7%, Russian 0.4%, Estonian 0.2%, Roma 0.2%, Sami 0.1%	white 68.4%, Hispanic 13.3%, black 12.9%, Asian 4.2%, Amerindian and Alaska native 1%, native Hawaiian and other Pacific islander 0.2%
Religions	Lutheran National Church 84.2%, Greek Orthodox in Finland 1.1%, other Christian 1.1%, other 0.1%, none 13.5% (2003)	Protestant 52%, Roman Catholic 24%, Mormon 2%, Jewish 1%, Muslim 1%, other 10%, none 10% (2002 est.)
Official language(s)	Finnish and Swedish	English
Languages Spoken	Finnish 92% (official), Swedish 5.6% (official), other 2.4% (small Sami- and Russian-speaking minorities) (2003)	English 82.1%, Spanish 10.7%, other Indo-European 3.8%, Asian and Pacific island 2.7%, other 0.7% (2000 census)
Gross Domestic Product	purchasing power parity - \$151.2 billion (2004 est.)	purchasing power parity - \$11.75 trillion (2004 est.)
Unemployment	8.9% (2004 est.)	5.5% (2004 est.)
Budget	<i>revenues:</i> \$96.43 billion <i>expenditures:</i> \$91.95 billion (2004 est.)	<i>revenues:</i> \$1.862 trillion <i>expenditures:</i> \$2.338 trillion (2004 est.)

Source: The CIA World Factbook, <http://www.cia.gov/cia/publications/factbook/index.html>
 The US Census Bureau, <http://www.census.gov/prod/2003pubs/p20-545.pdf>



National, State or Local?

Word Bank

Legal System

- establish local governments
- oversee elections
- set time, place, and manner of elections
- ratify amendments to the federal Constitution
- establish a national court system

Safety/Security

- issue licenses
- provide an army and a navy
- provide police and fire protection

Economic Activities

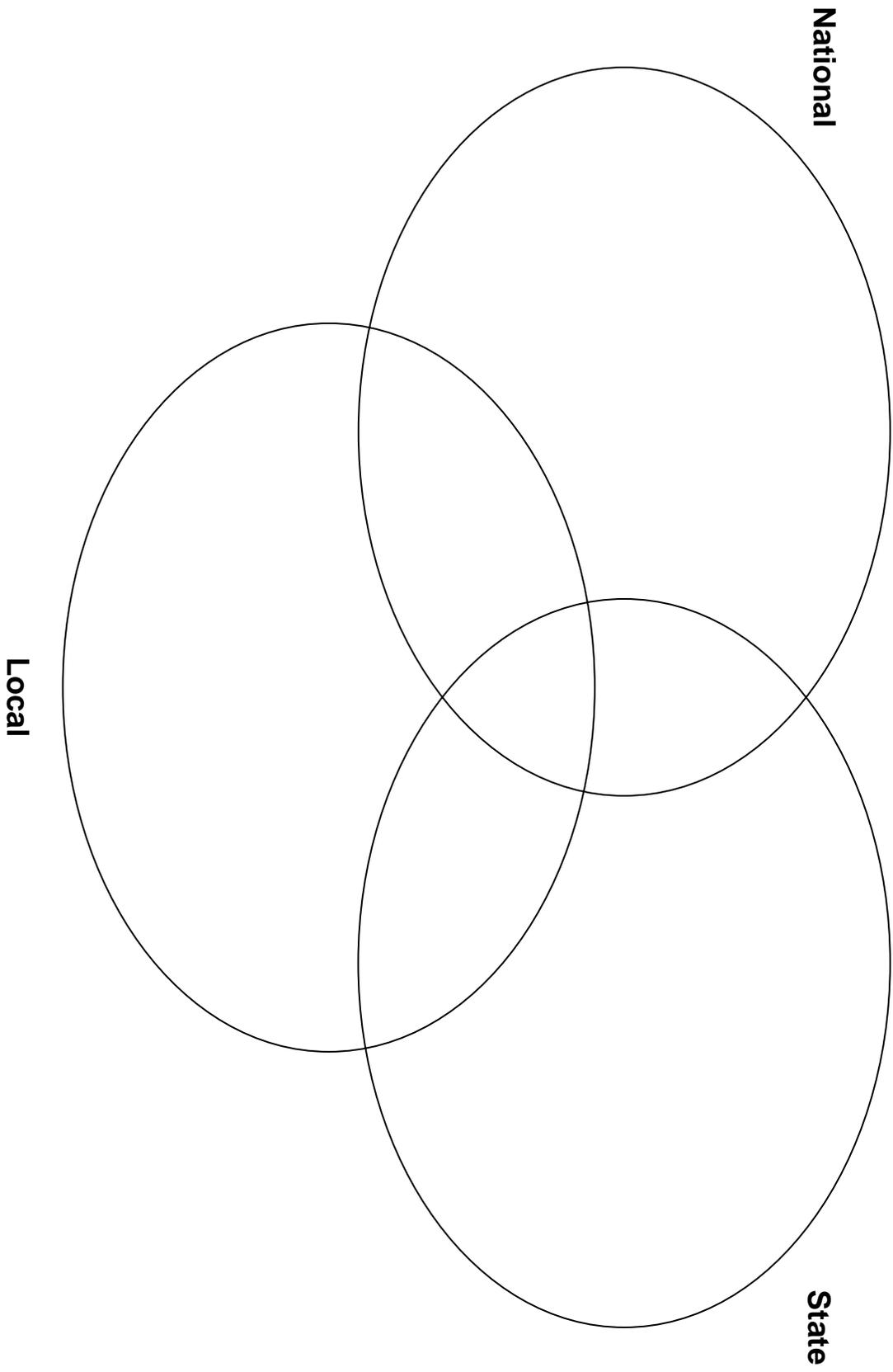
- tax
- take private property for public purposes with just compensation
- borrow money
- coin money
- sets tax rate on property
- regulate commerce with foreign countries
- spend money for the general welfare
- charter banks and corporations

Lawmaking

- make and enforce laws
- conduct foreign relations
- make laws “necessary and proper” to carry out these powers
- declare and conduct war
- pass city ordinances



National, State or Local?



National, State or Local?

Answer Key

Legal System

- establish local governments **State**
- oversee elections **Local**
- set time, place, and manner of elections **State**
- ratify amendments to the federal Constitution **State**
- establish a national court system **National**

Safety/Security

- issue licenses **S**
- provide an army and a navy **N**
- provide police and fire protection **L, S**

Economic Activities

- tax **N, S**
- take private property for public purposes with just compensation **N, S**
- borrow money **N, S**
- coin money **N**
- sets tax rate on property **L**
- regulate commerce with foreign countries **N**
- spend money for the general **N, S**
- charter banks and corporations **N, S**

Lawmaking

- make and enforce laws **N, S**
- conduct foreign relations **N**
- make laws “necessary and proper” to carry out these powers **N**
- declare and conduct war **N**
- pass city ordinances **L**



**Tenth Amendment
U.S. Constitution**

**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.**

U.S. Constitution
Article 1, Section 8
Enumerated Powers of Congress

- The Congress shall have the power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States;
- To borrow money on the credit of the United States;
- To regulate commerce with foreign nations, and among the several states, and with the Indian Tribes;
- To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;
- To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;
- To provide for the punishment of counterfeiting the securities and current coin of the United States;
- To establish post offices and post roads;
- To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;
- To constitute tribunals inferior to the Supreme Court;
- To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations;
- To declare war, grant letters of Marque and Reprisal, and make rules concerning captures on land and water;
- To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;
- To provide and maintain a navy;
- To make rules for the government and regulation of the land and naval forces;



- To provide for calling forth the militia to execute the laws of the union, suppress insurrections and repel invasions;
- To provide for organizing, arming, and disciplining, the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;
- To exercise exclusive legislation in all cases whatsoever, over such District (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dockyards and other needful buildings; and
- 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.

GUN CONTROL: IS IT A FEDERAL OR STATE POLICY ISSUE?



Overview of gun ownership, violent crime, and gun control legislation in the U.S. today.

The right to bear arms is guaranteed by the Second Amendment of the U.S. Constitution: “A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.”

Some statistics regarding firearm manufacturing and ownership include:

- The Department of Treasury’s Bureau of Alcohol, Tobacco and Firearms (ATF) reported that there were over 4 million firearms (excluding those for military purposes) manufactured in the U.S. in 1999. Of these 4 million firearms, only 238,545 were exported and the rest remained for sale within the U.S. In addition, almost 900,000 firearms were imported in 1999 for sale within the U.S. (See http://www.atf.gov/pub/fire-explo_pub/firearmscommerce/firearmscommerce.pdf)
- The ATF reports that a grand total of 1,271,568 weapons were registered within the U.S. in 2000.

Some 2003 statistics on death and injury resulting from firearms (to include handgun, shotgun, rifle, or other):

- The U.S. Centers for Disease Control and Prevention (CDC) report that on average 79 U.S. residents die every day from injuries related to firearms (includes homicide, suicide, and other gun-related accidents). Also twice as many people are treated in hospitals throughout the U.S. every day for non-fatal, gun-related injuries. (See <http://www.thecommunityguide.org/violence/viol-int-firearms.pdf>).
- The CDC also reports that in 2003 there were 16,359 cases of suicide by firearm, and 11,599 cases of homicide by firearm. There were also 752 cases of accidental death by firearm, and 197 cases of death by firearm where intent could not be determined. That is a total of 28,907 deaths resulting from the discharge of a firearm. (See http://www.cdc.gov/nchs/data/nvsr/nvsr53/nvsr53_15.pdf)
- According to the Federal Bureau of Investigation Uniform Crime Reports for 2003, there were only 203 cases of justifiable homicide by firearm in the U.S. (See <http://www.fbi.gov/ucr/03cius.htm>).
- The same FBI source reports that firearms were the weapon used in 41.8% of robberies in the U.S. in 2003.
- The FBI also reports that only 13.7% of total robberies (using any type of weapon, not only firearm) took place in a personal residence in 2003. The majority (43.4%) of robberies in 2003 took place on streets or highways.



Although gun control may not be a major issue among most Americans, politicians consider it a “wedge” issue. Why is this?

- Many opponents of gun control feel so strongly that they will vote on this one issue alone.
- Gun control opponents raise more money than those who support gun control.
- The 2004 Democratic platform supported the 2nd Amendment right to bear arms, but also supported restrictions on this right (supported extending the assault weapons ban and closing the “gun show” loophole).
- The Republican platform of 2004 strongly supported the right to bear arms with far less restrictions (supported instant background checks and destruction of gun purchase records).

Who regulates guns?

Currently gun control is a mixture of federal, states, and sometimes local legislation.

Federal legislation: “Brady Bill” (named after the aide who was shot during the assassination attempt on President Reagan)

- In 1994, the U.S. Congress passed the “Brady Bill”, which is considered by many to be the most restrictive federal policy ever enacted. This bill imposed a five-day waiting period for the purchase of guns and also required local law enforcement to conduct background checks on purchasers.
- However, the Supreme Court ruled in 1997 that the background check provision was unconstitutional because it infringed upon state’s rights. The bill was amended and now requires that background checks are conducted by gun dealers through access to a national database. The five-day waiting period for gun purchase also was revoked.
- In 1994, Congress also banned 19 kinds of military-style assault weapons. However, Congress let the 10-year old ban expire in September of 2004. Although some states, such as California, Massachusetts, New York, and Hawaii, still ban these types of weapons at the state level.

State and local legislation: There is great variability among states, as well as localities, regarding gun control.

These are the main areas in which gun control legislation varies:

1. Child access prevention (In some states, it is a crime to have a loaded weapon within easy access of a minor.)
2. Concealed weapons laws (States vary on whether you need to get a permit or license to carry a concealed weapon. For example, in Nebraska, Kansas, Wisconsin and Illinois you may not carry a concealed weapon.)
3. Regulation of private sales to minors (Under federal law, minors under 18 may not possess a gun at all, and minors 18-21years may not purchase a gun from gun dealers. However, in some states, minors 18 and over may purchase guns freely through private sales.)

4. Regulation of secondary sales (States vary on whether or not they require secondary markets for guns to be regulated through permits or licenses. In states that do not regulate secondary sales, such sales have become known as the “gun show” loophole.)
5. “One gun per month” ban (Some states allow the purchase of only one gun every month)
6. Ban on “Saturday Night Specials” and “junk guns” (Some states ban these lightweight, easily concealed guns. Many cities within states have outlawed them as well)
7. Preemption (Some states, with the support of gun control opponents, have prevented local authorities from passing their own gun control legislation. In states without these preemption laws, some cities, such as NYC, credit their local gun control legislation to significant crime reduction.)
8. Waiting periods (Some states also require state background checks for gun purchases, and some also require waiting periods for purchases.)

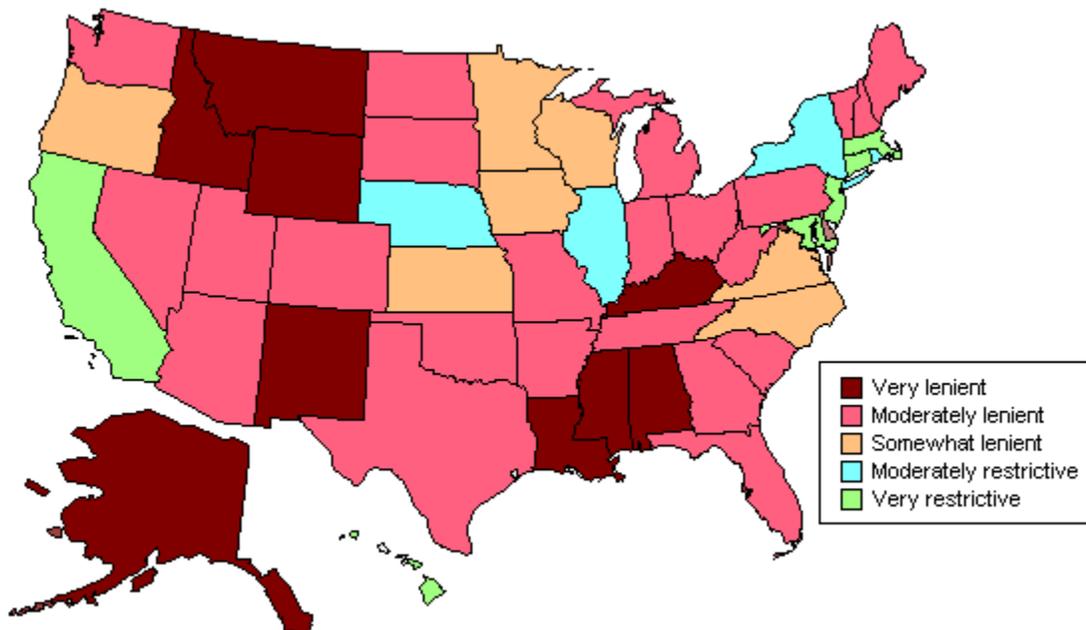
State and regional variability regarding gun control laws and violent crime by firearm

- Please review the map below and observe the differences among states regarding restrictions on guns. Also review the graph of homicide by firearm and region. Why do you think some of states are more or less restrictive regarding gun control than others?

Evaluation of State Gun Control Laws

Source: Brady Campaign - 2004 Report Card

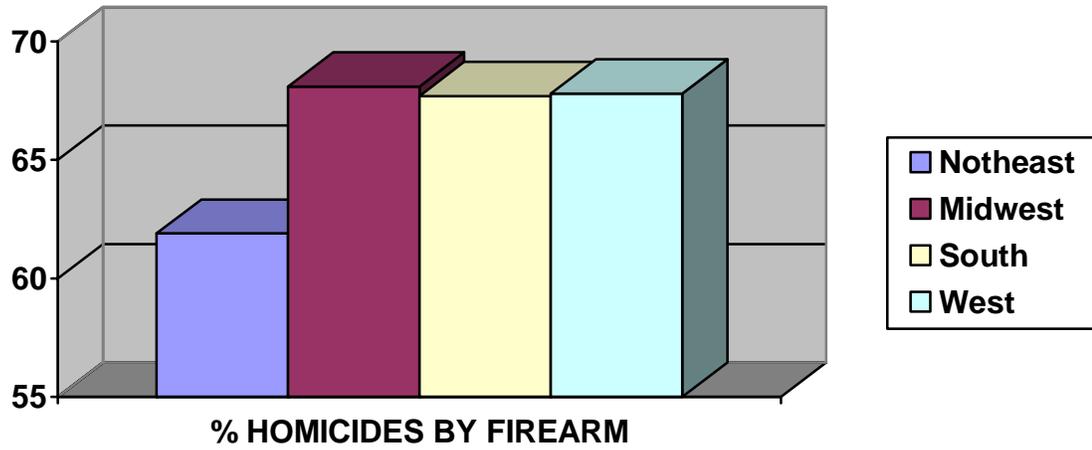
<http://www.bradiycampaign.org/facts/reportcards/2004/details.pdf>



Homicides by firearm & region

Source: FBI Uniform Crime Report, 2003

<http://www.fbi.gov/ucr/03cius.htm>



Debate

Should gun control be entirely a federally regulated issue? Or should gun control remain largely regulated by individual states? How do you feel about the state preemption laws, which prevent local authorities from imposing certain restrictions on guns that the state or federal governments do not?