

**Objectives** You may wish to call students' attention to the objectives in the Section Preview. The objectives are reflected in the main headings of the section.

**Bellringer** Have students discuss whether they get to make decisions about their lives or whether their parents make all the decisions. Tell them that they are really discussing how power is divided in their families. Explain that in this section, they will learn about the division of power between the National Government and the States.

**Vocabulary Builder** Tell students that the Political Dictionary terms all relate to a problem the Framers of the Constitution faced. Have students draw a conclusion about what that problem was. Then ask them, as they read, to relate each term to how power is distributed.

## Lesson Plan

### Teaching the Main Ideas L3

#### H-SS 12.7.3

- 1. Focus** Tell students that government power is divided between the National Government and the States. Ask students to discuss what they know about how power is divided.
- 2. Instruct** Ask students why they cannot read the Constitution to determine all the specific powers assigned to the National Government and to the States. Then lead a discussion of the various types of powers and how local governments fit into the dual nature of federalism.
- 3. Close/Reteach** Remind students of the types of powers assigned to and denied to the National Government and the States. Have students list those types and provide one or two examples of each.

## Point-of-Use Resources



**Block Scheduling with Lesson Strategies** Activities for Chapter 4 are presented on p. 21.

# Federalism: The Division of Power

## Section Preview

### OBJECTIVES

- 1. Define** federalism and explain why the Framers chose this system of government.
- 2. Identify** powers delegated to and denied to the National Government, and powers reserved for and denied to the States.
- 3. Understand** that the National Government holds exclusive powers; it also holds concurrent powers with the States.
- 4. Explain** the place of local governments in the federal system.
- 5. Examine** how the Constitution functions as "the supreme Law of the Land."

### WHY IT MATTERS

The federal system divides government power in order to prevent its abuse. There are two basic levels of government in the federal system—National and State. The Supreme Court settles disputes between the two.

### POLITICAL DICTIONARY

- ★ federalism
- ★ division of powers
- ★ delegated powers
- ★ expressed powers
- ★ implied powers
- ★ inherent powers
- ★ reserved powers
- ★ exclusive powers
- ★ concurrent powers

**Y**ou know that federal law requires young men to register for military service at age 18; that most employers must pay their workers at least \$5.15 an hour and time-and-a-half for overtime; and that no person can be denied a job on the basis of his or her race or ethnicity.

You also know that State law says that you must have a driver's license in order to drive a car; that it is illegal for anyone under 21 to buy alcoholic beverages, or for anyone under 18 to buy cigarettes or other tobacco products; and that only those persons who can satisfy certain requirements can buy or own firearms.

These examples illustrate a very complex system: the division of governmental power in the United States between National and State governments. This section will help you better understand that complicated arrangement.



▲ State laws forbid the sale of cigarettes to minors.

could they possibly create a new central government that would be strong enough to meet the nation's needs and, at the same time, preserve the strength of the existing States?

Few of the Framers favored a strong central government based on the British model; and all of them knew that the Revolution had been fought in the name of self-government. Yet they also knew that the government under the Articles of Confederation had proved too weak to deal with the nation's many problems.

Remember, most of the Framers were dedicated to the concept of limited government. They were convinced (1) that governmental power poses a threat to individual liberty, (2) that therefore the exercise of governmental power must be restrained, and (3) that to divide governmental power, as federalism does, is to curb it and so prevent its abuse.

## Federalism Defined

**Federalism** is a system of government in which a written constitution divides the powers of government on a territorial basis between a central, or national, government and several regional governments, usually called states or provinces. Each of these levels of government has its own

## Why Federalism?

When the Framers of the Constitution met at Philadelphia in 1787, they faced a number of difficult issues. Not the least of them: How



## Block Scheduling Strategies

Consider these suggestions to manage extended class time:

■ Refer students to the quotation by Justice Oliver Wendell Holmes on p. 95 of their textbooks. Have students respond to the quote in a class discussion, and work together to restate the quotation in their own words. Then have them write paragraphs that describe what government would be like today without the Supremacy Clause.

■ Divide the class into two groups. One group should create a graphic organizer showing the powers granted to the government (one column identifying the powers, second column identifying which level of government has them, third column explaining why). The other group should create a similar graphic organizer showing the powers denied to the government. Have students refer to the text and to Article 1, Section 8 of the Constitution for details.

substantial set of powers. Neither level, acting alone, can change the basic division of powers the constitution has created. In addition, each level of government operates through its own agencies and acts directly through its own officials and laws.

The American system of government stands as a prime example of federalism. The basic design of this system is set out in the Constitution. This document provides for a **division of powers** between the National Government and the States. That is, it assigns certain powers to the National Government and certain powers to the States. This division of powers was implied in the original Constitution and then spelled out in the Bill of Rights:



*“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.”*

—10th Amendment

In effect, federalism produces a dual system of government. That is, it provides for two basic levels of government, each with its own area of authority. Each operates over the same people and the same territory at the same time.

Federalism’s major strength is that it allows local action in matters of local concern, and national action in matters of wider concern. Local traditions, needs, and desires vary from one State to another, and federalism allows for this very significant fact.

Illustrations of this point are nearly endless. For example, a third of the States are directly involved in the liquor business, operating it as a public monopoly; elsewhere private enterprise is the rule. In 48 States many gas stations are self-service; in New Jersey and Oregon, the law forbids motorists to pump their own gas. Only one State—North Dakota—does not require voters to register in order to cast their ballots. Only Nebraska has a unicameral (one-house) legislature. Oregon is the only State that has legalized physician-assisted suicide. Only five States—Alaska, Delaware, New Hampshire, Montana, and Oregon—do not impose a general sales tax.

While federalism allows individual States to handle State and local matters, it also provides for the strength that comes from union.



▲ The National Government provides protection from harm for the entire country. State governments provide protection from harm within State borders. **Critical Thinking** How do these photos illustrate the federal system?



National defense and foreign affairs offer useful illustrations of this point. So, too, do domestic affairs. Take, for example, a natural disaster. When a flood, drought, winter storm, or other catastrophe hits a particular State, the resources of the National Government and all of the other States may be mobilized to aid the stricken area.

## Powers of the National Government

The National Government is a government of **delegated powers**. That is, it has only those powers delegated (granted) to it in the Constitution. There are three distinct types of delegated powers: expressed, implied, and inherent.

### The Expressed Powers

The **expressed powers** are delegated to the National Government in so many words—spelled out, expressly, in the Constitution. These powers are also sometimes called the “enumerated powers.”

You can find most of the expressed powers in Article I, Section 8. There, in 18 clauses, the Constitution expressly gives 27 powers to Congress. They include the power to lay and collect taxes, to coin money, to regulate foreign

## Reading Strategy

### Organizing Information/Outline

Ask students to copy down the section’s main headings and subheadings in outline form, leaving space for details. Have them fill in the details as they read the section.

## Background Note

### Roots of Democracy

The roots of the federal system can be traced back over 3,000 years to the ancient Israelites, who combined their tribes to maintain national unity in the 13th century B.C. Ten centuries later, the Greeks applied federal principles in forming leagues of city-states, primarily for defensive purposes. The Achaean League (280–146 B.C.) was foremost among these. Taxes were collected, an army was raised from Achaea’s eleven member states, and the federal government—headed by a general who was elected president and served also as commander in chief—established uniform weights and measures and a federal judiciary.

## Point-of-Use Resources

**Guided Reading and Review** Unit 1 booklet, p. 24 provides students with practice identifying the main ideas and key terms of this section.

**Lesson Planner** For complete lesson planning suggestions, see the Lesson Planner booklet, section 1.

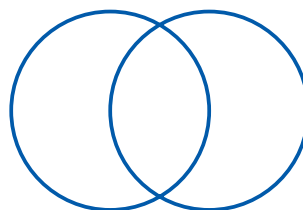
**Political Cartoons** See p. 15 of the Political Cartoons booklet for a cartoon relevant to this section.

## Organizing Information

To make sure students understand the main points of this section, you may wish to use the Venn diagram to the right.

Tell students that a Venn diagram compares two groups by showing characteristics they have alone and those they share. Ask students to use the Venn diagram to list powers that the National Government has and those that the States have. Powers that both groups share should be put in the space where the circles overlap.

**Teaching Tip** A template for this graphic organizer can be found in the Section Support Transparencies, Transparency 6.



## Answer to...

**Critical Thinking** They show that while local matters can be handled by a single State’s resources, for large national concerns huge amounts of resources from the National Government and the States may be pooled.



## Universal Access

L3

Share the following quotation with students:

*“Were we directed from Washington when to sow and when to reap, we should soon want for bread.”*

—Thomas Jefferson

**Discussion** Ask students what Jefferson meant by his remark. Then ask how Jefferson’s perspective is still relevant to the “tug-of-war” power struggle that is a regular part of American federalism. **H-SS 12.7.1**

## Point-of-Use Resources



## Section Support Transparencies

Transparency 18, *Visual Learning*;  
Transparency 117, *Political Cartoon*



## Close Up on Primary Sources

Baron de Montesquieu, *The Spirit of the Laws* (1748), p. 58



Expressed Power



Implied Power



Inherent Power

▲ The powers delegated to the National Government include the power to coin money, to prohibit race-based discrimination, and to conduct foreign relations. In 1971, Richard Nixon (right) became the first American President to visit China; his historic trip led to United States recognition of the government of the People’s Republic of China. **Critical Thinking** Why is establishing diplomatic relations considered an inherent power?

and interstate commerce, to raise and maintain armed forces, to declare war, to fix standards of weights and measures, to grant patents and copyrights, and to do many other things.

Several other expressed powers are set out elsewhere in the Constitution. Article II, Section 2 gives several powers to the President. They include the power to act as commander in chief of the armed forces, to grant reprieves and pardons, to make treaties, and to appoint major federal officials. Article III grants “the judicial Power of the United States” to the Supreme Court and other courts in the federal judiciary. Finally, several expressed powers are found in various amendments to the Constitution; thus, the 16th Amendment gives Congress the power to levy an income tax.

## The Implied Powers

The **implied powers** are not expressly stated in the Constitution but are reasonably suggested—implied—by the expressed powers. The constitutional basis for the implied powers is found in one of the expressed powers. Article I, Section 8, Clause 18 gives Congress the “necessary and proper power.” The Necessary and Proper Clause says that Congress has the power



*“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.”*

—Article I, Section 8, Clause 18

Through congressional and court interpretation, the words *necessary and proper* have come to mean, in effect, “convenient and useful.” Indeed, the Necessary and Proper Clause is sometimes called the Elastic Clause, because, over time, it has been stretched to cover so many situations.

Here are but a few of the thousands of examples of the exercise of implied powers. Congress has provided for the regulation of labor-management relations, the building of hydroelectric power dams, and the building of the 42,000-mile interstate highway system. It has made federal crimes of such acts as moving stolen goods, gambling devices, and kidnapped persons across State lines. It has prohibited racial discrimination in granting access to such places as restaurants, theaters, hotels, and motels.

## Preparing for Standardized Tests

Have students read the passages under *Powers of the National Government* on pp. 89–91 and then answer the question below.

Which of the following is *not* a power of the National Government?

- A raising and maintaining armed forces
- B granting patents and copyrights
- C** enacting uniform marriage and divorce laws
- D prohibiting racial discrimination in access to such places as restaurants and hotels

## Answer to . . .

**Critical Thinking** Establishing diplomatic relations is a power traditionally held by sovereign states, and is thus an inherent power.

Congress has taken these actions, and many more, because the power to do so is reasonably implied by just one of the expressed powers: the power to regulate interstate commerce.<sup>1</sup>

### The Inherent Powers

The **inherent powers** belong to the National Government because it is the national government of a sovereign state in the world community. Although the Constitution does not expressly provide for them, they are powers that, over time, all national governments have possessed. It stands to reason that the Framers of the Constitution intended the National Government they created to hold these powers.

The inherent powers are few in number. The major ones include the power to regulate immigration, to deport undocumented aliens, to acquire territory, to grant diplomatic recognition to other states, and to protect the nation against rebellion or other attempts to overthrow the government by force or violence.

One can argue that most of the inherent powers are implied by one or more of the expressed powers. For example, the power to regulate immigration is suggested by the expressed power to regulate foreign trade. The power to acquire territory can be drawn from the treaty-making power and the several war powers. But the doctrine of inherent powers holds that it is not necessary to go to these lengths to find these powers in the Constitution. In short, these powers exist because the United States exists.

### Powers Denied to the National Government

Although the Constitution delegates certain powers to the National Government, it also denies the National Government certain powers. It does so in three distinct ways.

First, the Constitution denies some powers to the National Government in so many words—expressly.<sup>2</sup> Among them are the powers to levy duties on exports; to prohibit freedom of reli-

<sup>1</sup>Article I, Section 8, Clause 3. The doctrine of implied powers is treated in greater detail in Chapter 11.

<sup>2</sup>Most of the expressed denials of power are found in Article I, Section 9 and in the 1st through the 8th amendments.

## Voices on Government

**President Ronald Reagan** (1911–2004) was 69 years old when he took office in 1981. During his two terms, President Reagan made it a priority to give power back to the States. The excerpt below comes from his first inaugural address.

*“It is my intention to curb the size and influence of the Federal establishment and to demand recognition of the distinction between the powers granted to the Federal Government and those reserved to the States or to the people. All of us need to be reminded that the Federal Government did not create the States; the States created the Federal Government.”*



### Evaluating the Quotation

*What does President Reagan mean when he notes that “the Federal Government did not create the States; the States created the Federal Government”?*

gion, speech, press, or assembly; to conduct illegal searches or seizures; and to deny to any person accused of a crime a speedy and public trial or a trial by jury.

Second, several powers are denied to the National Government because of the silence of the Constitution. Recall that the National Government is a government of delegated powers; it has only those powers the Constitution gives to it.

Among the many powers not granted to the National Government are the powers to create a public school system for the nation, to enact uniform marriage and divorce laws, and to set up units of local government. The Constitution says nothing about these matters. It says nothing that would give the National Government the power to do any of these things, expressly, implicitly, or inherently. In short, the lack of any such provision—the silence of the Constitution—denies power to the National Government.

Third, some powers are denied to the National Government because of the federal system itself.

### Universal Access

L1

Create a three-column chart with the following headings: *Expressed Powers*, *Implied Powers*, and *Inherent Powers*. Write each of the following examples on slips of paper and hand them out to students. Ask students to place their example in the appropriate category: regulating immigration, collecting taxes, coining money, regulating labor relations, building dams, building highways, prohibiting discrimination, declaring war, and giving diplomatic recognition. **H-SS 12.1.5**  
SN

### Point-of-Use Resources

**The Enduring Constitution** Limited Government, p. 4

**Basic Principles of the Constitution** **Transparencies** Transparencies 16-22, *Limited Government*

## CONSTITUTIONAL PRINCIPLES

### Limited Government

Although the Necessary and Proper Clause of the Constitution seems to give Congress an almost unlimited power to make laws on any topic that it wishes, there are some limitations. The process of judicial review allows the nation's courts to determine which laws are unconstitutional, thereby limiting the types of laws that Congress creates to those that are necessary and proper.

### Activity

Have students consider the powers given to Congress by the Necessary and Proper Clause and the court's practice of judicial review. Ask students to consider whether both of these powers are necessary to U.S. government. Allow time for students to create arguments to support their positions, then hold a debate on the topic.

### Answer to . . .

**Evaluating the Quotation** President Reagan refers to the fact that the individual States existed before a National Government was formed. It was the several States that called for a convention to revise the Articles of Confederation, out of which rose the National Government as we know it today.



# The National Government and the 50 States

## Section Preview

### OBJECTIVES

1. **Summarize** the obligations that the Constitution places on the nation for the benefit of the States.
2. **Explain** the process for admitting new States to the Union.
3. **Examine** the many and growing areas of cooperative federalism.

### WHY IT MATTERS

In this country, the power to govern is shared by the National Government and each of the 50 States (including their thousands of local governments). Given this fact, conflicts are inevitable—and cooperation is absolutely necessary.

### POLITICAL

### DICTIONARY

- ★ enabling act
- ★ act of admission
- ★ grants-in-aid program
- ★ revenue sharing
- ★ categorical grant
- ★ block grant
- ★ project grant

**H**ave you ever really focused on the words *United States*? The United States is a union of States, the several States joined together, the States united.

The Constitution created and is intended to preserve that union. To that end, the Constitution (1) requires the National Government to guarantee certain things to the States and (2) makes it possible for the National Government to do certain things for the States.

## The Nation's Obligations to the States

The Constitution places several obligations on the National Government for the benefit of the States. Most of them are found in Article IV.

### Republican Form of Government

The Constitution requires the National Government to “guarantee to every State in this

Union a Republican Form of Government.”<sup>10</sup> The Constitution does not define “Republican Form of Government,” and the Supreme Court has regularly refused to do so. The term is generally understood to mean a “representative government.”

The Supreme Court has held that the question of whether a State has a republican form of government is a political question. That is, it is one to be decided by the political branches of the government—the President and Congress—and not by the courts.<sup>11</sup>



▲ After the Civil War, the “Republican Form of Government” figured prominently as laws were broadened to help recognize African American voting rights.

<sup>10</sup>Article IV, Section 4.

<sup>11</sup>The leading case here is *Luther v. Borden*, 1849. This case grew out of Dorr’s Rebellion, a revolt led by Thomas W. Dorr against the State of Rhode Island in 1841–1842. Dorr and his followers had written and proclaimed a new constitution for the State. When they tried to put the new document into operation, however, the governor in office under the original constitution declared martial law, or temporary rule by military authorities. The governor also called on the Federal Government for help. President John Tyler took steps to put down the revolt, and it quickly collapsed. Although the question of which of the competing governments was the legitimate one was a major issue in *Luther v. Borden*, the Supreme Court refused to decide the matter.

**Objectives** You may wish to call students’ attention to the objectives in the Section Preview. The objectives are reflected in the main headings of the section.

**Bellringer** Ask students whether they have ever paddled a canoe with someone. Have them discuss the roles of each canoeist, and lead them to conclude that cooperation is essential to success. Explain that in this section, they will learn about how the National Government and the States cooperate in governing the nation.

**Vocabulary Builder** Ask for a definition of the verb *to grant*. Elicit that *grant* means “give.” Then have students offer definitions for the terms in the Political Dictionary that contain the noun *grant*. Students should revise or add to their definitions as they read the section.

## Lesson Plan

### Teaching the Main Ideas L3

#### H-SS 12.1.5

**1. Focus** Tell students that the Constitution gives the National Government a role in overseeing the conduct, safety, and welfare of the States. Ask students to discuss what they know about this role.

**2. Instruct** Ask students who is responsible for keeping the peace within the borders of your State. Lead a discussion of occasions when federal force may be used to restore order in a State. Then have students list other examples of the National Government’s extending aid to or power over States.

**3. Close/Reteach** Remind students of the constitutional relationship between the National Government and the States. Ask each student to write three questions and answers about that relationship. Then have students quiz one another.



## Block Scheduling Strategies

Consider these suggestions to manage extended class time:

■ Discuss the nation’s obligations to the States with the class. For each obligation, have students decide whether they find the obligation to be a necessity for maintaining a federalist government. List obligations on the chalkboard, and ask volunteers for historical examples. Lead a discussion on whether each obligation increases or decreases the power of the Federal Government.

■ Point out that one of the main aspects of cooperative federalism is that the Federal Government gives money to the States in the form of grants. Have students create graphic organizers comparing characteristics of federal grants. Then ask them to consider how categorical grants can be used by the Federal Government to support an agenda, and to write a paragraph evaluating how this practice can affect the division of powers in a federal system of government.

## Reading Strategy

### Drawing Inferences


Tell students that the relationship between the National Government and the States involves cooperation. Have them find evidence, as they read, to support that statement.


### Background Note


#### Political Talk

The way that ordinary Americans have used the term *United States* shows how popular attitudes toward the concept of federalism have changed over time. From the birth of the nation until the Civil War, for example, people generally used the name as a plural noun—saying “The United States are. . .” This usage emphasized the individuality of the States at a time when people thought of themselves primarily as citizens of their particular State. Since then, people have referred to the nation in the singular—saying “The United States is. . .”—a usage stressing the singularity of the Union rather than the separateness of the States.

### Point-of-Use Resources

 **Guided Reading and Review** Unit 1 booklet, p. 26 provides students with practice identifying the main ideas and key terms of this section.

 **Lesson Planner** For complete lesson planning suggestions, see the Lesson Planner booklet, section 2.

 **Political Cartoons** See p. 16 of the Political Cartoons booklet for a cartoon relevant to this section.

### Answer to . . .

**Interpreting Tables** The community appeals to local government; if it cannot respond, it appeals to first State and then federal organizations. This process demonstrates that while States have particular responsibilities, if they cannot meet them the National Government has the responsibility to help.



**Interpreting Tables** The Federal Emergency Management Agency (FEMA) helps State and local governments in the case of a natural disaster such as a hurricane. Coast Guard helicopters (above) rescued civilians trapped by flooding following Hurricane Katrina in 2005. *Explain the steps that lead to a community receiving federal disaster aid. How does this process illustrate federalism?*  
**H-SS 12.1.5**

### The Major Disaster Process


<b>STEP 1</b>	<b>Local Government Responds.</b> If overwhelmed, turns to the State for assistance.
<b>STEP 2</b>	<b>The State Responds</b> with State resources, such as the National Guard and State agencies.
<b>STEP 3</b>	<b>Damage Assessment</b> by local, State, Federal, and volunteer organizations.
<b>STEP 4</b>	<b>A Major Disaster Declaration</b> is requested by the governor, based on damage assessment.
<b>STEP 5</b>	<b>FEMA Evaluates</b> the request and recommends action to the White House.
<b>STEP 6</b>	<b>The President Approves</b> the request or FEMA informs the governor it has been denied.

SOURCE: Federal Emergency Management Agency

The only extensive use ever made of the republican-form guarantee came in the years immediately following the Civil War. Congress declared that several southern States did not have governments of a republican form. It refused to admit senators and representatives from those States until the States had ratified the 13th, 14th, and 15th amendments and broadened their laws to recognize the voting and other rights of African Americans.

#### Invasion and Internal Disorder

The Constitution states that the National Government must also

 *“protect each of them [States] against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.”*

—Article IV, Section 4

Today it is clear that an invasion of any one of the 50 States would be met as an attack on the United States itself. This constitutional guarantee is therefore now of little, if any, significance.

That was not the case in the late 1780s. During that time, it was not at all certain that all 13 States

would stand together if a foreign power attacked one of them. So, before the 13 States agreed to give up their war-making powers, each demanded an ironclad pledge that an attack on any single State would be met as an attack on all States.

The federal system assumes that each of the 50 States will keep the peace within its own borders. Thus, the primary responsibility for curbing insurrection, riot, or other internal disorder rests with the individual States. However, the Constitution does accept that a State might not be able to control some situations. It therefore guarantees protection against internal disorder, or what the Constitution calls “domestic Violence,” in each of them.

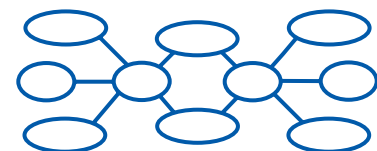
The use of federal force to restore order within a State has historically been a rare event. Several instances did occur in the 1960s, however. When racial unrest exploded into violence in Detroit during the “long, hot summer” of 1967, President Lyndon Johnson ordered units of the United States Army into the city. He acted at the request of the governor of Michigan, George Romney, and only after Detroit’s police and firefighters, supported by State Police and National Guard units, could not control riots, arson, and looting

## Organizing Information

To make sure students understand the main points of this section, you may wish to use the double web graphic organizer to the right.

Tell students that a double web compares and contrasts information. Ask students to use the double web to outline the roles of the National Government and those of the State governments, and to show how these governments affect each other.

**Teaching Tip** A template for this graphic organizer can be found in the Section Support Transparencies, Transparency 2.





in the city. In 1968, again at the request of the governors involved, federal troops were sent into Chicago and Baltimore to help put down the violence that erupted following the assassination of Martin Luther King, Jr.

Normally, a President has sent troops into a State only in answer to a request from its governor or legislature. If national laws are being broken, national functions interfered with, or national property endangered, however, a President does not need to wait for such a plea.<sup>12</sup>

The ravages of nature—storms, floods, drought, forest fires, and such—can be more destructive than human violence. Here, too, acting to protect the States against “domestic Violence,” the Federal Government stands ready to aid stricken areas.

### Respect for Territorial Integrity

The National Government is constitutionally bound to respect the territorial integrity of each of the States. That is, the National Government must recognize the legal existence and the physical boundaries of each State.

The basic scheme of the Constitution imposes this obligation. Several of its provisions do so, as well. For example, Congress must include, in both of its houses, members chosen in each one of the States.<sup>13</sup> Recall, too, that Article V of the Constitution declares that no State can be deprived of its equal representation in the United States Senate without its own consent.

## Admitting New States

Only Congress has the power to admit new States to the Union. As part of the National Government’s guarantee of respect for each State’s territorial integrity, the Constitution places only



California became the 31st State on September 9, 1850, two years after being ceded by Mexico.

one restriction on that power. A new State cannot be created by taking territory from one or more of the existing States without the consent of the legislature(s) of the State(s) involved.<sup>14</sup>

Congress has admitted 37 States since the original 13 formed the Union, as the map on the next page shows. Five States (Vermont, Kentucky, Tennessee, Maine, and West Virginia) were created from parts of already existing States. Texas was an independent republic before admission. California was admitted shortly after being ceded to the United States by Mexico. Each of the other 30 States entered the Union only after a longer period of time, frequently more than 15 years, as an organized territory.

### Admission Procedure

The process of admission to the Union is usually fairly simple. The area desiring Statehood first asks Congress for admission. If and when Congress chooses, it passes an **enabling act**, an act directing the people of the territory to frame a proposed State constitution. A convention prepares the constitution, which is then put to a popular vote in the proposed State. If the voters

<sup>12</sup>President Grover Cleveland ordered federal troops to put an end to rioting in the Chicago rail yard during the Pullman Strike in 1894 despite the objections of Governor William Altgeld of Illinois. The Supreme Court upheld his actions in *In re Debs*, 1895. The Court found that rioters had threatened federal property and impeded the flow of the mails and interstate commerce. Thus, more than “domestic Violence” was involved. Since then, several Presidents have acted without a request from the State involved. Most recently, President Dwight Eisenhower did so at Little Rock, Arkansas, in 1957, and President John Kennedy did so at the University of Mississippi in 1962 and at the University of Alabama in 1963. In each of those instances, the President acted to halt the unlawful obstruction of school integration orders issued by the federal courts.

<sup>13</sup>In the House, Article I, Section 2, Clause 1; in the Senate, Article I, Section 3, Clause 1 and the 17th Amendment.

<sup>14</sup>Article IV, Section 3, Clause 1. Some argue that this provision was violated with West Virginia’s admission in 1863. That State was formed from the 40 western counties that had broken away from Virginia over the issue of secession from the Union. The consent required by the Constitution was given by a minority of the members of the Virginia legislature—those who represented the 40 western counties. Congress accepted their action, holding that they were the only group legally capable of acting as the Virginia legislature at the time.

## Universal Access

L3

Tell students that they are living in a new territory that is searching for Statehood in the United States. Based on what they have learned about the admission process, have students create a graphic organizer that illustrates the process of admission to the Union that would have to take place in order for the territory to become a State. Compare students’ charts with how Alaska and Hawaii gained admission to the Union.

## Point-of-Use Resources



### Section Support Transparencies

Transparency 19, *Visual Learning*;  
Transparency 118, *Political Cartoon*

## Preparing for Standardized Tests

Have students read the passages under *Admitting New States* on this and the following page and then answer the question below.

What would be the final obstacle to an area achieving Statehood?

- ☒ A the failure of the President to sign an act of admission
- ☐ B not receiving an enabling act from Congress
- ☐ C not meeting certain requirements set by Congress
- ☐ D opposition by the American people

# 3 Interstate Relations

## Section Preview

### OBJECTIVES

1. **Explain** why States make interstate compacts.
2. **Understand** the purpose of the Full Faith and Credit Clause.
3. **Define** *extradition* and explain its purpose.
4. **Discuss** the purpose of the Privileges and Immunities Clause.

### WHY IT MATTERS

What if Texas citizens were not allowed to travel into Oklahoma, or needed a special passport to do so? What if your North Carolina driver's license were not valid when you drove through Ohio? Fortunately, several key provisions in the Constitution promote cooperation between and among the States.

### POLITICAL DICTIONARY

- ★ **interstate compact**
- ★ **Full Faith and Credit Clause**
- ★ **extradition**
- ★ **Privileges and Immunities Clause**

As you know, conflict among the States was a major reason for the writing and adoption of the Constitution. The fact that the new document strengthened the hand of the National Government, especially regarding commerce, lessened many of those frictions. So, too, did several of the Constitution's provisions that deal directly with the States' relationships with one another. This section is concerned with those provisions.

## Interstate Compacts

No State can enter into any treaty, alliance, or confederation. However, the States may, with the consent of Congress, enter into **interstate compacts**—agreements among themselves and with foreign states.<sup>15</sup>

By 1920, the States had made only 26 compacts. Since then, the number of interstate compacts has been growing. New York and New Jersey led the way in 1921 with a compact creating what is now the Port Authority of New York and New Jersey to manage and develop the harbor facilities bordering both States. More than 200 compacts are now in force, and many

involve several States. In fact, all 50 States have joined in two of them: the Compact for the Supervision of Parolees and Probationers and the Compact on Juveniles. These two compacts enable States to share important law-enforcement data. Other agreements cover a widening range of subjects. They include, for example, compacts designed to coordinate the development and conservation of such resources as water, oil, wildlife, and fish; prevent forest fires; combat stream and harbor pollution; provide for tax collections; promote motor vehicle safety; facilitate the licensing of drivers; and encourage the cooperative use of public universities.



▲ Seven western States belong to the Colorado River Compact, which apportions the waters of the Colorado River Basin. **H-SS 12.7.2**

<sup>15</sup>Article I, Section 10, Clause 3. The Supreme Court has held that Congressional consent is not needed for compacts that do not tend to increase the political power of the States, *Virginia v. Tennessee*, 1893. But it is often difficult to decide whether an agreement is political or nonpolitical. So, most interstate agreements are submitted to Congress as a matter of course.



## Block Scheduling Strategies

Consider these suggestions to manage extended class time:

■ Assign each student a State to research in order to determine at least one interstate compact that the assigned State has entered (links may be found at [www.phschool.com](http://www.phschool.com)). Have each student create a summary of the scope of the agreement(s) he or she researched. Have students present information on their agreements to the class. Finally, lead a class discussion on the importance of interstate compacts.

■ Discuss the Full Faith and Credit Clause, extradition, and the Privileges and Immunity Clause with the class. Organize the class into groups of three, assigning one of the above agreements to each student. Have each student create scenarios describing what would happen if States didn't honor the assigned agreement. Have students share their scenarios with their groups, and write brief summaries of the importance of all three types of agreements. Finally, have each group share a scenario with the entire class.

# 3

## Interstate Relations

**Objectives** You may wish to call students' attention to the objectives in the Section Preview. The objectives are reflected in the main headings of the section.

**Bellringer** Ask students to suppose that they are planning to drive to a school team's regional playoff three States away. Have them discuss how they would feel if they first had to get a passport and a driver's license from each of the other States. Explain that in this section, they will learn that cooperation among States avoids such time-consuming chores.

**Vocabulary Builder** Write each term from the Political Dictionary on the board. Have students try to define each by using the meanings of the individual words or word parts. Ask students to check their definitions as they read the text.

## Lesson Plan

### Teaching the Main Ideas **L3**

#### H-SS 12.7.1

**1. Focus** Tell students that the Constitution promotes smooth relations among States. Ask students to discuss what they know about interstate relations and the laws governing them.

**2. Instruct** Ask students what would happen if someone robbed a bank in your State and escaped across the border into another State. Have students offer similar examples of how States cooperate through compacts, the Full Faith and Credit Clause, and the Privileges and Immunities Clause.

**3. Close/Reteach** Remind students that constitutional provisions help avoid interstate conflict. Then have students list the four provisions regarding interstate relations, explain each, and provide an example of how conflict is avoided.



## Reading Strategy

### Predicting

Ask students to quickly skim the section, paying particular attention to headings, subheadings, boldfaced words, and graphics. Have them write down predictions about what they will learn concerning relations between States. Ask them to make any necessary corrections to their predictions after they have read the text.

### Universal Access

L3

**Time** 90 minutes.

**Purpose** Explore interstate relations.

**Grouping** Three to five students.


**Activity** Have each group create a “new” State that lies within the current boundaries of the U.S., providing its location, population, and most abundant resources. Each group should make a list of 5–10 State laws that are most important to the State’s people.


**Roles** Discussion leader, recorder, spokesperson.


**Close** Encourage spokespersons from the different groups to meet to discuss interstate compacts or other agreements that would benefit both parties. Lead a discussion about how the Constitution has eased tension among States by promoting cooperation among them.


**H-SS 12.7.1**

## Point-of-Use Resources

 **Guided Reading and Review** Unit 1 booklet, p. 28 provides students with practice identifying the main ideas and key terms of this section.


 **Lesson Planner** For complete lesson planning suggestions, see the Lesson Planner booklet, section 3.

 **Political Cartoons** See p. 17 of the Political Cartoons booklet for a cartoon relevant to this section.

 **Government Assessment Rubrics** Cooperative Learning Project: Process, p. 20

## Full Faith and Credit

The Constitution commands that

 “Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State.”

—Article IV, Section 1

The term *public acts* refers to the laws of a State. *Records* refers to such documents as birth certificates, marriage licenses, deeds to property, car registrations, and the like. The words *judicial proceedings* relate to the outcome of court actions: damage awards, the probating (proving) of wills, divorce decrees, and so forth.

The **Full Faith and Credit Clause** most often comes into play in court matters. Take this example: Allen sues Bill in Florida, and the Florida court awards Allen \$50,000 in damages. Bill cannot escape payment of the damages by moving to Georgia, because Allen could simply ask the Georgia courts to enforce the damage award. Neither would the case have to be retried in Georgia. Instead, the Georgia courts would have to give full faith and credit to—recognize and respect the validity of—the judgment made by the Florida court.



▲ **Full Faith and Credit** The Full Faith and Credit Clause ensures that records such as birth certificates and marriage licenses are recognized in all 50 States. **H-SS 12.7.1**

In a similar vein, a person can prove age, place of birth, marital status, title to property, and similar facts by securing the necessary documents from the State where the record was made. The validity of these documents will be recognized in each of the 50 States.

### Exceptions

The Full Faith and Credit Clause is regularly observed and usually operates routinely between and among the States. This rule has two exceptions, however. First, it applies only to civil, not criminal, matters. One State cannot enforce another State’s criminal law. Second, full faith and credit need not be given to certain divorces granted by one State to residents of another State.

On the second exception, the key question is always this: Was the person who obtained the divorce in fact a resident of the State that granted it? If so, the divorce will be accorded full faith and credit in other States. If not, then the State granting the divorce did not have the authority to do so, and another State can refuse to recognize it.

### Williams v. North Carolina

The matter of interstate “quickie” divorces has been troublesome for years, especially since the Supreme Court’s decision in a 1945 case, *Williams v. North Carolina*. In that case, a man and a woman had traveled to Nevada, where each wanted to obtain a divorce so they could marry each other. They lived in Las Vegas for six weeks, the minimum period of State residence required by Nevada’s divorce law. The couple received their divorces, were married, and soon after returned to North Carolina. Problems arose when that State’s authorities refused to recognize their Nevada divorces. North Carolina brought the couple to trial and a jury convicted each of them of the crime of bigamous cohabitation (marrying and living together while a previous marriage is still legally in effect).

On appeal, the Supreme Court upheld North Carolina’s denial of full faith and credit to the Nevada divorces. It ruled that the couple had not in fact established bona fide—good faith, valid—residence in Nevada. Rather, the Court held that

## Organizing Information

To make sure students understand the main points of this section, you may wish to use the web graphic organizer to the right.

Tell students that a web shows a main idea and its supporting details. Ask students to use the web to outline details about interstate relations, including compacts, Full Faith and Credit, extradition, and privileges and immunities.

**Teaching Tip** A template for this graphic organizer can be found in the Section Support Transparencies, Transparency 1.

