



# AMERICAN GOVERNMENT



## LESSON 22

### OUTLINE

#### CONSTITUTION OVERVIEW 2 OF 4

##### Introduction to the Supremacy Clause and Federalism

- Article VI, Clause 2: The Supremacy Clause
  - Text of the Supremacy Clause: The U.S. Constitution, federal laws, and treaties are the supreme law of the land, binding all judges in every state.
  - The role of the Supremacy Clause in defining federal and state authority.
- The Tenth Amendment: Separation and Delegation of Powers
  - Text of the Tenth Amendment: Powers not delegated to the federal government are reserved for the states or the people.
  - Clarification of the delegation of powers, with the federal government receiving only limited and specific authority - enumeration.
- Constitution as a Compact, Not a Contract
  - Contract between sovereign governments (the states), not between individuals.
  - Sovereignty of the states the basis for creating the Constitution and federal government.
  - The role of the people in delegating power to the states and the federal government.
- Federalism and the Separation of Powers
  - Federalism: The division of authority between state governments and the federal government.
  - The Constitution as a compact between sovereign states, which created the federal government.
  - Importance of maintaining clear boundaries between state and federal power to prevent a consolidation of states.



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- Layer Cake vs. Marble Cake Federalism
  - Analogies used to explain federalism (layer cake and marble cake).
  - While useful, it is important to understand federalism through original documents and intent rather than overgeneralized analogies.
- Separation of Powers and the Prevention of Centralization
  - Separation of powers helps maintain a balance between state and federal authority.
  - The danger of allowing too much power to accumulate in the federal government, which could lead to consolidation and the erosion of state sovereignty.
- Thomas Jefferson's Warning on Federal Power
  - Jefferson's caution about the centralization of power in Washington, D.C., and the resulting loss of checks and balances.
  - The role of the states in maintaining federalism by resisting the overreach of federal authority.
- The Role of the States in Checking Federal Power
  - States are responsible for preserving federalism by guarding their powers and resisting consolidation.
  - Enforcing the Tenth Amendment ensures that power remains with the states and the people.



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##### **Conclusion**

- The Supremacy Clause in Article VI, Clause 2 of the U.S. Constitution establishes the Constitution as the supreme law of the land; is often misinterpreted to grant excessive power to the federal government.
- The Tenth Amendment - powers not delegated to the federal government are reserved for the states or the people, preserving the balance of power.
- The Constitution is a compact, a legal agreement between sovereign governments (the states), not between individual people. The states, as the original sovereign entities, created the federal government through this compact, delegating specific powers.
- Federalism, a key principle in the Constitution, refers to the division of authority between the state and federal governments. Centralizing too much power in the federal government, which could lead to a consolidation and a loss of state sovereignty. If states become apathetic and allow federal overreach, they risk creating a system akin to a monarchy.
- The states must check federal power, maintaining the structure of federalism.



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#### Discussion/essay questions

1. Supremacy Clause:

- How does the Supremacy Clause in Article VI, Clause 2 establish the relationship between federal and state law?
- What are some potential misunderstandings of the Supremacy Clause, and how can these lead to federal overreach?

2. Tenth Amendment and Reserved Powers:

- How does the Tenth Amendment safeguard the powers of the states and the people?
- Why is the distinction between delegated and reserved powers important for maintaining the balance of power in the U.S. government?

3. Constitution as a Compact:

- What is the difference between a contract and a compact, and why is it significant that the U.S. Constitution is considered a compact between states rather than individuals?

4. Federalism and Separation of Powers:

- How does federalism help prevent the centralization of power in the federal government?
- What are the dangers of allowing the federal government to accumulate too much power, and how can federalism prevent this?

5. Thomas Jefferson's Warning:

- What was Thomas Jefferson's warning about the potential centralization of power in Washington, D.C.?
- How does Jefferson's perspective on checks and balances apply to modern debates about federal and state authority?

6. State Responsibility and Apathy:

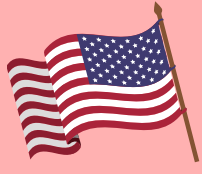
- What role do the states play in ensuring that federalism is maintained, according to the lecture?
- What might happen if states become apathetic and do not resist federal overreach? How could this lead to a consolidation of power?

7. Historical Context of the Constitution:

- Why is it important to understand the Constitution as a creation of the states rather than the federal government?
- How did the states' role in creating the Constitution affect the structure of the federal system?

8. Modern Implications of Federalism:

- How does the principle of federalism, as described in the lecture, apply to current issues of state versus federal authority?
- In what ways can states today act to limit federal overreach while maintaining their own sovereignty?



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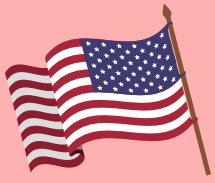
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NAME \_\_\_\_\_

### Multiple Choice

1. What does the Supremacy Clause in Article VI, Clause 2 of the Constitution establish?
  - A) The federal government's ability to override state constitutions
  - B) The Constitution, federal laws, and treaties as the supreme law of the land
  - C) The ability of states to nullify federal laws
  - D) The creation of the federal government by the states
2. According to the lecture, what is the Tenth Amendment primarily about?
  - A) Guaranteeing individual freedoms
  - B) Delegating all powers to the federal government
  - C) Reserving powers not delegated to the federal government for the states or the people
  - D) Allowing states to form their own federal government
3. Why is the U.S. Constitution referred to as a "compact" and not a "contract"?
  - A) Because it was written for individuals to agree upon
  - B) Because it is an agreement between sovereign governments (the states)
  - C) Because it was a temporary arrangement
  - D) Because it was written to grant the federal government unlimited power
4. What is the primary goal of federalism, according to the lecture?
  - A) To allow states to operate independently of the federal government
  - B) To create a strong central government that controls all aspects of law
  - C) To divide powers between the federal government and the states
  - D) To prevent state governments from having any power
5. Which of the following best describes Thomas Jefferson's warning about centralization of power?
  - A) States should take on more federal roles
  - B) If states are apathetic, power will centralize in Washington, D.C., leading to the loss of checks and balances
  - C) The federal government should delegate more powers to the states
  - D) The federal government should take control of state resources



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6. What happens if states allow federal power to grow unchecked, according to the lecture?
- A) States will eventually dissolve
  - B) A consolidated government will emerge, leading to a system similar to a monarchy
  - C) Federalism will be strengthened
  - D) States will gain more power over federal decisions
7. What does the term "federalism" refer to in the context of the U.S. Constitution?
- A) The complete autonomy of state governments
  - B) The system where powers are divided between the central government and the states
  - C) A process of abolishing state governments
  - D) The control of federal decisions by state legislatures
8. According to the lecture, what is the role of the Tenth Amendment in the system of federalism?
- A) It limits the power of state governments
  - B) It ensures that powers not delegated to the federal government are reserved to the states or the people
  - C) It gives the federal government the authority to override state laws
  - D) It allows the states to form their own federal governments
9. Why is it important to maintain a clear distinction between state and federal powers, according to the lecture?
- A) To prevent confusion between the branches of the federal government
  - B) To avoid creating a strong central government that could absorb the states' power
  - C) To allow federal laws to apply to specific states
  - D) To ensure that state governments have more authority than the federal government
10. What was one of the primary concerns in creating the U.S. Constitution, as discussed in the lecture?
- A) Avoiding the creation of a weak central government
  - B) Preventing the federal government from consuming state powers and creating a consolidation of states
  - C) Allowing states to independently regulate foreign affairs
  - D) Ensuring that state laws could override federal laws



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#### ANSWER KEY

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