

FEDERALISM

SCHOLAR EXCHANGE



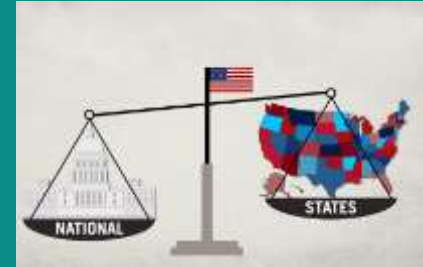
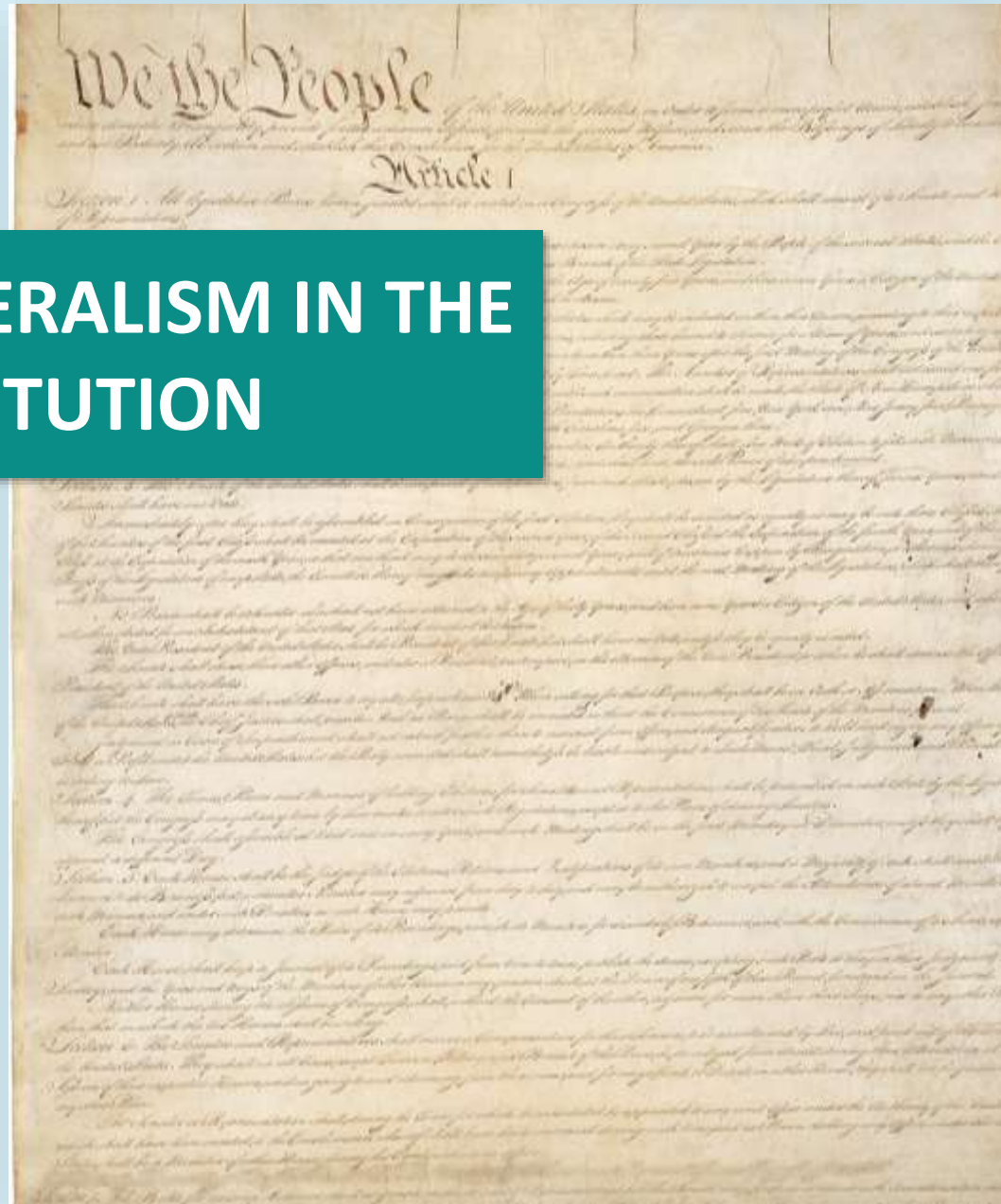
E
PLURIBUS
UNUM

THE

People



WHERE IS FEDERALISM IN THE CONSTITUTION



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WHERE IS FEDERALISM IN THE CONSTITUTION

Article I, Section 3: The original Senate

Article I, Section 10: Limitations on the powers of the states

Article I, Section 8: The powers of Congress—especially the Commerce Clause and the Necessary and Proper Clause

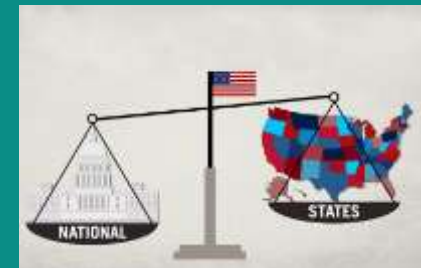
Article III: Division of power between the state and federal courts);

Article IV: Privilege and Immunities Clause and Fugitive Slave/Rendition Clause

Article VI: Supremacy Clause

10th Amendment

The Enforcement Clauses of the **Reconstruction Amendments**



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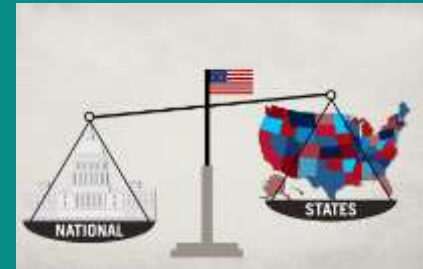
NATIONAL



STATE



LOCAL



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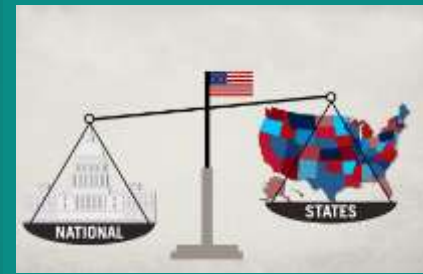
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“
**LABORATORIES
OF DEMOCRACY**
”

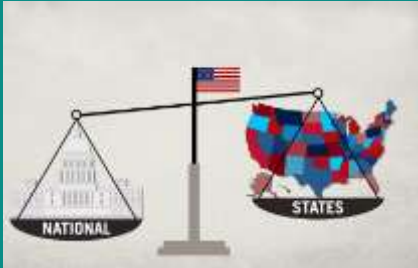


LOUIS BRANDEIS
— 1856 - 1941 —



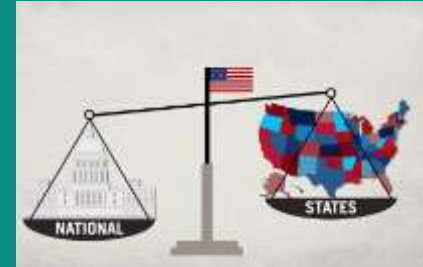
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WOMEN'S SUFFRAGE MOVEMENT



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CIVIL RIGHTS ERA LEGISLATION



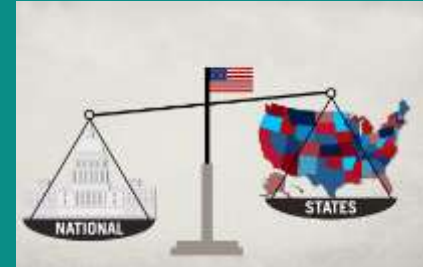
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BIG QUESTION:

Can a state impose temporary limits on the number of people that may gather in order to stop the spread of a contagious virus even if that means shutting down religious gatherings of over 100 people?



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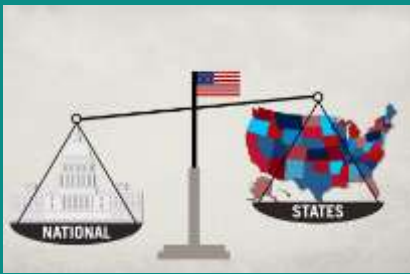
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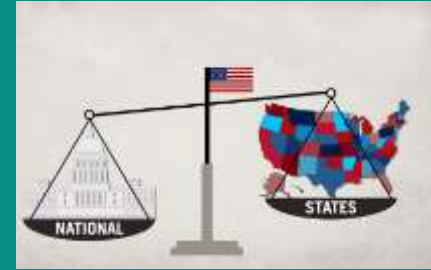
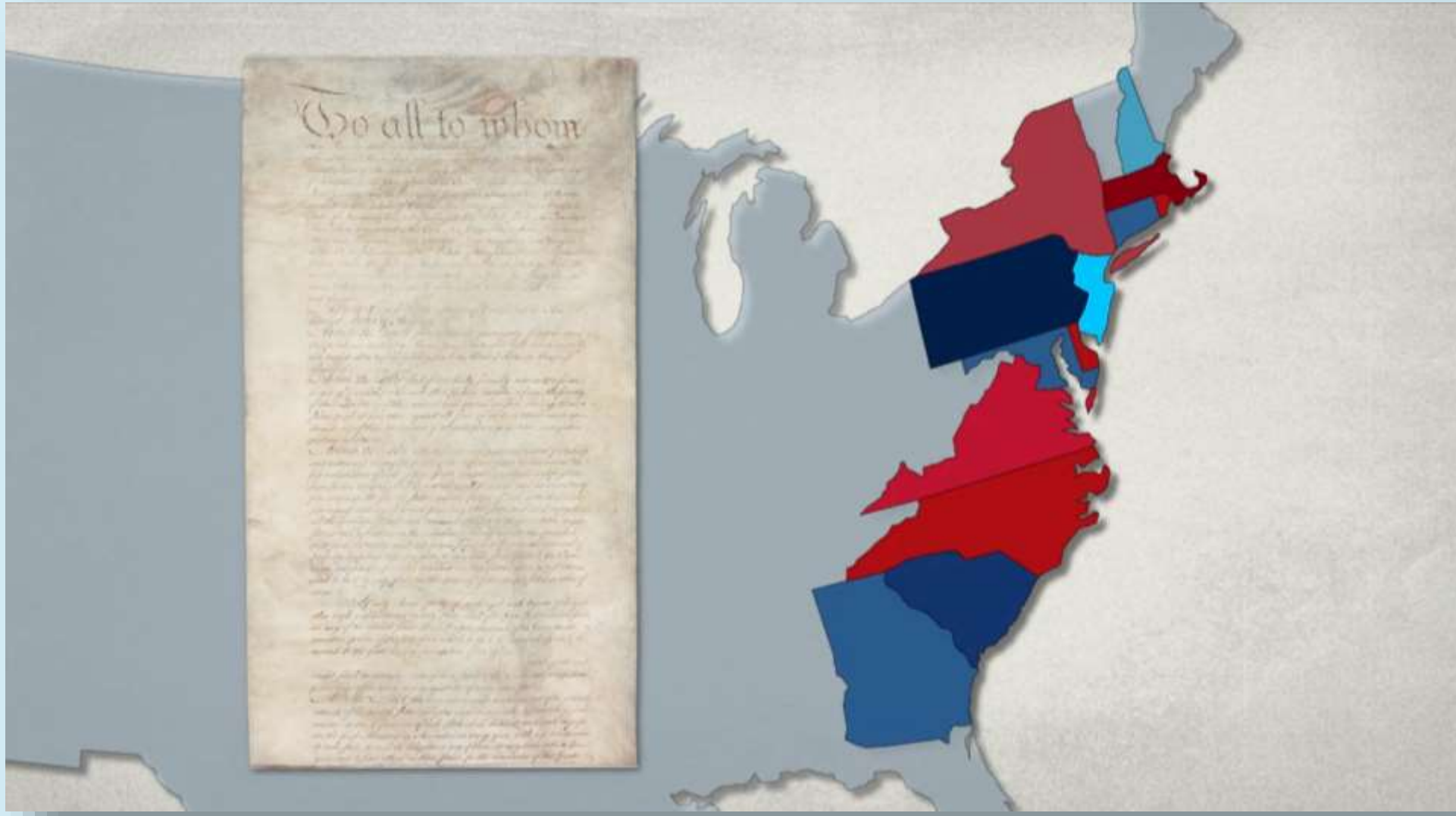
Go all to whom

these States shall come, we the under signed Delegates of the States
afforded to our Names send greeting. We do as the Delegates of the
United States of America in Congress assembled on the first day
of November in the Year of our Lord One thousand seven hundred and
Seventy seven and on the second Year of our Independence of America
agree to certain articles of Confederation and perpetual Union between the
States of Massachusetts the said Massachusetts Rhode Island and Providence
Plantings Connecticut New York New Jersey Pennsylvania Delaware

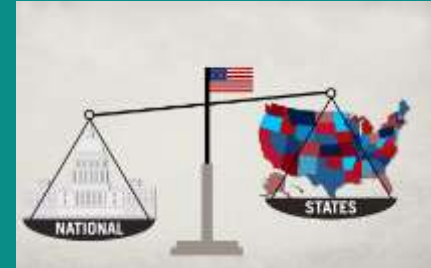
★ARTICLES OF CONFEDERATION★



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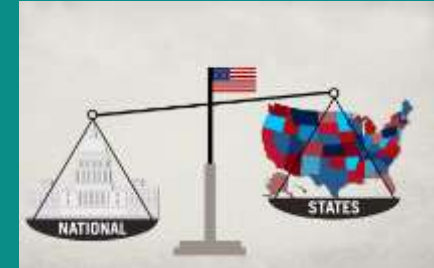
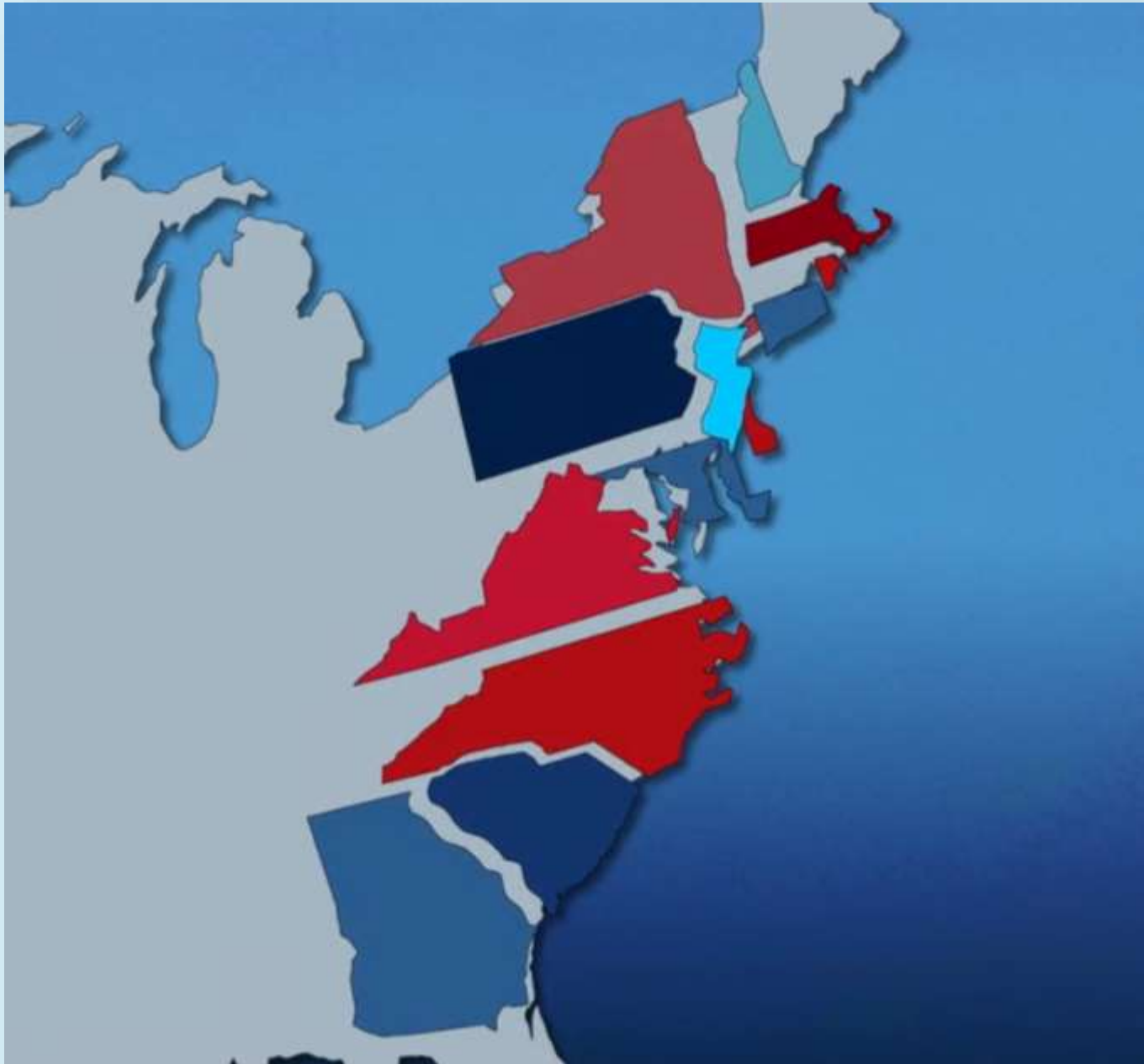
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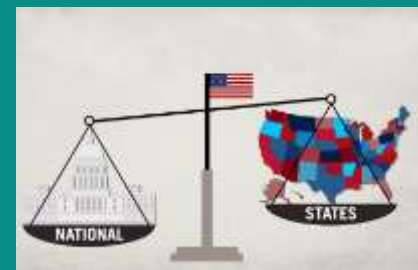
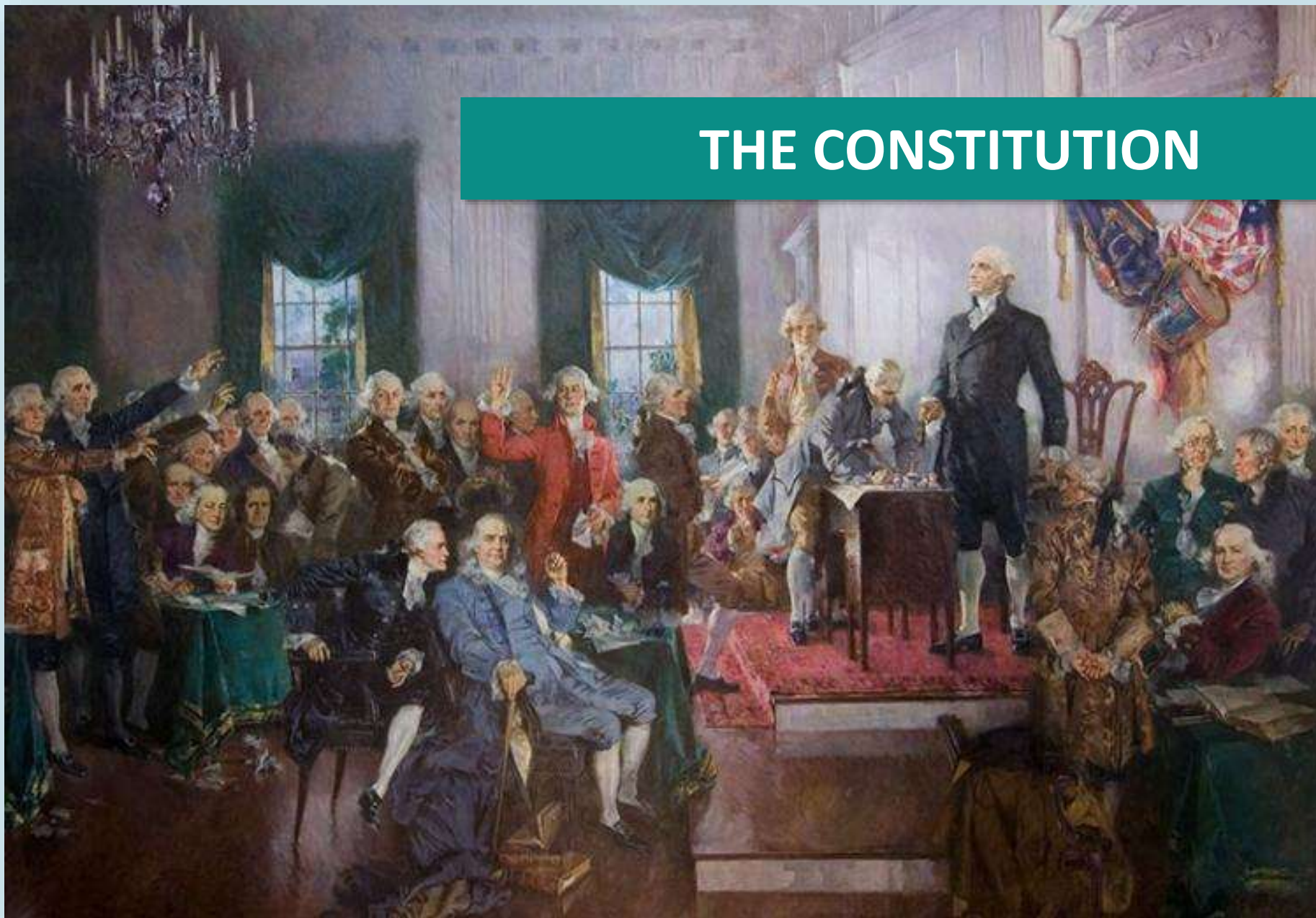


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THE CONSTITUTION

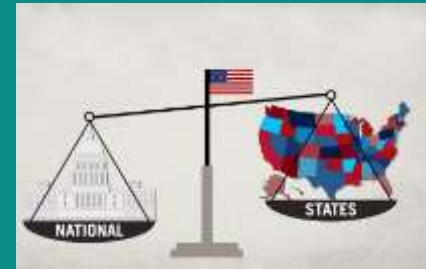
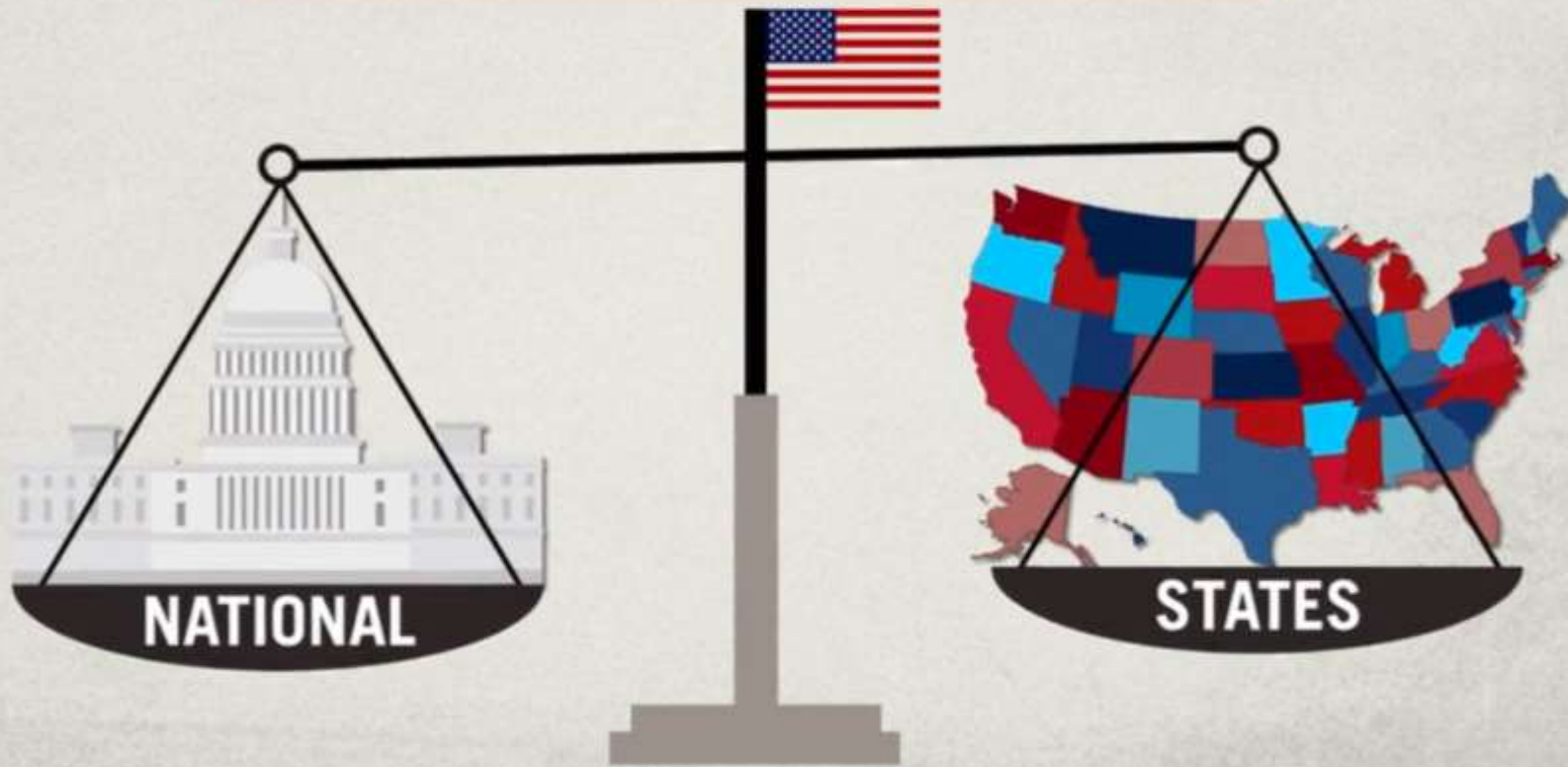


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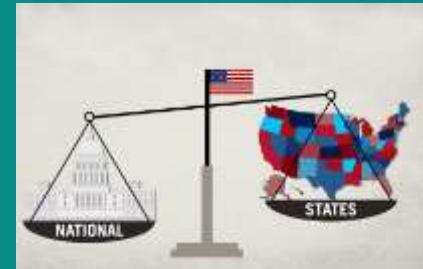
NATIONAL



STATE



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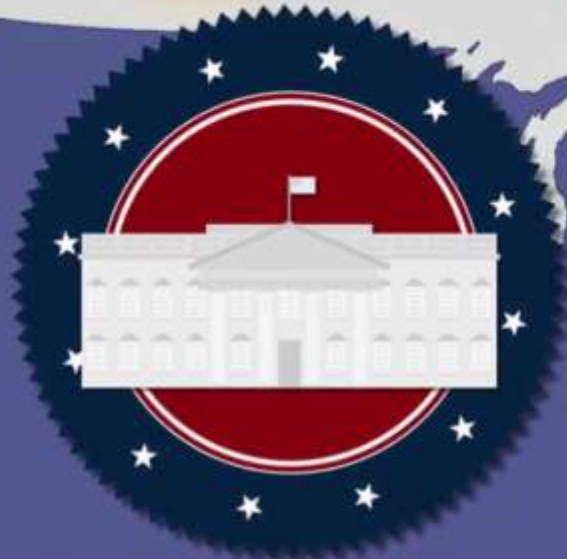
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LEGISLATIVE

Makes laws



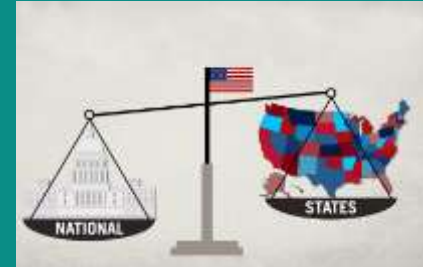
EXECUTIVE

Makes sure laws
are carried out



JUDICIAL

Interprets laws



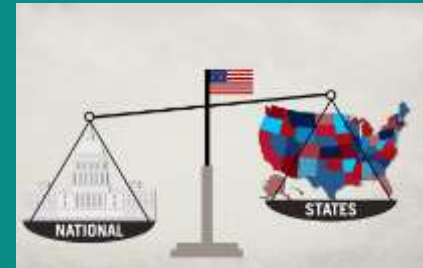
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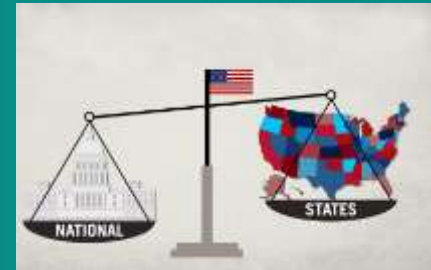


STATES



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STATES

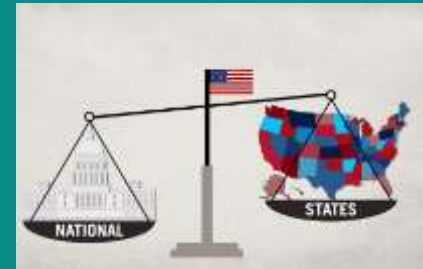
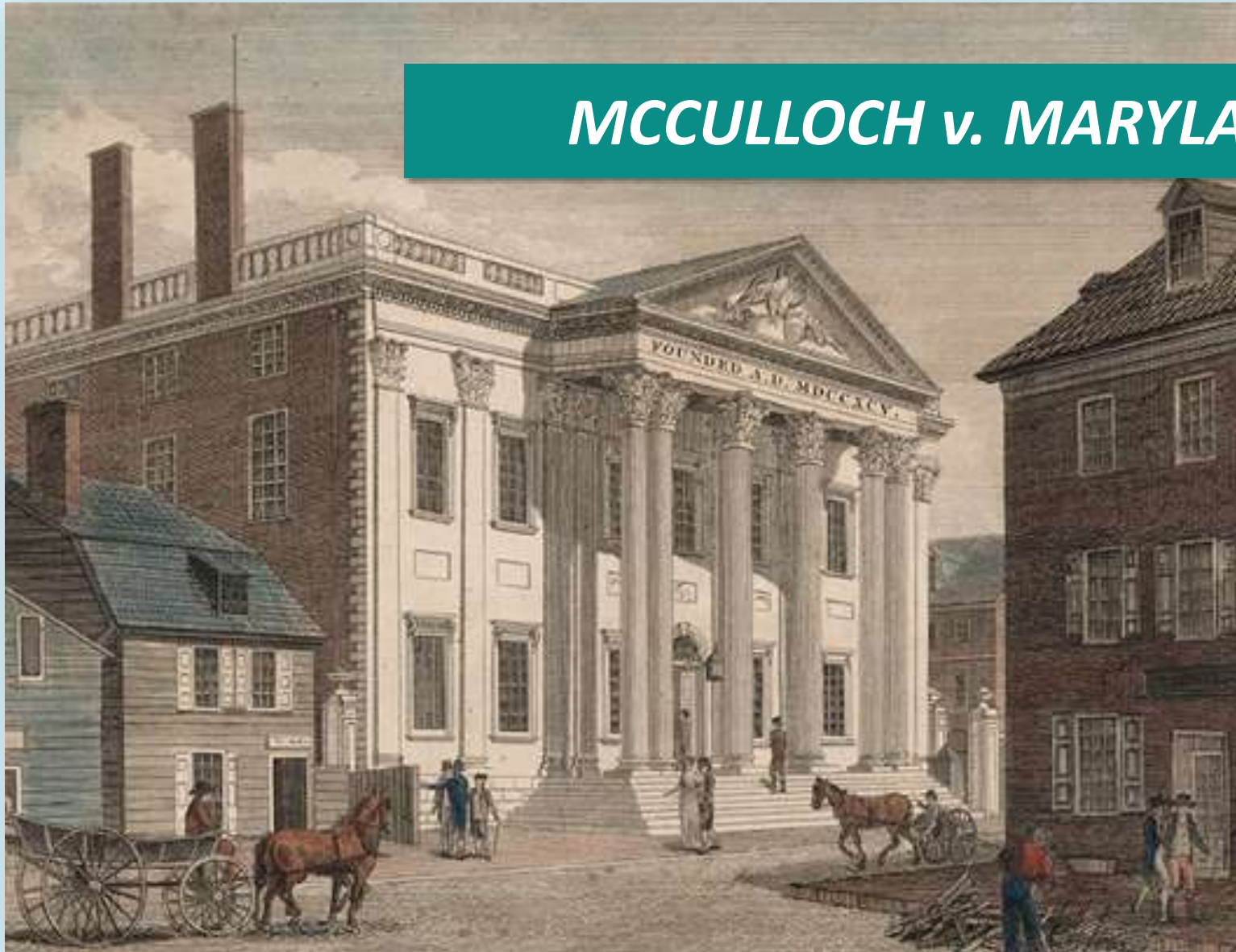


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MCCULLOCH v. MARYLAND



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TEN DOLLARS REWARD.



RUN AWAY on Friday the 26th of August 1774, from the subscriber, living in Middle-patent, North-Castle, Westchester county, and province of New-York,

A NEGRO MAN,

Named **W I L L**, about 27 years of age, about five feet six inches high, somewhat of a yellow complexion, a spry lively fellow, very talkative; had on when he went away, a butter-nut coloured coat, felt hat, tow cloth trowsers; he has part of his right ear cut off, and a mark on the backside of his right hand.

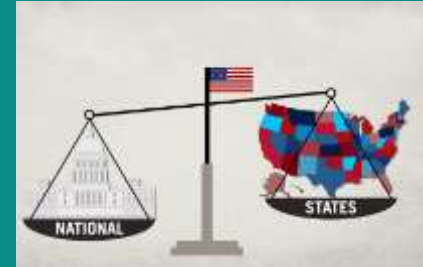
Whosoever takes up said Negro and brings him to his master, or secures him in gaol, so that his master may have

all reasonable
YES BANKS
did not to carry on.

the above Negro.

74

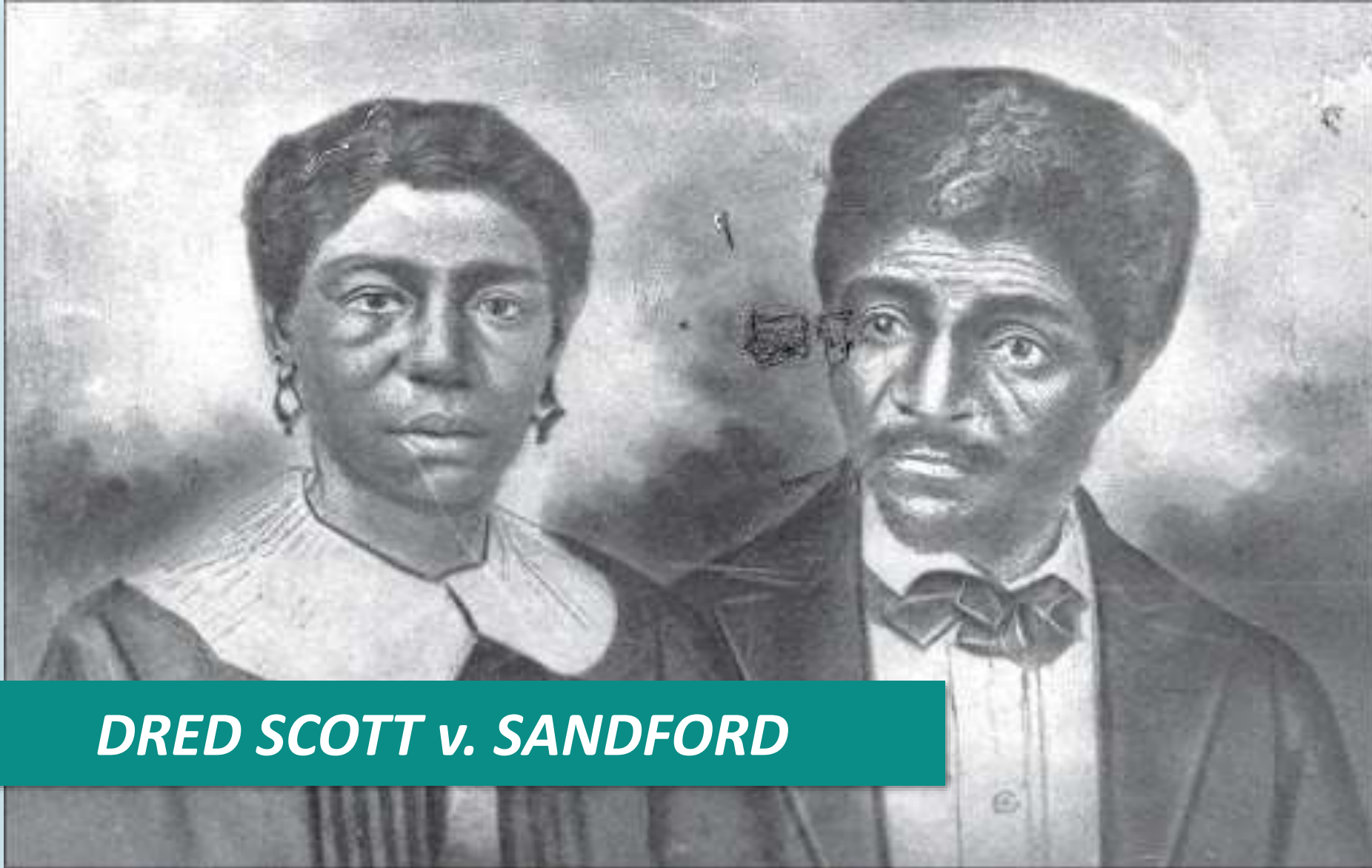
PRIGG v. PENNSYLVANIA



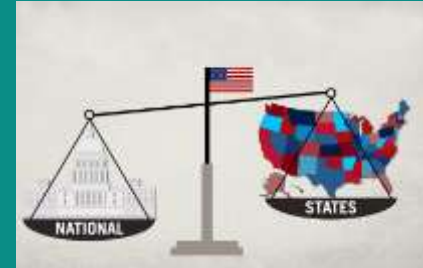
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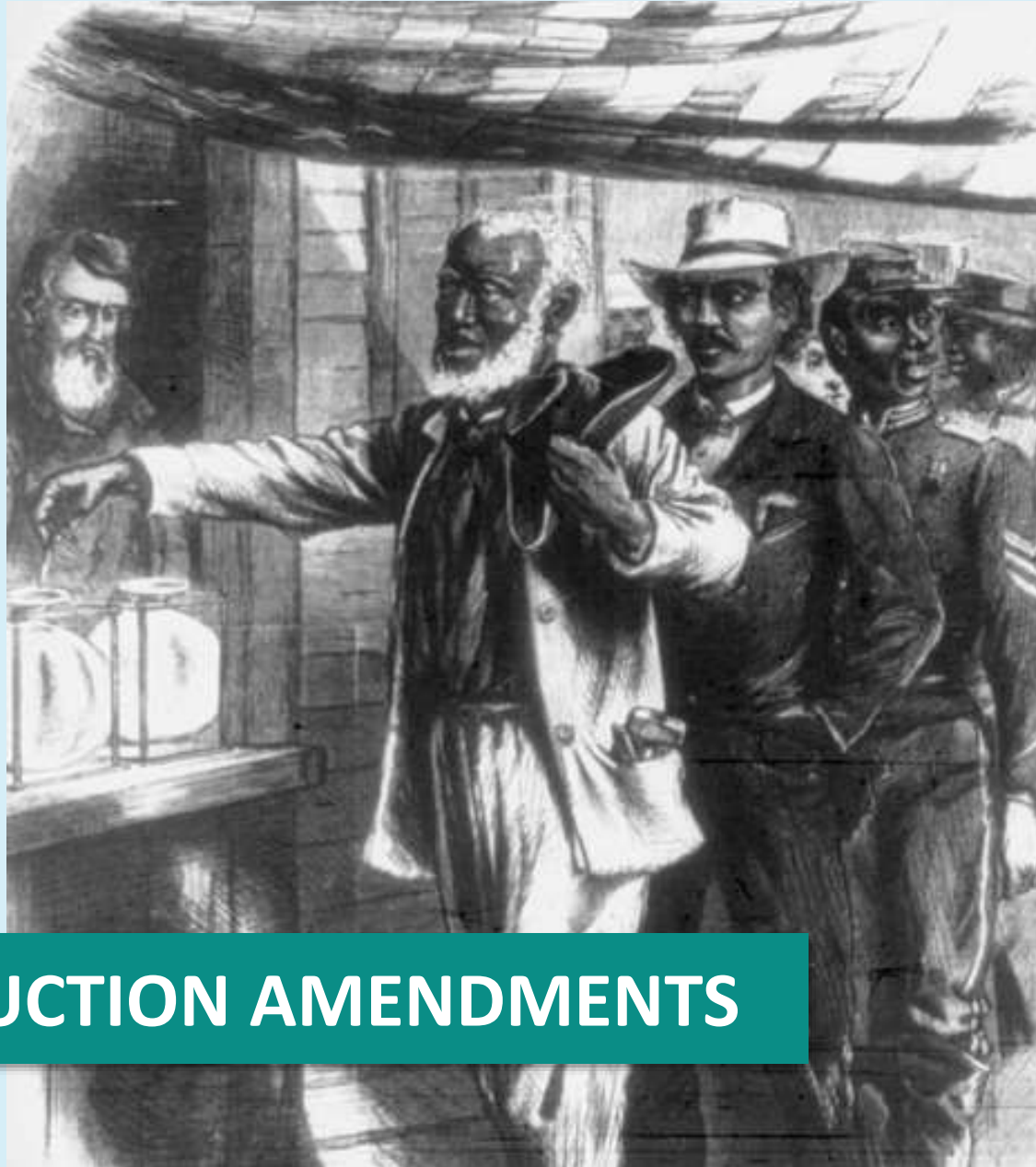




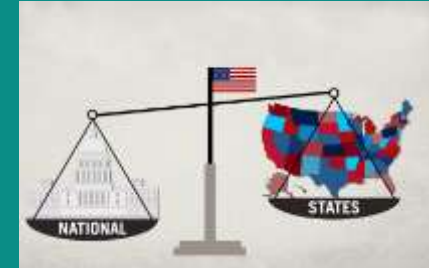
DRED SCOTT v. SANDFORD



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RECONSTRUCTION AMENDMENTS



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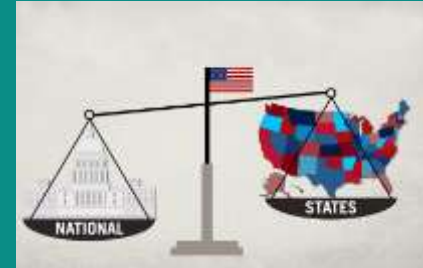
13TH AMENDMENT

Section 1

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2

Congress shall have power to enforce this article by appropriate legislation.



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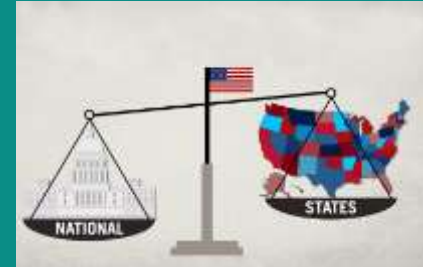
14TH AMENDMENT

Section 1

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 5

The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.



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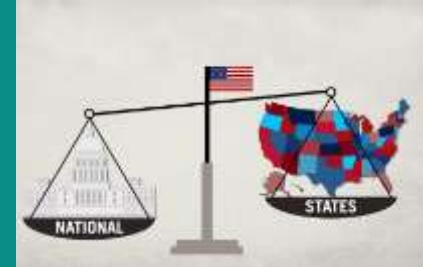
15TH AMENDMENT

Section 1

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Section 2

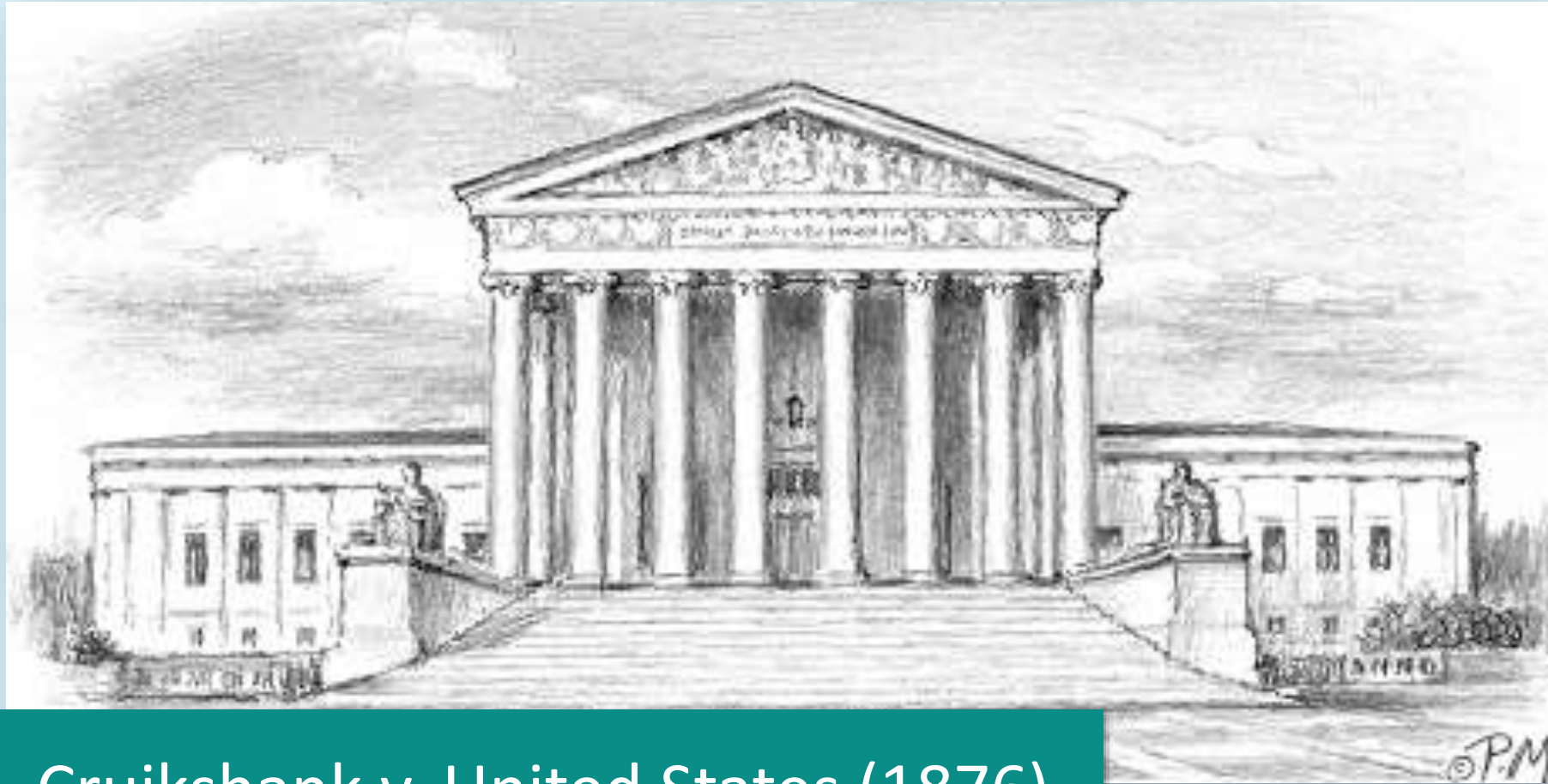
The Congress shall have the power to enforce this article by appropriate legislation.



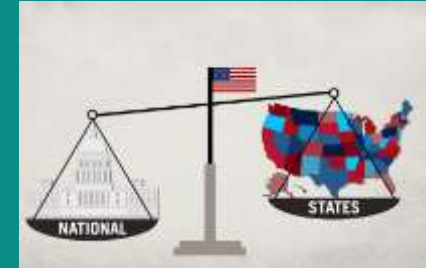
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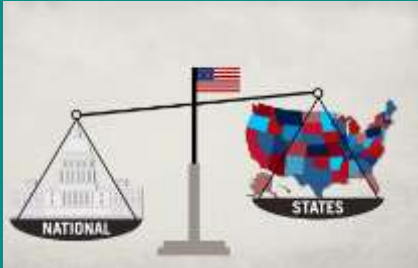
- Cruikshank v. United States (1876)
- The Civil Rights Cases (1883)
- Plessy v. Ferguson (1896)



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NEW DEAL ERA

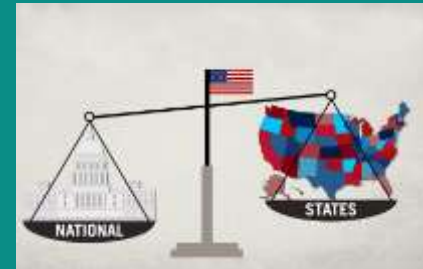


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CIVIL RIGHTS ERA



Brown v. Board of Education, 1954



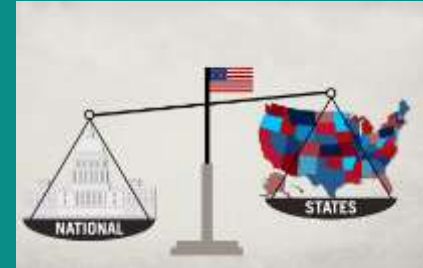
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CIVIL RIGHTS ERA



Civil Rights Act, 1964



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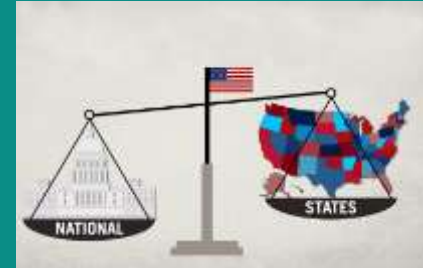
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CIVIL RIGHTS ERA



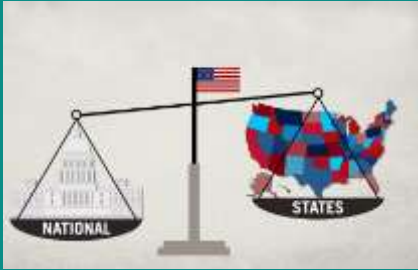
Voting Rights Act, 1965



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**THE SUPREME COURT AND
“NEW FEDERALISM”**

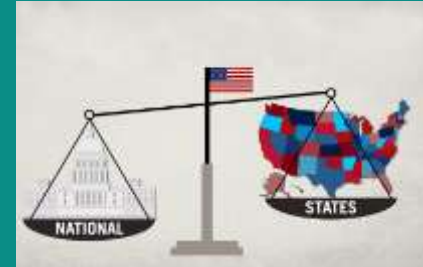


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South Bay United Pentecostal Church v. Newsom (2020)



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