FEDERALISM
SCHOLAR EXCHANGE
WHERE IS FEDERALISM IN THE CONSTITUTION
WHERE IS FEDERALISM IN THE CONSTITUTION

**Article I, Section 3:** The original Senate

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

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

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

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

**Article VI:** Supremacy Clause

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

**10th Amendment**

The Enforcement Clauses of the *Reconstruction Amendments*
"LABORATORIES OF DEMOCRACY"

LOUIS BRANDEIS
1856 - 1941
CIVIL RIGHTS ERA LEGISLATION

Scholar Exchange: Federalism
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?
PRIGG v. PENNSYLVANIA
DRED SCOTT v. SANFORD

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RECONSTRUCTION AMENDMENTS
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.
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.
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.
• Cruikshank v. United States (1876)
• The Civil Rights Cases (1883)
• Plessy v. Ferguson (1896)
NEW DEAL ERA
CIVIL RIGHTS ERA

CIVIL RIGHTS ERA

Civil Rights Act, 1964
CIVIL RIGHTS ERA

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Voting Rights Act, 1965
THE SUPREME COURT AND “NEW FEDERALISM”
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*South Bay United Pentecostal Church v. Newsom* (2020)