

CHAPTER 4

FEDERALISM

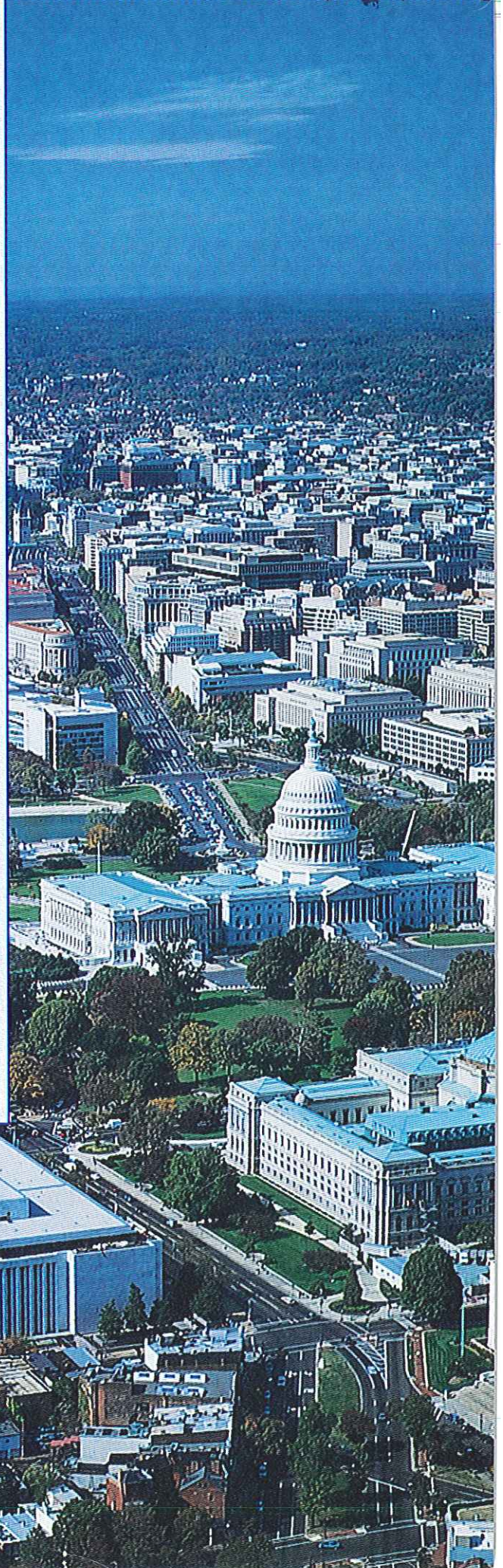
As noted in Chapter 3, one of the most important features of the Constitution is the federal system of government it established for the United States. Evidence of this system at work is all around you. Take this textbook, for example. The money to buy this book likely came from your state government or local school board. Under the U.S. federal system, it is the states and local communities, not the national government, that provide most of the money used to build schools, pay teachers, and purchase textbooks.

Knowing the way powers and responsibilities are divided among the different levels of government is key to understanding the U.S. federal system. Although this relationship has changed over time and has caused a great deal of debate, it continues to be based on the structure established by the Constitution. It is this basic structure that has helped create a federal system that promotes the public good.



Government Notebook

What are the powers of government in the United States? In your Government Notebook, make a list of as many of these powers as you can think of, and indicate who you think holds each one: the federal government, the states, or local government.



SECTION 1

POWERS AND RESPONSIBILITIES

Political Dictionary

expressed power
implied power
Elastic Clause
inherent power
reserved power
concurrent power



Objectives

- ★ Which powers does the Constitution give to the federal government, and which does it give to the states?
- ★ Which powers are denied to the federal government, and which are denied to the states?
- ★ What responsibilities do the federal and state governments have to each other?
- ★ What role do the courts play in the U.S. federal system?

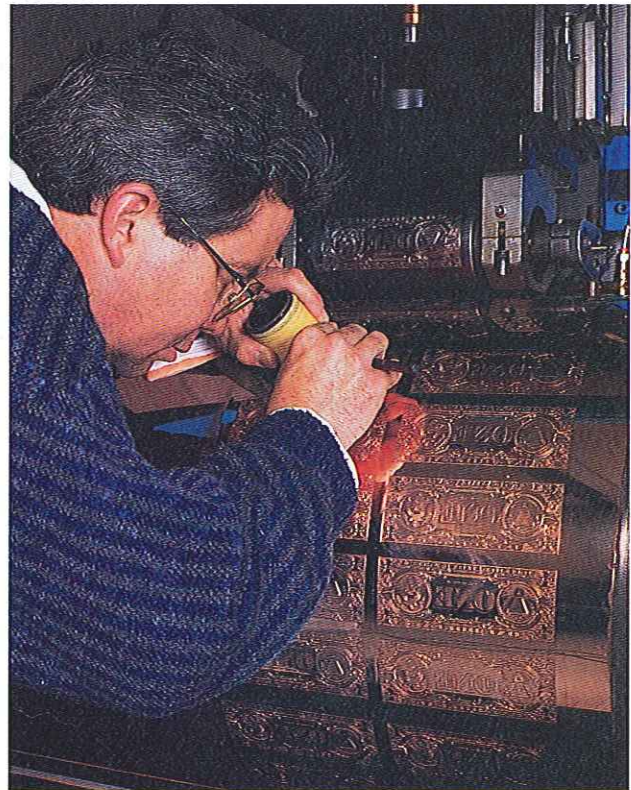
The Constitution outlines the powers and responsibilities of both the federal government and the states. In addition, the Constitution assigns the federal courts an important role in resolving conflicts among the different levels of government.

Powers of the Federal Government

The U.S. federal government holds three types of powers: expressed, implied, and inherent. These powers generally involve matters that affect all people in the United States and that are impractical for the states to handle. Some of these powers come from the Constitution, while others are simply those that are exercised by any government of a sovereign nation.

Expressed Powers The powers that the Constitution expressly, or specifically, grants to the federal government are called **expressed powers**. For example, Article I, Section 8, lists the expressed powers of the legislative branch. These powers include issuing money, collecting national taxes, borrowing money, paying government debts, regulating trade among the states and with foreign governments, declaring war, and raising and maintaining armed forces.

Articles II and III list the expressed powers of the other two branches. Article II gives the president the power to command the armed forces and to direct relations with governments of other countries. Article III gives the judicial branch the power to decide several kinds of cases, including those concerning the Constitution, federal laws, and treaties. Federal courts also may rule on cases involving the U.S. government, certain foreign officials in the United States, and disputes among the states.



CONSTITUTIONAL GOVERNMENT *The federal government prints and issues the national currency. Here, a U.S. mint quality-control worker inspects currency-printing plates. Why is it more practical to have a national currency than to have each state print its own?*

Implied Powers Not all powers of the federal government are expressly listed in the Constitution. The federal government also has **implied powers**, or powers that are suggested by the expressed powers.

The source of many of Congress's implied powers is Article I, Section 8. This section gives Congress the power "to make all laws which shall be necessary and proper" to exercise its other powers. This "necessary and proper" clause has been called the **Elastic Clause**, because it allows Congress to stretch its authority in ways not specifically granted nor denied to it by the Constitution.

For example, the Sixteenth Amendment to the Constitution expressly gives Congress the power to establish and collect taxes on incomes. Using its implied powers, Congress has established the Internal Revenue Service (IRS) to do the actual tax collecting.

Inherent Powers The federal government also has **inherent powers**, or powers that naturally belong to any government of a sovereign nation. Governments of sovereign nations have used these powers throughout history. Like implied powers, inherent powers are not mentioned in the Constitution. Many of these inherent powers relate to foreign affairs, such as the making of international agreements, including acquiring new territory.

Powers of State Governments

In the U.S. federal system, some powers are reserved to the states. These **reserved powers** are not specifically mentioned in the Constitution. According to the Tenth Amendment, however, the powers that the Constitution does not give to the federal government nor specifically forbid to the states "are reserved to the states . . . or to the people."

Among the states' reserved powers are the authority to establish local governments, create public school systems, and enact criminal and civil laws. States also may pass laws promoting public health and safety, regulating business within their



POLITICAL FOUNDATIONS *The U.S. government's decision to purchase Alaska was seen as foolish by some people, who thought Alaska was just a large block of ice, as noted in the above cartoon. (See the Linking Government and Economics feature on page 77.) What type of power allows governments to acquire new land?*

borders, and requiring licenses to work in various professional occupations. Professionals required to have licenses may include doctors, lawyers, accountants, and even the person you pay to cut your hair.

Concurrent Powers

The federal and state governments also hold some **concurrent powers**—those that the Constitution neither grants exclusively to the federal government nor denies to the states. For example, both the federal government and the states may establish court systems, make and enforce laws, collect taxes to pay the costs of governing, and borrow and spend money.

Limits on Federal and State Powers

The Constitution also limits the powers of the different levels of government. Some powers are denied only to the federal government, some only to the states, and some to both levels of government.

Government Powers

FEDERAL GOVERNMENT POWERS (Expressed Powers)

- To regulate interstate and foreign trade
- To coin and print money
- To establish post offices and construct post roads
- To raise and support armed forces
- To declare war and make peace
- To govern U.S. territories and admit new states
- To pass laws regulating immigration
- To make all laws "necessary and proper" to carry out its powers



SHARED POWERS (Concurrent Powers)

- To collect taxes
- To borrow money
- To establish courts
- To charter banks
- To make and enforce laws
- To provide for the health and welfare of the people



STATE GOVERNMENT POWERS (Reserved Powers)

- To regulate trade within the state
- To establish local governments
- To conduct elections
- To determine qualifications of voters
- To establish and support public schools
- To pass laws regulating businesses within state borders
- To make civil and criminal laws
- To pass license requirements for professionals



Some government powers are given only to states and others are given only to the federal government. A few powers are shared by both. Are the powers reserved to the states specifically stated in the Constitution?

Powers Denied to the Federal Government

Article I, Section 9, lists the powers that are denied to the federal government. For example, the federal government may not tax exports, pass laws favoring the trade of one state over another, or spend money unless authorized to do so by federal law.

As you know, the federal government also may not exercise powers that are not mentioned or implied in the Constitution or inherent to the governments of all nations. For example, it may not enact laws that establish a monarchy. In addition, the federal government may not exercise the powers that are reserved to the states, and it may not pass laws that threaten the federal system established by the Constitution.

Powers Denied to the States Article I, Section 10, explicitly lists powers that are denied to the states. For example, a state may not issue its own money, make a treaty with a foreign government, or go to war unless invaded or authorized to do so by the federal government. In addition, states cannot manage trade with other states or foreign countries without Congress's approval.

Powers Denied to Both Levels The Constitution denies some powers to both the federal government and the states. Neither level of government, for example, may deny people accused of crimes the right to trial by jury. In addition, the Constitution forbids the federal government and the states from granting titles of nobility.

Responsibilities

The federal system created by the Constitution includes more than a division of powers among the levels of government. The Constitution also notes the responsibilities that the federal government and the states have to each other.

Federal Responsibilities The federal government has three main responsibilities regarding the states. These include making sure that the states have republican governments, protecting the states from violent actions, and respecting the states' territories.

First, the federal government must ensure that all states have republican governments. Although the term *republican* is not defined in the Constitution, it has been interpreted to mean

representative government. By allowing a state's representatives and senators to be seated in Congress, the federal government recognizes that a state's government is legitimate.

A second responsibility of the federal government is protecting the states from violent actions, such as foreign invasions. The framers made the federal government responsible for protecting all the states, which means that an attack against any one of the states is an attack against the United States as a whole.

Comparing

▲.....▶ Governments

Federalism in Mexico and Germany

The United States is just one of many countries with a federal system of government. Both Mexico and Germany, for example, are federal republics operating under a centralized government.

As in the United States, the citizens in Mexico elect a president to head the federal government. Mexico's legislature consists of a 64-member Senate and a 500-member Federal Chamber of Deputies—a legislative house similar to the U.S. House of Representatives. *Distrito Federal*—a federal district similar to Washington, D.C.—houses the major federal offices. State governors, who are elected by the citizens of the country's 31 states, direct the state governments and make decisions and policies on local matters.

Germany's government is organized somewhat differently from the U.S. and Mexican governments. Its president is elected by federal and state legislators and holds a largely ceremonial position. The nation's chancellor, who is elected by the lower house of the legislature rather than by the people, is the head of the government. Like the United States and Mexico, however, Germany has a two-chamber legislature, consisting of the 68-member *Bundesrat*, or upper house, and the 656-member *Bundestag*, or lower house. In addition, citizens in each of Germany's 16 states elect members of a state legislature to govern state matters.

Although each state has the power to make and enforce laws within its boundaries, the federal government may intervene to help maintain order. In 1992, for example, federal troops helped stop violent rioting in Los Angeles. Such federal involvement has not happened often and usually has come at the request of state governors and local authorities.

In addition to protecting the states from violent actions, the federal government also helps states after natural disasters, such as earthquakes, fires, hurricanes, and floods. In 1996, for example, Congress authorized the distribution of \$1.3 billion in natural disaster relief funds to states in the Northeast that had been damaged by blizzards the previous winter and to the Northwest, which had been greatly damaged by flooding.

A third responsibility of the federal government is to guard the states' territorial rights. For example, Article IV, Section 3, of the Constitution says that no new states may be formed from the territory of other states without the approval of both the states concerned and Congress.

State Responsibilities The states also have responsibilities to the federal government. They must establish, for example, the boundaries for districts from which members of the House of Representatives are elected. States also set the rules for electing members of Congress and choosing presidential electors and pay the costs of running elections—for example, printing ballots and setting up voting locations.

States also maintain National Guard units that may be called into action by the governor or the federal government during emergencies. National Guard units have even been used overseas, as in the Persian Gulf War in 1991.

The Courts and the Federal System

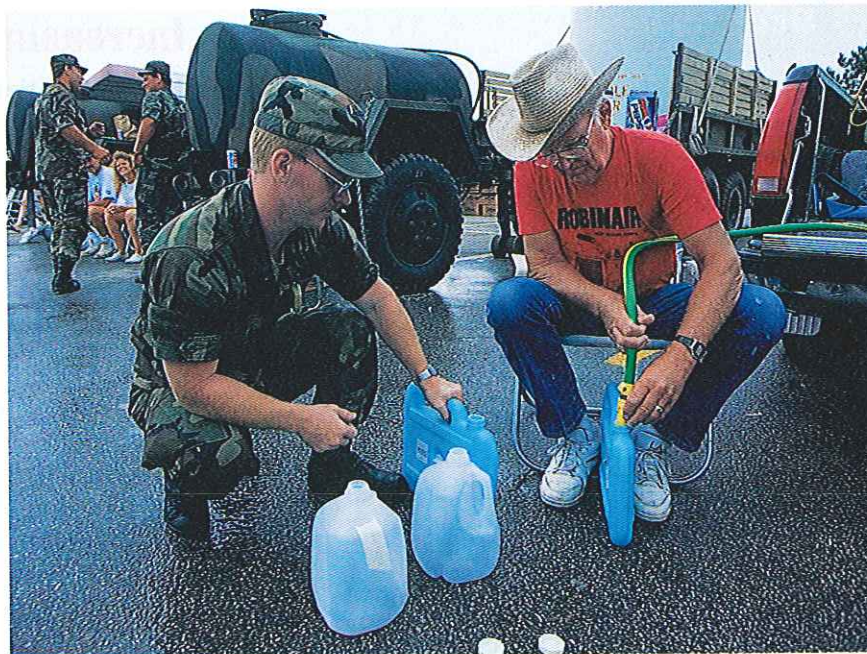
The framers knew that the system of government they created might lead to conflicts between the federal and state governments. They knew, for example, that states might pass laws that conflicted with those passed by the federal government. How did the framers solve this problem?

Article III of the Constitution gives the judicial branch the authority to hear cases involving the Constitution, U.S. laws, and disputes among

states. Thus, the judicial branch has the authority to act as referee between the federal government and the states. In most team sports, a referee makes decisions based on rules that the participants have agreed to follow. In the federal system, the courts—and particularly the Supreme Court—make decisions based on the rules listed in the Constitution.

By agreeing to follow its rules, the states acknowledge that the Constitution is the highest authority in disputes with the federal government. As noted in Chapter 3, the framers made it clear in Article VI that the power of the federal government is superior to the power of state governments. This article of the Constitution includes the Supremacy Clause, which declares that the Constitution, federal laws, and treaties made by the federal government are “the supreme law of the land.”

The Supremacy Clause guides the federal courts in solving conflicts between state and federal laws. In 1819, for example, the Supreme



PUBLIC GOOD National Guard units provide assistance to Iowa residents after a flood in 1993. What type of assistance does the federal government provide to states during times of crisis?

Court ruled in *McCulloch v. Maryland* that the state of Maryland could not tax the Bank of the United States. The Supreme Court ruled that if the states had the power to tax any part of the federal government, they would be superior to it, which would be unconstitutional.

SECTION 1

REVIEW

1. Define the following terms: expressed power, implied power, Elastic Clause, inherent power, reserved power, concurrent power.
2. Which constitutional amendment is the source of the states' reserved powers? List the states' reserved powers and the federal government's expressed powers.
3. What powers are denied to the federal government? to the states? to both?
4. What responsibilities does the federal government have to the states? What responsibilities do the states have to the federal government?
5. How do the federal courts serve as the federal system's referee?

6. Thinking and Writing Critically

Why is it important that powers be divided between the federal government and the states? What do you suppose would happen if, for example, the states could negotiate their own trade agreements with foreign nations?

7. Applying **PUBLIC GOOD**



States pass laws to promote public safety. Conduct an Internet search for recreational safety laws in your state. For example, laws may be passed to protect people while they are biking. Write a paragraph describing one of these laws, and explain whether you believe it promotes the public good.

GROWTH OF FEDERALISM

Political Dictionary



revenue sharing
grant-in-aid
categorical grant
block grant
federal mandate

Objectives

- ★ How has the federal government's involvement in states' affairs grown?
- ★ How have grants-in-aid affected the growth of federalism?
- ★ What role do federal mandates play in federalism?

Debates about the federal system have long been part of U.S. politics. At various times since the founding of the republic, some states have argued that they had the right to nullify, or cancel, federal laws that they opposed. In the mid-1800s, eleven southern states even claimed the right to secede from, or leave, the United States. Many of the people in these states believed that under President Abraham Lincoln's administration the government threatened southern institutions, including the system of slavery, and hence their way of life.

The Civil War defeat of the 11 southern states that seceded from the Union in 1860 and 1861 firmly established the federal government's supreme authority. In addition, the Supreme Court has ruled that the Constitution's Supremacy Clause does not allow states to reject federal laws as long as those laws are constitutional.

The debate over the power of the state and federal governments continues today. Some of the fuel for that debate has come from the ways in which the federal government has increased its involvement in states' affairs.

Increasing Federal Involvement

In the twentieth century the federal government has become increasingly involved in areas previously handled by state and local governments. In law enforcement, for example, the Federal Bureau of Investigation (FBI) often helps state and local officials solve major crimes. The federal government also helps pay to maintain the states' National Guard units.

The growth of federal involvement is particularly evident in the money that the national government has given to state and local governments. During the 1970s and early 1980s, for example, federal tax dollars were shared with state and local governments. Under this system of **revenue sharing**, states had a great deal of freedom in spending their share of federal money. Revenue sharing ended in the mid-1980s, however, under pressure to cut federal spending.

In spite of such pressure, federal aid to the states has continued and, in some ways, even grown. Today, federal grants are major sources of income for state and local governments. To receive this aid, however, states often must follow rules and requirements set by the federal government.

The Grant System

One way that the role of the federal government has grown is through grants-in-aid. **Grants-in-aid** are money or other resources that the federal government provides to pay for state and local activities. Unlike money from revenue sharing, grants-in-aid are used for specific projects and programs authorized by the federal government.

The number and value of grants-in-aid have grown a great deal during the twentieth century, but the roots of these grants reach back much further. The Land Ordinance of 1785 under the Articles of Confederation, for example, set aside land for public schools in the territories won from Great Britain during the Revolutionary War.

After the Constitution was ratified, the federal government continued to give aid to states. The Morrill Act of 1862, for example, gave grants of federally owned land to the states. The states used the money they earned from selling the land to establish colleges. Seventy state universities, including Texas A & M and Ohio State, have their origins in the Morrill Act.

Today, grants to the states support not only education but also transportation systems, housing projects, and programs for people in need. How a grant-in-aid can be used depends on its form: categorical or block.

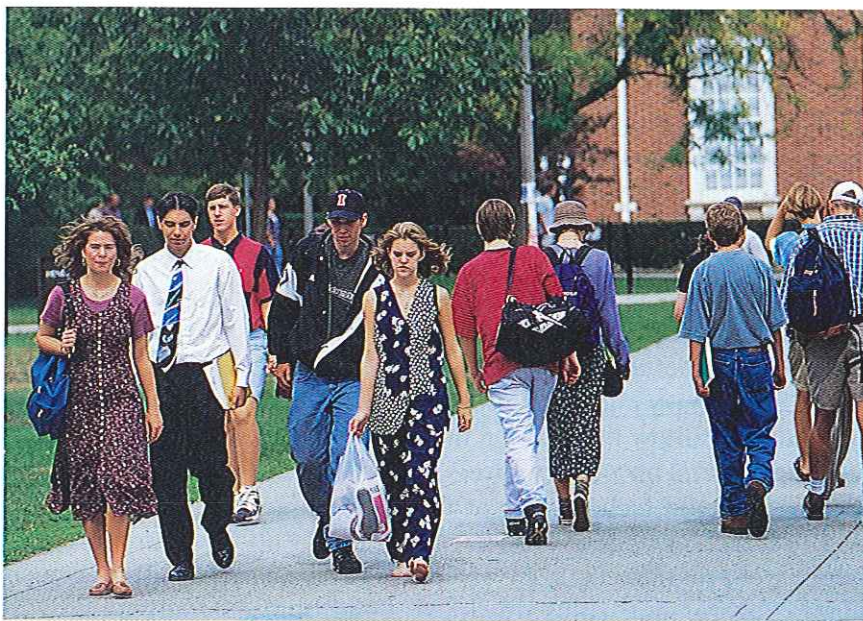
Categorical Grants Payments by the federal government to carry out specific activities are called **categorical grants**. Categorical grant programs include those for building airports and other public facilities, unemployment compensation, fighting crime, and providing aid after natural disasters such as floods and earthquakes.

Categorical grants often base the amount of aid that a state or local government receives on certain conditions, such as population. These grants also typically require that state or local governments contribute their own funds, in an amount determined by Congress. In this way, state and local governments show their commitment to the program.

Block Grants Another form of grant-in-aid is a **block grant**. These federal funds can be used by a state or locality in a broadly defined area such as welfare, community development, health, or education. Block grant projects include developing public transportation systems, anticrime programs, and community youth activities.

State and local governments usually prefer block grants to categorical grants because, as with revenue sharing, block grants give them more freedom to decide how to spend federal money. Some critics believe, however, that this flexibility allows states to ignore the needs of those for whom the aid was intended. Supporters of block grants, on the other hand, argue that state and local governments can better determine their citizens' needs than can the federal government.

Since the 1980s, block grants have become increasingly common. Some categorical grants to support libraries, aid science education, and teach students about the metric system, for example, became a part of the broader education block grants. In 1995 and 1996 many members of



POLITICAL PROCESSES Many state universities, including the Champaign-Urbana campus of the University of Illinois, were established as a result of federal aid provided by the Morrill Act of 1862. What other types of programs do grants-in-aid support?

Congress supported proposals for turning categorical grants into block grants. Rather than determining how much money should go to every program, the federal government would allow states to decide which priorities should be pursued with available funds. Under the 1996 welfare law, for example, all federal contributions to welfare are in the form of block grants.

Federal Mandates

The federal government also has become more involved in the affairs of the states through **federal mandates**—requirements that the federal government imposes on state and local governments. The federal government passes mandates to address issues that affect people in many or all of the states. For example, some federal mandates have established protections for the environment and measures to protect the health and safety of workers.

Forms of Mandates Federal mandates come in three basic forms. One form is a law directing state or local governments to take action on a particular issue. For example, the Asbestos Hazard Emergency Response Act of 1986 required public schools to take certain steps to protect children from exposure to asbestos, a fireproof mineral that

can cause health problems and that was formerly used in insulation. In buildings using this insulation, tiny asbestos fibers travel through the air, causing lung damage in people who inhale them. Supporters of the 1986 law wanted to protect children's health in the nation's public schools.

Another form of federal mandate gives states the choice between undertaking an activity themselves or having the federal government do it. For example, in 1970 the federal government passed the Clean Air Act to lower pollution levels. States were given money and were allowed to make their own rules to follow this law, on the condition that they met federal air quality levels. States that did not do so would have to accept federal enforcement of the law. State leaders often prefer to administer programs themselves because they can adapt government rules to local conditions, whereas the federal government often makes broad rules that all areas must follow.

Finally, federal mandates may come in the form of strings attached to federal aid. To receive this aid, a state or local government must follow certain requirements. For example, in 1986 Congress declared that states whose minimum age for drinking alcoholic beverages was 20 or less would lose

a percentage of their federal aid for constructing and maintaining highways if they did not raise the age to 21. Establishing a legal drinking age is a state responsibility, but by the end of 1988 all states had raised the minimum legal drinking age to 21 to keep from losing full federal highway funding.

Debate over Mandates People who do not think that the federal government should issue mandates argue that federal rules violate the rights of states to handle their own affairs. For example, some people argue that environmental laws passed by Congress interfere with state and local authority. Others declare, however, that such regulation is necessary because one state's environmental pollution often affects the residents of other states.

Critics also argue that the federal government should provide the funds to pay for its mandates. For example, Congress passed a law in 1993 requiring states to adopt certain rules making it easier for people to register to vote. Supporters argued that the law would increase voter registration. Some opponents, however, argued that the law would unfairly force state governments to pay for a program that they had not created.

States have fought against unfunded mandates—and with some success. In 1995, for example, Congress passed and President Clinton signed into law a bill that required that the Congressional Budget Office (CBO) submit a report on the costs a new bill would impose on state and local governments before that bill could be considered by Congress. If the CBO determined that the legislation would require expenditures of more than \$50 million, and Congress refused to provide the funds to state governments for enforcement of the new law, then that bill could not be considered by Congress unless a special “point of order” vote was taken that would allow consideration of the legislation. The debate over balancing federal and state interests, however, continues.



POLITICAL PROCESSES Workers from the EPA clean up a toxic waste dump in Houston. Federal environmental mandates often include aid to help states follow these rules. Why do some people argue that the federal government should provide funds for mandates?

C A S E S T U D Y

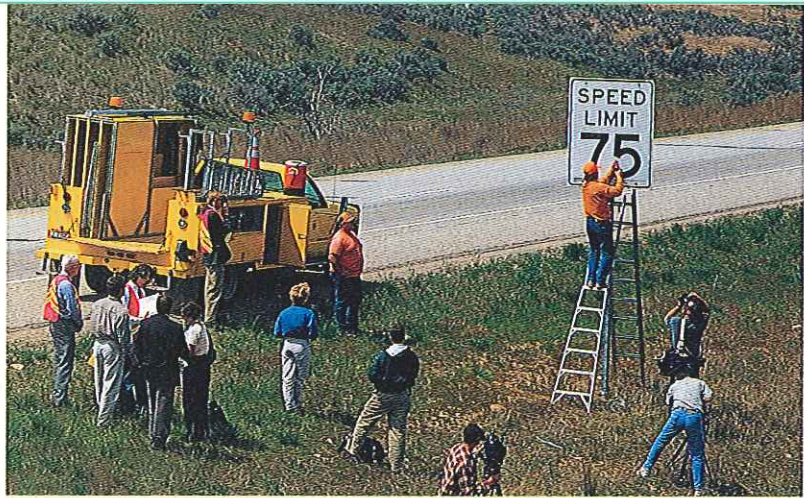
Drive 55?

CONSTITUTIONAL GOVERNMENT Changing times play an important role in the establishment and repeal of federal mandates. Consider, for example, federal mandates about speed limits on the nation's highways.

In 1973 and 1974 a major rise in the price of oil caused fuel prices to skyrocket. The shock over the higher prices encouraged efforts to conserve energy. In one such effort, Congress passed a law that required any state receiving federal highway aid to lower its maximum speed limit to 55 miles per hour.

Setting speed limits is a state responsibility, but as with the federal mandate regarding a minimum drinking age, every state quickly lowered its maximum speed limit to 55 miles per hour in order to keep from losing federal funding. By the late 1980s, however, fuel prices had fallen, the fuel efficiency of cars had improved, and concern over conserving energy was less strong. Pressure from some states, notably large western states whose population centers are often far apart, led Congress in 1987 to allow states to raise the speed limit to 65 miles per hour in rural areas.

In 1995 the federal mandate on speed limits changed again. Under growing pressure to roll back



POLITICAL PROCESSES *Some states increased their maximum speed limits to 75 miles per hour after the passage of the 1995 law that allowed states to set their own speed limits. Why did all states lower their maximum speed limits to 55 miles per hour during the 1970s?*

federal rules, Congress passed a law allowing states to set their own speed limits on all roads. Opponents had argued that the higher speed limits would waste fuel and cause more deaths from traffic accidents. Others argued that the states could better determine safe speed limits inside their own borders. Most states set higher speed limits shortly after the law passed. The full result of these higher limits may not be known for several years.

SECTION 2

REVIEW

1. Define the following terms: revenue sharing, grant-in-aid, categorical grant, block grant, federal mandate.
2. What are some examples of increasing federal involvement in states' affairs?
3. Describe the two kinds of grants-in-aid. Give examples of what a grant-in-aid might fund. How do these grants-in-aid reflect the federal government's increased role in states' affairs?
4. What are the forms of federal mandates?
5. How have federal mandates increased the federal government's role in states' affairs? What are some of the criticisms of this increased involvement?

6. Thinking and Writing Critically

In this chapter, you have read how the federal government provides grants-in-aid to the states. Have you ever received a "grant-in-aid" from someone, such as your parents, another relative, a friend, or your school? What was the grant's purpose? Were you able to use the support to complete a project or reach a goal?

7. Applying **CONSTITUTIONAL GOVERNMENT**

Some people think that the role of the federal government in states' affairs has become too large. Review the information in this section, and write a short report discussing the specific areas in which these people think the federal government has too much control. Be sure to state your own opinion.

SECTION 3

RELATIONS AMONG THE STATES

Political Dictionary



enabling act
act of admission
civil law
criminal law
extradition
interstate compact

Objectives

- ★ How are states admitted to the United States?
- ★ In what ways do the states work together in the federal system?

Part of the federal system involves how the states deal with one another. The Constitution, however, not only establishes guidelines for state interaction, it also provides for the admission of new states. In addition, it ensures that any state, regardless of when it is admitted, has the same status and rights as all the other states.

Admitting New States

Not all states have been admitted in the same way. Of the 37 states admitted to the Union since the Constitution was ratified, 30 were admitted after often lengthy periods as U.S. territories. To become a state, a territory usually petitions, or asks, Congress to be allowed into the Union. If the petition is approved, Congress then passes an **enabling act**—legislation that directs the territory to draft a state constitution establishing a representative government.

Next, the territory elects delegates to draft a constitution. If approved by the residents of the territory, the document is submitted to Congress for approval. Once approved, Congress then passes an **act of admission**—legislation that makes the

territory a state with status equal to that of all the other states.

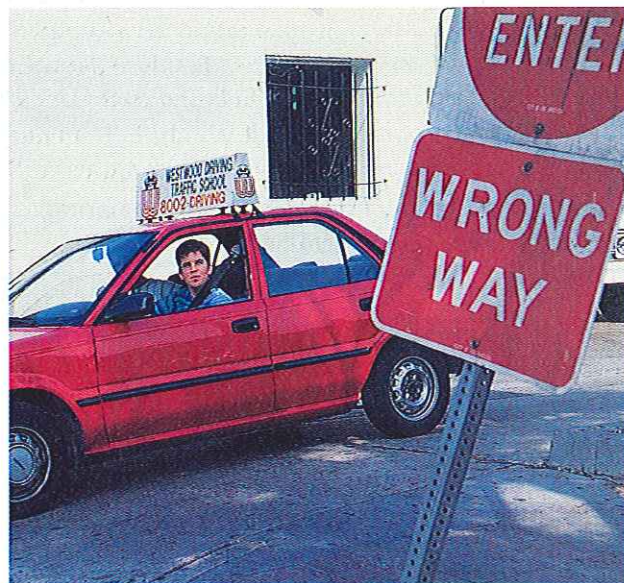
Some states were admitted without long periods as territories. California became a state within two years of Mexico's turning it over to the United States after losing the Mexican War. When Texas was admitted, it had been an independent republic for nine years.

Some states were formed from existing states. As noted in Section 2, a new state may not be formed from the territory of an existing state without that existing state's permission. Vermont, Kentucky, Tennessee, and Maine were formed from existing states. West Virginia also was formed from an existing state—Virginia. Because Virginia was not a state during the Civil War, however, Congress was able to admit West Virginia into the United States in 1863 without Virginia's permission.

States in the Federal System

Even though the Constitution gives states the right to manage their own affairs within their borders, it also encourages cooperation among them. How do the states cooperate with one another?

Full Faith and Credit One way that states cooperate is by recognizing one another's official acts. As Article IV, Section 1, of the Constitution states,



CONSTITUTIONAL GOVERNMENT *The Full Faith and Credit Clause in the Constitution requires states to honor other states' driver's licenses. What other official records must states honor?*

Government and Economics

Alaska: The Last Frontier

Soon after the United States was founded, Americans began moving west into the vast frontier lands. As Americans and new immigrants settled along the western border of the frontier, they began to push the frontier farther west. By the end of the 1800s, the nation's western frontier had disappeared. Soon, U.S. explorers began to look northward, to a territory known as Alaska, which was to become America's new frontier. Now, this frigid land is one of the United States's most sparsely populated, yet economically prosperous, states. Even today, Alaska's license plates declare it to be "The Last Frontier."

U.S. secretary of state William H. Seward negotiated the \$7.2 million purchase of Alaska with Russia in 1867. Many people in the United States, viewing Alaska as a national liability rather than an asset, criticized the purchase. Skeptics demanded to know the usefulness of this frozen land. Seward, however, knew of Alaska's valuable natural resources—Russians had been trapping furs in the region's vast forests for more than 100 years. In addition, Seward believed that Alaska's geographic location made it vital to U.S. military interests. Owning Alaska would strengthen U.S.



Although purchasing Alaska was initially criticized by some people, the territory was soon seen as a wise investment because of its plentiful wildlife, oil deposits, and dense forests.

influence in the north Pacific and weaken Russia's power. Still, critics called the purchase "Seward's Folly" and made their opinions known by describing the region as "Frigidia" and "President Andrew Johnson's Polar Bear Garden."

The Alaskan Purchase, however, was soon recognized as the United States's "biggest bargain" since Thomas Jefferson's 1803 Louisiana Purchase. For less than two cents an acre, the United States gained about 600,000 square miles of resource-rich land—expanding its territory by almost 20 percent. In 1896 the Klondike Gold Rush in Alaska silenced Seward's critics forever.

Alaska's natural resources include immense mineral deposits, dense forests, and plentiful fish and wildlife, in addition to petroleum reserves that have added to the economic wealth of the state and the nation. Oil revenue generates about four fifths of the state's income. All Alaskan residents share in the wealth—just for living in the state they receive close to \$1,000 per year from a state oil fund. In 1995 per capita income in Alaska exceeded \$24,000 per year, among the nation's highest.

The state's largest oil reserves lie beneath the North Slope near Prudhoe Bay, on the Arctic coast. These reserves are slowly being depleted, however, spurring controversial efforts to drill in Alaska's Arctic National Wildlife Refuge, a haven for caribou. Geologists maintain that this northern coastal plain of Alaska is potentially one of the top oil-producing regions in the world. Environmentalists, however, argue that drilling in the refuge would destroy the only untouched Arctic ecosystem in the world. Although the interpretation has shifted over the years, the nickname "The Last Frontier" still applies to Alaska.

What Do You Think?

1. Once Alaska's petroleum reserves in oil-rich Prudhoe Bay begin to run out, should oil companies be allowed to drill in the Arctic National Wildlife Refuge? Explain your answer.
2. Do you think that admitting Alaska into the Union was more important to the nation's economy or to its foreign policy aims? Explain your answer.

Careers in Government



FBI Agent

When federal laws are broken in the United States, the Federal Bureau of Investigation (FBI) steps in to investigate. An agency of the U.S. Department of Justice, the FBI employs more than 10,000 agents in field offices across the country.

Approximately 280 types of crimes, such as car-jacking, kidnapping, bank robbery, the selling of military and political information to foreign countries—even failure to pay child support—fall under the FBI's jurisdiction. With so many different types of cases to investigate, the FBI must employ agents with experience in all areas of law enforcement. For example, agents with prior computer training are needed for computer fraud investigations, while agents who are fluent in a foreign language may be assigned to investigate international espionage cases.

To gather information for a case, an FBI agent must interview people, research official records, and observe suspects. Often, as in the case of the 1995 bombing of a federal office building in Oklahoma City, the FBI works with local and state law enforcement officials to capture suspects. Once enough evidence is gathered, agents make arrests. Sometimes they participate in raids—the sudden seizure of illegal operations and organizations. After a case goes to court, agents often testify about the evidence gathered during the investigation.



FBI agents examine evidence after the bombing in Atlanta, Georgia, during the 1996 Olympic Games.

How does someone become an FBI agent? The FBI employs people in many professions, including accountants, lawyers, and scientists. A college degree is required, and being able to speak one or more foreign languages is an advantage.

Potential candidates, who must be between 23 and 37 years old, go through a rigorous application process that includes written tests, interviews, a thorough background check, drug testing, and a physical examination. Those who successfully complete this process must then train for 16 weeks at the FBI Academy. During training, potential agents study academic and investigative subject matter, physical fitness, proper use of firearms, and self-defense. College students interested in a career as an FBI agent can apply to internship programs to gain an insider's look at the role of an FBI agent.

“Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state.” The term *public acts* refers to a state's **civil laws**—laws that govern relationships among individual parties and that define people's legal rights.

Thus, the Full Faith and Credit Clause declares that states must recognize other states' civil laws. These laws include contracts between individuals and businesses. A state also must recognize, for example, a person's legal ownership of property in another state.

States also honor the convictions, settlements, and other decisions of courts in other states. States

do not have to enforce other states' **criminal laws**, which forbid certain actions and provide punishment for violations. Criminal laws cover such things as theft and murder.

Finally, the Full Faith and Credit Clause requires states to honor other states' official records, such as driver's licenses, car registrations, and wills. For example, anyone licensed to drive in Texas can legally drive in the other 49 states.

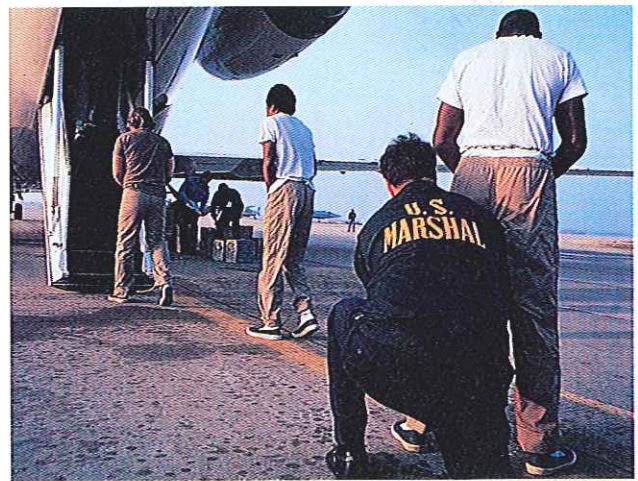
Privileges and Immunities States also cooperate with one another by respecting the rights of citizens of other states. As Article IV, Section 2, of the Constitution states, “The citizens of each

state shall be entitled to all privileges and immunities of citizens in the several states.” This means that a resident of one state cannot be unreasonably discriminated against by another state. Each state must offer all U.S. citizens full protection of the laws. In addition, all citizens must be allowed to pursue lawful occupations, have access to the courts, and conduct legal business with others.

A state can, however, make reasonable distinctions between its citizens and those who are residents of another state. It can require that a person become a resident of the state before being allowed to vote in local elections or serve on juries. To become a resident, a person usually must live in a state for a certain amount of time. States also may charge people who are not residents higher fees for some activities that are supported by the state’s taxpayers.

Extradition A third area in which states cooperate involves people who commit a crime and try to escape the authorities by fleeing to another state. Although one state cannot enforce another state’s criminal laws, Article IV, Section 2, of the Constitution provides for the extradition of people who are suspected or convicted of having committed crimes. **Extradition** is the process of sending a suspect or criminal back to the state from which he or she has fled. Criminals and suspects are usually extradited at the request of the governor of the state in which the crime was committed.

In 1987 the Supreme Court ruled that governors must honor extradition requests from other states.




CONSTITUTIONAL GOVERNMENT *Governors may request that a suspected criminal be extradited to the state where the crime was committed. Why might governors make such a request?*

Before that time, governors occasionally refused to extradite suspects for several reasons, such as fears that a suspect would not receive a fair trial or concerns about another state’s prison conditions.

Interstate Compacts States also may make **interstate compacts**, or agreements with other states, if Congress approves. Because of the rapid economic change and growth of cities and states in the twentieth century, interstate compacts have grown in number and importance. These agreements now cover issues such as flood control, protection of natural resources, and pollution.

SECTION 3

REVIEW

1. Define the following terms: enabling act, act of admission, civil law, criminal law, extradition, interstate compact.
2. What are the steps for becoming a state? What was unusual about the way in which West Virginia became a state?
3. Describe ways in which states cooperate with one another.
4. **Thinking and Writing Critically**  Why is it important that the Constitution provides ways for the states to cooperate with

one another? What might happen if states regularly refused to extradite people suspected or convicted of committing crimes in other states?

5. Applying **CONSTITUTIONAL GOVERNMENT**

Make a list of the ways in which your school cooperates with other schools in your community or state. For example, students from your school may participate in a tutoring program at a local elementary school. What advantages do such cooperative agreements offer students in both schools?

FEDERALISM AND THE PUBLIC GOOD

Objectives

- ★ How does the national government in a federal system promote the public good?
- ★ In what ways does dividing power in a federal system help government serve the public good?
- ★ How has balancing federal and state interests helped to promote the public good?

A federal system of government has been vital to the growth and success of the United States. It also has kept the republic united while allowing people at state and local levels to manage their own affairs. By providing a central authority, distributing power, and balancing federal and state interests, the U.S. federal system promotes the public good.

Providing Central Authority

One way that the federal system promotes the public good is by providing a central authority: the federal government. The federal government acts on issues that are important to all of the states. Consider, for example, efforts to protect the environment. A state might hesitate to enact certain environmental protections that, although popular with the state's citizens, might lead businesses to move to states with rules that are less costly to follow. In addition, businesspeople might be frustrated by a tangle of environmental rules that differ from state to state, making it more difficult and costly for businesses to operate. Such rules might make it more difficult to operate a business effectively.

It therefore promotes the public good if the federal government adopts a national environmental policy that all states must follow. Such a policy standardizes environmental rules so that citizens and businesses can plan their actions. It also addresses the concerns of interests such as

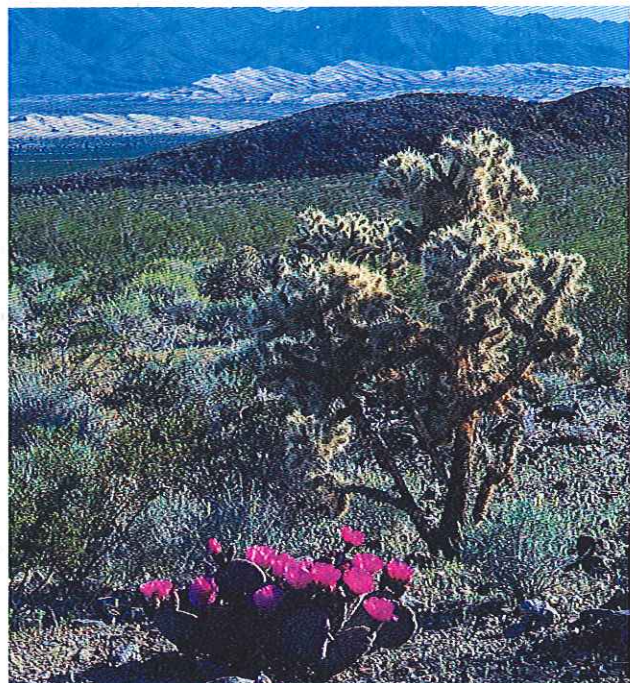
businesses, private citizens, and the states. If the policy did not address all of these concerns, it likely would not be passed.

As a central authority, the federal government also can protect the rights of all citizens, no matter where they live. A citizen in Delaware, for example, has the same constitutional rights as another citizen living in Hawaii. The federal courts can ensure that constitutional rights and federal laws are applied equally throughout all 50 states. By making sure that the rights of all citizens are protected, the federal government again promotes the public good.

Distributing Power

The federal system also promotes the public good by making sure that power is distributed among the states and not concentrated solely in the federal government. How does this distribution of power help government promote the public good?

Encouraging Alternate Solutions One way the federal system promotes the public good is by allowing the states to search for alternate strategies



CONSTITUTIONAL GOVERNMENT In 1994 the federal government designated a portion of the Mojave Desert as a protected wilderness area. Why might a state be hesitant to enact strict environmental protection laws?

in addressing common challenges. In short, the states can act as “laboratories of democracy,” conducting experiments with new policies and solutions from which other states and communities can learn.

Consider the debate over how to help people in need. Some people have argued that the federal government has a responsibility to provide for people in need. Others have argued that the states should be allowed to try different ways of providing such assistance. In fact, under the welfare reform passed by Congress in 1996, states make their own rules for helping people who are poor. Supporters of the idea that more responsibility should be given to the states argue that with state governments experimenting with their own plans, more successful methods will likely be developed.

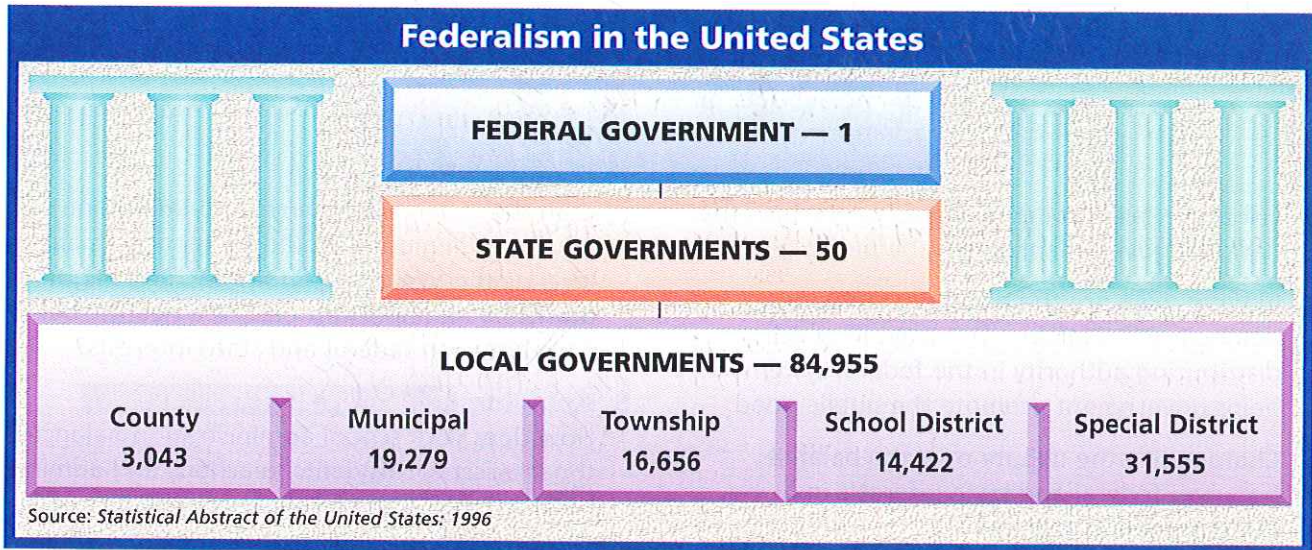
Checking Power Distributing power among the states also makes majority tyranny and an abuse of power more difficult. Should a self-interested majority somehow gain control of the federal government, the states may act in ways that check its power. One way that states can do this is by refusing to ratify constitutional amendments proposed by Congress. States’ reserved powers also prevent the federal government from acting in areas over which it has no constitutional authority. It works both ways, however. As Alexander Hamilton wrote in his essay “No. 28” in the *Federalist Papers*, “The national government will at all times stand ready to check the usurpations [wrongful seizures of

power] of the state governments, and these [the state governments] will have the same disposition [role] towards the [national] government.” Federalism may thus be seen as an additional check and balance in the constitutional framework.

Promoting Participation Finally, distributing power in a federal system allows more decisions to be made at a local level, which means that more people can be involved in decisions that most affect their lives. For example, because the United States has a federal system, educational funding differs widely from state to state. In addition to public education, such services as fire protection, car registration, road construction, and libraries are provided by state and local government. As a matter of fact, the laws and government policies with the greatest effect on your daily life are generally state and local, not federal. By allowing decisions to be made locally and by involving more people in the decision-making process, the federal system promotes democracy and encourages government to consider citizens’ concerns before making its policies. Both of these actions promote the public good.

Balancing Federal and State Interests

Creating a central authority and distributing power among the states are just two ways in which



With thousands of different local governments, people have many opportunities to participate in the decision-making process. How can you participate in your local government?

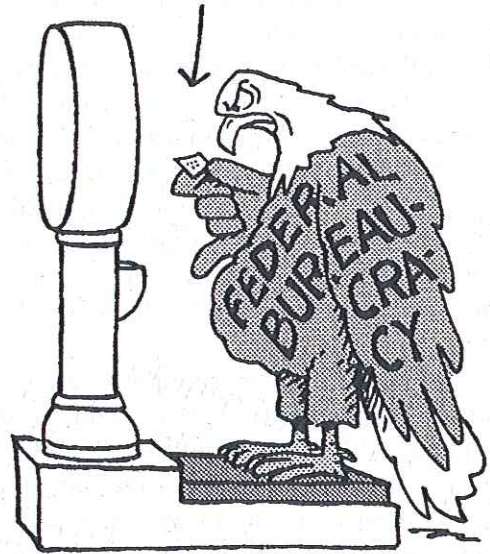
a federal system of government promotes the public good. In addition, good government needs to balance federal and state interests. There is debate, however, about where to find that balance.

The development of federalism in the United States has sometimes resembled a tug-of-war between supporters and opponents of the federal government's growing influence in states' affairs. Some people have strongly protested that federal mandates, for example, violate states' rights. As noted in Section 2, supporters of states' rights pushed Congress to stop passing unfunded mandates. Some people also have argued that some federal laws, such as those meant to protect the environment, violate the rights of states and local government authorities to control their own affairs.

Others, however, have pointed to the advantages of federal action. Federal laws, for example, have succeeded in extending voting rights to all eligible U.S. citizens, even in states that have tried to restrict those rights. Federal laws protecting individual rights such as voting are the best way to ensure that all citizens are treated fairly. In addition, federal courts have worked to protect the rights of citizens in all of the states. Supporters argue that such actions are necessary to ensure that the public good is served. In the end, of course, it is the responsibility of all citizens to determine the proper balance between state and federal interests and to work to secure that balance.

Berry's World

Better
downsize!




BERRY'S WORLD reprinted by permission of Newspaper Enterprise Association, Inc.

CONSTITUTIONAL GOVERNMENT Some people believe that the federal government's influence over states' affairs is too great. How does this cartoon illustrate the debate about the power and size of the federal government?

SECTION 4

REVIEW

1. List and explain some of the ways in which the national government serves the public good.
2. In what ways are the states "laboratories of democracy"? Explain other ways in which distributing authority in the federal system helps government promote the public good.
3. Characterize the debate over the balance between federal and state interests in the U.S. federal system.
4. **Thinking and Writing Critically** 
As you know, some people have argued that federal aid should come in the form of block grants. They believe that states are better able

than the federal government to determine how federal money should be spent to meet local needs. What do you think? How might grants be an important part of a healthy balance between federal and state interests?

5. **Applying CONSTITUTIONAL GOVERNMENT**
How does your school administration balance the interests of students, teachers, and administrators? For example, students may be allowed to select their own classes according to the guidelines set up by the faculty and administration. Do you think that student interests and faculty interests are given equal consideration? Why or why not?

SECTION 1 The Constitution establishes a federal system by assigning powers and broad responsibilities to both the federal government and the states. The federal government has three kinds of powers: expressed, implied, and inherent. Expressed powers are those the Constitution specifically, or expressly, states. The legislative branch's expressed powers are listed in Article I, Section 8. Those belonging to the other branches of the government can be found in Articles II and III.

The implied powers are those that are implied, or suggested, by the expressed powers. The source of many of Congress's implied powers is the Elastic Clause in Article I, Section 8. This section gives Congress the power "to make all laws which shall be necessary and proper" to exercise its other powers.

Inherent powers are those that inherently, or naturally, belong to any government of a sovereign nation. Like implied powers, inherent powers are not mentioned in the Constitution. Examples of inherent powers are the roles of the government in acquiring new territory and defending the nation during war.

The Constitution reserves some powers to the states and denies others to both levels of government. The federal court system acts as a referee when the federal government's authority conflicts with that of the states.

SECTION 2 The influence of the federal government in the affairs of the states has greatly increased over the years. One way that this has occurred is through the grant system. States receive grants-in-aid for specific projects and programs authorized by the federal government. There are two different types of grants—categorical and block.

The federal government also has become more involved in states' affairs through federal mandates. These mandates come in three basic forms. One involves directing the states to take action on a particular issue. Another form allows state or local governments to act

on an issue themselves or to have the federal government do it. The third form involves an offer of aid to states that follow certain requirements.

SECTION 3 Federalism also deals with relations among the states. The Constitution ensures that all states have equal status and rights. In addition, it encourages states to cooperate with one another by requiring them to recognize official acts of other states, respect the rights of citizens from other states, and return people who have fled prosecution for crimes committed in other states. The Constitution also allows states to form interstate compacts.

SECTION 4 The federal system helps government promote the public good in several ways. It establishes a central authority that can address issues important to all states and that protects the rights of all U.S. citizens. It also distributes power among the states, allowing them to experiment with solutions to common problems, making majority tyranny more difficult, and allowing more decisions to be made at a local level. Ultimately, securing the proper balance between the power of the federal government and that of the states is the responsibility of all.



Government Notebook

Review what you wrote in your Government Notebook at the beginning of this chapter about the powers of the federal government. Now that you have studied the chapter, how would you revise your answer? Should any of the powers you listed belong to a different part of the government than it currently does? Record your answer in your Notebook.

REVIEW

REVIEWING CONCEPTS

1. What happens when the powers of the federal government conflict with the powers of the states? Which powers does the Constitution deny the states, and which does it deny the federal government?
2. What are interstate compacts? In what other ways does the Constitution encourage states to cooperate with one another?
3. In what ways does operating under a federal system help government in the United States promote the public good?
4. What are the three kinds of powers belonging to the federal government? What are some examples of reserved and concurrent powers?
5. Describe the U.S. federal system today.
6. What responsibilities do the states and the federal government have to each other?

THINKING AND WRITING CRITICALLY



1. **CONSTITUTIONAL GOVERNMENT** The concept of limited government is an important principle of the U.S. political system. In what ways does the federal system limit government?
2. **CONSTITUTIONAL GOVERNMENT** Compare the distribution of powers and responsibilities in a federal system with their distribution in your school. What advantages are there in distributing responsibilities among the elected officers of each class and the school's student government?
3. **PUBLIC GOOD** In what ways can you and other citizens help ensure that the federal system of government works to promote the public good?

CITIZENSHIP IN YOUR COMMUNITY



Working with a group, develop a list of federally funded projects and programs that affect your community. These might include specific buildings, assistance to poor and older people, or national parks in your area. To find this information, check telephone listings to locate federal offices, research local newspaper articles about federal programs, and interview citizens in your community. In addition, ask citizens you interview about the importance of these projects and programs to them. Afterward, use your list and interviews to create a short pamphlet titled "The Federal Government in [your community's name]." Illustrate your pamphlet with photographs and other images.

INDIVIDUAL PORTFOLIO PROJECT



Research one of the 37 states that was admitted to the United States after the Constitution was ratified. Then imagine that you are a newspaper reporter in that state on the day it was admitted. Write an article about the admission process, and include important facts describing the state (such as its population and the name of the capital) on the day it was admitted. Be sure to include a headline and a sketch or other image.

THE INTERNET: LEARNING ONLINE



Working with a partner, conduct an Internet search for information about federal grants. You might start with search words such as *federal grant*. What kind of information can you find on Web pages? Who created Web sites that provide information about federal grants? Use the information you

collect to create a flyer that describes how to use the Internet to find out about the types of projects and programs that are funded by federal grants.

PRACTICING SKILLS: CONDUCTING RESEARCH



All levels of government have meetings that are accessible to the public. Community or town meetings often set aside time for citizens to discuss issues of importance to them. Prepare a presentation for a class "town meeting" on a policy that you would like your state to adopt. Use the resources available at your school or public library to prepare for the presentation.

Use a current events source such as the *Readers' Guide to Periodical Literature* to find journal or magazine articles on the topic. Read several articles, and take notes on background information, key people, and the success of similar laws in other states. To support your argument, look up figures and statistical data in almanacs or government reports. Conduct Internet searches for up-to-date facts and public opinions. Synthesize the information into a short argument to present to your class.

ANALYZING PRIMARY SOURCES



THE CONSTITUTION OF SOUTH CAROLINA (1895)

The federal system gives states the power to enact state constitutions. Some states have used this power to restrict the individual rights guaranteed by the U.S. Constitution. During the 1880s and 1890s, some southern states added laws to their constitutions to disfranchise, or take away the legal rights of, African Americans. These laws were meant to prevent African Americans from voting. Read the following example of disfranchisement laws taken from South Carolina's constitution, written in 1895. Then answer the questions that follow.

Article II: Right of Suffrage

“Sec. 4. *The qualifications for suffrage shall be as follows: Residence in the State for two years, in the County for one year, in*

the polling precinct in which the elector offers to vote four months, and the payment six months before any election of any poll tax then due and payable. . . .

Up to January 1st 1898, all male persons of voting age applying for registration who can read any Section in this Constitution submitted to them by the registration officer, or understand and explain it when read to them by the registration officer, shall be entitled to register and become electors. A separate record of all persons registered before January 1st, 1898, sworn to by the registration officer, shall be filed . . . and such persons shall remain during life qualified electors unless disqualified by the other provisions of this Article. The certificate of the Clerk of Court or Secretary of State shall be sufficient evidence to establish the right of said citizen to any subsequent registration and the franchise under the limitations herein imposed. . . .

Any person who shall apply for registration after January 1st, 1898, if otherwise qualified, shall be registered: Provided, That he can both read and write any section of this Constitution submitted to him by the registration officer or can show that he owns, and has paid all taxes collectible during the previous year on property in this State assessed at three hundred dollars (\$300) or more.

Managers of election shall require of every elector offering to vote at any election, before allowing him to vote, proof of the payment of all taxes, including poll tax, assessed against him and collectible during the previous year. The production of a certificate or of the receipt of the officer authorized to collect such taxes shall be conclusive proof of payment thereof.”

1. What terms in this constitution prevented many freed slaves from voting? Explain.
2. How might the Supremacy Clause in the Constitution have played a role in later laws governing voting rights?
3. How do the limits placed on the power of state governments ensure equal opportunity for all citizens?

YOUR ASSIGNMENT

Drafting a Bill of Rights

You are a member of your school's student council. Your principal has asked the council to prepare a proposal for a bill of rights to be adopted as an amendment to your school's constitution. Next month, your principal will present the proposal at a school-board meeting open to all parents, students, and members of the community.

In the past several months, the school administration has received numerous phone calls and letters from students, parents, and community organizations concerned about the rights of students. Your principal has provided a copy of your school's constitution, a bill of rights recently adopted by another high school in your city, and two of these letters. You will find these documents on the following pages.

Review the documents, and answer the questions that accompany them in your Government Notebook. Once you have studied the documents, the council will need to work together to conduct some outside research. You may want to study articles on student rights issues and search for policies established by other high school student councils. Record the results of your research in your Government Notebook. You and other members of the council should discuss the results of your research and determine the most important issues to include in your bill of rights. Make sure your proposed bill clearly states the rights guaranteed to students. Consider reading your proposed bill of rights to the rest of the class as part of a discussion on students' rights.



Highland High School
Federal Heights, CO 80221

Office of Kate Stevenson

Memorandum

Date: February 10
To: Highland High School Student Council
From: Principal Stevenson

I would like the Student Council to prepare a proposal for a school bill of rights to be presented in an open meeting of the Board of Education on the second Thursday of next month. If the suggested bill of rights meets the approval of the Board of Education, it will be proposed as an amendment to the school constitution at the next Student Council meeting. Study the Highland High School Constitution, taking note of the purpose of the constitution and the duties of the Student Council.

I have provided a copy of the bill of rights adopted by Eastside High School Student Council, which you may want to use as a model. I also have provided copies of two letters on student rights issues. After reviewing these documents, the council will need to conduct some outside research. The council should form small research groups, and each group should research the answer to one of the following questions:

- In the last 10 years, has the Supreme Court ruled on any cases concerning the violation of student rights? What were the rights in question? What was the Court's final ruling?
- What are some examples of negative and positive impacts of a student bill of rights at other high schools?
- What resources are needed to enforce a school bill of rights?
- What methods have other high schools used to reach a compromise between students and faculty members on issues of student rights?
- What are the safety and health issues associated with student rights?

There may be other questions that you will need to address as you conduct your research and analyze the constitution, model bill of rights, and letters. Below is a list of resources that might aid you in your research.

- relevant articles in the Readers' Guide to Periodical Literature
- interviews with school administrators or student council members at other high schools
- Internet sites on student issues

Thank you for your help. I look forward to reading your proposal.



THE CONSTITUTION OF HIGHLAND HIGH SCHOOL

The Constitution of Highland High School is created in order that the elected members of the Student Council may establish better interaction among the students, faculty, and administration, as well as promote the well-being of the school and community.

Article I. Powers of the Student Council
All powers of the student government shall be vested in the Highland High School Student Council.

Article II. Membership of the Council

- A. The council shall consist of no more than 40 members.
1. The council membership shall include 10 elected representatives from each grade.
- (a) Council members from all grades except 9 shall be elected by their respective grades before May 30 of each year.
- (b) Council members from grade 9 shall be elected by their respective grade before October 31 of each year.
- B. A vacancy on the Student Council shall be filled by the student who was next in line in the election results or through appointment by the faculty adviser.
- C. Any Student Council member who is suspended from school will be removed from the Student Council.

Article III. Meetings of the Council

- A. The Student Council shall meet after school once a week from September through May 30.

- B. The Student Council shall meet once a month during the school day. This meeting shall take place on the second Wednesday of each month.
- C. The president or adviser may call special meetings as needed.
- D. Meetings will not commence without a quorum, or one half of the present Student Council membership plus the faculty adviser.

Article IV. Duties of the Council

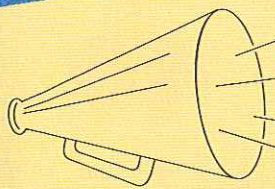
The duties of the Student Council shall be:

- A. To represent student opinion.
- B. To discuss any concerns of the student body and to initiate action.
- C. To act as a liaison between the students and faculty.
- D. To promote involvement in school-sponsored activities or events.
- E. To organize and promote student government elections.

Article V. Amending the Constitution

The constitution may be amended by a two-thirds vote of the entire membership of the Student Council. Any proposed amendment to the Constitution must be typed in its entirety and proposed before the Student Council in the meeting during which the vote is taken. All Student Council members will have the opportunity to present arguments for or against the proposed amendment during this meeting.

Ratified January 22, 1997



STUDENT COUNCIL MEETING

When:
Wednesday, February 10, at 1 p.m.

Where:
Student Council Office, Room 112

We will be working on an important assignment from Principal Stevenson.

DON'T MISS THIS MEETING!

PUBLIC POLICY LAB

EASTSIDE HIGH SCHOOL BILL OF RIGHTS



Amendment I

Students have the right to publish school newspapers, yearbooks, newsletters, and literary magazines expressing their opinions. Students have the right to express their opinions openly and participate in speech demonstrations as long as they do not commit violent acts, break laws, or disturb others.

Amendment II

Students have the right to present complaints and concerns to school officials through the Student Concerns Committee.

Amendment III

Student representatives and school administrators shall together create a code of conduct for acceptable student behavior.

Amendment IV

Students' grades shall reflect academic performance. Students' opinions or conduct in matters unrelated to established academic standards shall not be evaluated in the grading process.

Amendment V

Students shall have the right to participate in curriculum development through the student and faculty committees established by the school administration and the Student Council.

Amendment VI

School administrators may not restrict students' right to dress or appear as they choose unless it can be determined that a student's dress or appearance may present health or safety hazards.

◀ WHAT DO YOU THINK?

- ★ Do the rights guaranteed in this document address the needs of the students at your school? What issues or concerns are not addressed in this bill of rights?
- ★ Does your school have the necessary organizations and people to ensure protection of these rights?

WHAT DO YOU THINK? ▶

- ★ Why does Elizabeth Reynolds think that Mr. Lee's decision violated students' right to free speech?
- ★ Whose views does Elizabeth Reynolds think the school newspaper should represent?
- ★ How would an amendment protecting freedom of speech make the Highland Star more accessible to students?

Principal Kate Stevenson
Highland High School
Federal Heights, CO 80221



Dear Principal Stevenson:

I am the editor in chief of the *Highland Star*. Last month, a fellow student submitted a letter to the editor criticizing the school administration for its new policy that bans all nonschool-sponsored clubs or groups from holding meetings on school property.

Our newspaper adviser, Paul Lee, would not allow this letter to be printed in the school newspaper. He felt that because the letter criticized you and other school administrators, it should not be published. Mr. Lee does not want the newspaper to become an outlet for student complaints and criticism of school administrators.

Although I do not completely agree with what was written in this particular letter, I feel that the *Highland Star* should be accessible to all students no matter what their opinions of school faculty and administration might be. Teachers and administrators should not limit students' right to express their opinions in their own newspaper. I hope that the school administrators will consider creating some policies to protect students' right to free speech.

Sincerely,

Elizabeth Reynolds
Elizabeth Reynolds
Editor in Chief
Highland Star



Parents for Quality Education

2270 Deer Creek Drive, Suite 714 • Federal Heights, CO 80221

Principal Kate Stevenson
Highland High School
Federal Heights, CO 80221

Dear Principal Stevenson:

As an organization of concerned parents and community members, Parents for Quality Education (PQE) is disturbed by a growing problem in local junior high and high schools. We have noticed an increasing popularity in extreme and unkempt dress and hairstyles among students. PQE feels that inappropriate extremes in the dress styles of students disrupt the learning environment and can lead to disorder in the classroom.

We hope that the Highland High School administration will more carefully regulate the appearance of its students by adopting a school dress code. By establishing a dress code, the disruptive influence that inappropriate dress styles have on students will be eliminated, making the teachers' jobs easier and the school environment more conducive to learning.

Please do not hesitate to contact our organization with any comments or questions. We would be pleased to meet with members of the school administration to discuss policy changes in this area. PQE is concerned about the education of the community's youth, and we want to help make our schools the best that they can be.

Sincerely,

George Hernandez
Chairman
Parents for Quality Education

▲ WHAT DO YOU THINK?

- ★ What policy does PQE think school administrators should adopt?
- ★ Would this type of policy violate students' rights?
- ★ What reasons does PQE give to support the proposal of this policy?

THINGS TO DO

1. Compare notes and suggestions after each council member has reviewed the documents.
2. Organize research groups and assign research questions.
3. Compile a list of student rights issues mentioned in these documents. Discuss the information you gathered in your outside research.
4. Discuss and list which rights must be included in your bill of rights proposal.
5. Prepare a neatly written or typed document containing the proposed bill of rights. Include a formal argument for your proposal based on your research.