

3.4

The National Government & The States



As a Young Political Scientist, I will be able to...

- **Explain the process for admitting new States to the Union.**
- **Examine the many and growing areas of cooperative federalism.**
- **Explain why States make interstate compacts.**
- **Understand the purpose of the Full Faith and Credit Clause, the Extradition Clause, and the Privileges and Immunities Clause.**

Nations Obligations

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The Constitution does 2 things to preserve the union of the states:

1. Requires the National Government to guarantee certain things to the States

2. Makes it possible for National Government to do certain things for the States

Republican Form of Government- A representative government where we elect people to speak for us.

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Make War/Keep Peace

An invasion of any one of the States is an attack on the United States itself.

Federal System, however, has the states keep the peace within its own borders.

The Constitution does allow for military support to help protect against “Domestic Violence.”

This is from actual violence from people or natural disasters in the states.

National Government does have to respect the borders of states

Admitting New States

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The Northwest Ordinance of 1787- This is a law that gave us the foundational rules on how to admit a state.

A new State cannot be created by taking territory from one or more of the existing States without consent

Enabling Act- An act directing the people of the territory to frame a proposed State Constitution

Act of Admission- An act creating a new act, President has the sign the act to allow state to enter the Union.

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More on Admissions

Congress will often set conditions before allowing a state into the Union.

States will enter the Union on equal footing with each of the other states.

Howard Taft- President who vetoed Arizona application to union until they fixed legislature

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States & Federal Government Share Resources

Remember, our federal system allows **shared powers & will cooperate.**

Grants-in-aid programs- Grants of federal money or other resources to the States.

Examples: Federal lands for schools & roads, National Guard support, housing, law enforcement, etc.

Grants usually have strings attached to them before they are granted!

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Categorical Grants

**Grants made for a specific, closely defined purposes
such as school lunches or special construction**

They usually have 2 conditions!

- 1. Federal monies for specific purpose ONLY.
State must make own contribution as well**
- 2. An agency must watch grant & obey a set of
guidelines**

Block Grants!

Used for a particular, but broadly defined area of public policy!

Examples: Social Services, Transportation, Education

Project Grants!

Made for specific projects to States, localities, & other private agencies who apply

Examples: Research projects, implementations of programs

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Other Forms of Aid

FBI gives help to State & Local police

The Census Bureau collects data for aid.

State Aid- public monies appropriated by a state government for the partial support or improvement of a public local institution.

Agreements Among States

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The constitution strengthened states rights to reduce interstate friction to allow provisions.

Interstate Compacts- Agreements among the states & with foreign states

This helps with coordination of development & conservations of resources such as water.

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Law Crosses State Lines

Public Acts- Laws of a state

Records- Documents of a State such as a marriage license & birth certificates

Full Faith & Credit Clause- Each State accepts public acts, records, & judicial proceedings of every other State

Exceptions to Full Faith

1. It only applies to CIVIL not CRIMINAL matters. One state cannot enforce another's criminal law.

2. Full Faith & Credit need not be given to certain divorces by one State to another.

SPEAKING OF MARRIAGE!

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Marriage & Divorce

Williams V. North Dakota- A man tried to divorce his wife in a State he did not live in.

United States V. Windsor- This was a case that allowed same-sex marriage in the U.S.

Extradition

This is the legal process by which a fugitive from justice in one State can be returned to that State.

Puerto Rico V. Branstad- A federal court can order an unwilling governor to extradite a fugitive.

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Privileges & Immunities

No State can draw unreasonable distinctions between its own residents & those persons who live in another state

Hicklin V. Orbeck- States can not require employers to hire in-State residents first

Saenz V. Roe- New residents with welfare have to be paid the same as current residents.

Reasonable Distinction- Reasonable reasons to deny a person certain abilities in a state when they first arrive.