

Lesson Title: When States Become Laboratories of Democracy

Subjects

U.S. Government, Civics

Suggested Time

Two 50-minute class periods

Grade Level

8-12

Essential Question

Why does the federal government sometimes allow states to pass laws even when they violate federal law?

Objectives

Student will:

- Understand that states have the authority to create laws to meet their individual needs.
- Explore the issues surrounding Colorado’s marijuana law and its apparent conflict with federal law.
- Analyze primary and secondary sources that explore the reasoning behind the federal government decision to permit states to experiment with laws that violate federal law.
- Debate the issues surrounding not enforcing federal law against conflicting state law.

Overview

The concept of sovereign states within a sovereign country is the basis of federalism. This dual sovereignty approach to governing can make for some peculiar state laws. Sometimes these laws can violate federal laws. When that happens, the federal government can choose to enforce the law, or if it thinks the law has some merit, take a “hands-off” approach and allow the states to “experiment” with the law.

Materials:

- *We The Voters* film, “Altered States”
- Copies of Student Handouts:
 - Handout #1: Weird State Laws
 - Handout #2: Square, Triangle, and Circle
 - Handout #3: Marijuana Law
- Extension Activity:
 - Denver Post; “Federal Government won’t block Colorado marijuana legalization” <http://www.denverpost.com/2013/08/29/federal-government-wont-block-colorado-marijuana-legalization/>

Procedure

Opening Activity: Review the concept of federalism in regards to legislation. Both the states and the federal government make laws within areas of their individual responsibilities. This dual sovereignty approach to governing can make for some state laws that, at first look, might seem ridiculous. Tell students that in this activity, they will examine some of these laws and evaluate their intent.

Divide the class into small groups of 2-3 students. Distribute Handout #1: Weird State Laws and assign one state law to each group. Have each group complete their research on the handout (this step can be done as homework the night before). In class, have students discuss their views on the merits of the law.

Main Activity Instructions: Tell students that sometimes state laws come in conflict with federal law. Normally, when this happens, federal government law is supreme (refer to the Constitution's Supremacy Clause in Article VI). Having said that, explain to students that sometimes the federal government may choose not to interfere with states that have created a conflicting law. In these cases, the federal government might use the implications of the state law as a basis for creating federal law, turning states into "laboratories of democracy."

Film Viewing: Divide the class into small groups and distribute Handout #2: Square, Triangle, and Circle, a graphic organizer. Have students view the *We The Voters* film "Altered States" and tell them to focus on the Colorado marijuana law discussed in the film. Have them watch the film more than once if necessary. Provide time for students to complete their graphic organizer. Bring the class together for a brief discussion. Have students review the points they agree and disagree with and discuss the questions they generated in the circle section of the chart.

Federalism in Action Article Investigation: Distribute Handout #3: Marijuana Law. Have students work in small groups to read the articles listed on the handout and discuss the follow up questions. To save time, assign each group to read one of the articles, discuss the questions, and report their findings to the class.

Extension Activities

1. Have students read the *Denver Post* article "Federal Government won't block Colorado MJ legalization" <http://www.denverpost.com/2013/08/29/federal-government-wont-block-colorado-marijuana-legalization/> Drawing on this article and on their notes from Handout #1 and Handout #2, have students debate the merits of the federal government not enforcing federal law against Colorado and Washington's legalization of marijuana.

Additional Resources

- "Federalism" Constitution USA with Peter Sagal
<http://www.pbs.org/tpt/constitution-usa-peter-sagal/federalism/#.V-WhEDXjWug>

- The Tenth Amendment Center, “What if the States stopped Complying with Federal Law? <http://tenthamentendmentcenter.com/2012/06/17/what-if-the-states-refuse-to-comply/>
- Newsweek, “The Conflict between Federal and State Marijuana Laws Claims its First Victim” <http://www.newsweek.com/conflict-between-federal-and-state-marijuana-laws-claims-victim-345099>

Standards

Common Core State Standards

CCSS.ELA-LITERACY.RH.7-12.1 Cite specific textual evidence to support analysis of primary and secondary sources, connecting insights gained from specific details to an understanding of the text as a whole.

CCSS.ELA-LITERACY.RH.7-12.2 Determine the central ideas or information of a primary or secondary source; provide an accurate summary that makes clear the relationships among the key details and ideas.

CCSS.ELA-LITERACY.RH.7-12.3 Evaluate various explanations for actions or events and determine which explanation best accords with textual evidence, acknowledging where the text leaves matters uncertain.

CCSS.ELA-LITERACY.RH.7-12.6 Evaluate authors' differing points of view on the same historical event or issue by assessing the authors' claims, reasoning, and evidence.

CCSS.ELA-LITERACY.RH.7-12.7 Integrate and evaluate multiple sources of information presented in diverse formats and media (e.g., visually, quantitatively, as well as in words) in order to address a question or solve a problem.

College, Career, and Civic Life (C3) Framework for Social Studies State Standards

D2Civ.4.9-12 Explain how the U.S. Constitution establishes a system of government that has powers, responsibilities, and limits that have changed over time and that are still contested.

D2Civ.9.9-12 Use appropriate deliberative processes in multiple settings.

D2Civ.14.9-12 Analyze historical, contemporary, and emerging means of changing societies, promoting the common good, and protecting rights.

National Standards for Civics and Government (Center for Civic Education)

Standard 15: Understands how the United States Constitution grants and distributes power and responsibilities to national and state government and how it seeks to prevent the abuse of power

Standard 17: Understands issues concerning the relationship between state and local governments and the national government and issues pertaining to representation at all three levels of government

Standard 21: Understands the formation and implementation of public policy

Standard 28: Understands how participation in civic and political life can help citizens attain individual and public goals