

Federalism cases assignment



**ASSIGN
BUSTER**

AP Gov Federalism Project Aaron Willis, Ethan Kemp, Patrick Smith, Noah Macaroon

SUPREME COURT CASES: 1. McCullough v. Maryland (1819)- The legal issue in question was the federal governments ability to create a national bank and the state's ability to tax that bank. The decision was the federal government could create a bank and the state of Maryland could not tax it. This case relates to federalism because it was the first case involving implied powers and the supremacy clause where the federal law wins out over state law if they are in competition.

The states are not allowed to tax something that was created by the congress and he bank was declared constitutional under the necessary and proper clause. 2. Gibbons v. Ogden (1824)- The legal question is if New York has authority in areas that belong to congress IEEE. Interstate commerce regulation. The decision was that New York did not have authority over that area because it belonged to the government. This is related to federalism because it uses the interstate commerce clause where the federal government has total control over commerce.

Also it backed up the supremacy clause which enforces the supremacy of the national government over states 3. National Federation of Independent Businesses v. Sublime (2012)- The congressional issue that requires states to choose between complying with the Patient Protection and Affordable Care Act or loss of funding for Medicaid is in compliance with the constitution and if it is unconstitutional to make citizens get health insurance or pay a fine. They found that it is unconstitutional to take away Medicaid funding and that its unconstitutional under the commerce clause to use it to mandate the purchase of a product.

The ruling was that the commerce clause regulates something that already exists and the act was ruled that it is trying to create something to be regulated so it is unconstitutional. It also deals with the 10th amendment because the government was trying to force people to take part in an economic activity and it was not a power given to congress or denied to the states so it was deemed unconstitutional. 4. *GIWIST v. New York* (1925)- The question is if the New York law punishing advocacy to forcefully overthrow the government violate the free speech clause of the First Amendment?

The question is essentially if the first amendment applies to the states. The decision is that while *GIWIST* was guilty, the states were not allowed to deny rights given to people by the national government. The federalism concept in question is the 14th amendment where it says that states have to protect people under equal protection of the constitution and it was ruled that New York was in violation of it. 5. *Brown v. Board of Education* (1954)- The question was if segregating children by "separate but equal" was constitutional. The ruling was that it was unconstitutional under the 14th amendment's equal protection clause.

This relates to federalism because the 14th amendment says that the states have to follow what's in the bill of rights and that separate but equal was in violation of that. 6. *United States v. Windsor* (2013)- The legal question is if DOMA which legally, defines marriage as a union between a man and a woman, deny the legally married gay couples under new York law their rights to equal protection under the 5th amendment. The courts ruled that states have the rights to define relationships and DOMA doesn't give them that right so therefore the Windsor marriage was recognized as legal.

The tie to federalism is that DOOM was attempting to undermine the state sovereignty to define and defend arraign, that right belongs solely to the state and the ruling says that it is unconstitutional for the national government to impose legality one way or the other. 7. United States v. Lopez(1 995)-The question is if the Gun-Free School Zones Act is unconstitutional because it exceeds the governments legislative ability under the commerce clause. The decision was that yes it is unconstitutional; carrying a gun has no immediate and visible economic effects and therefore cannot be regulated by congress under the commerce clause.

The federalism tie is that since it was ruled that the act was not institutional under the commerce clause, the federal government could not do anything because schools are run by state and local government not the federal and Lopper's punishment was under the jurisdiction of the state not the federal government. This was the first ruling in over a half of a century to lessen to power of the federal government as opposed to raising it. This was also the first case to put a limit to the commerce clause which had allowed for many regulations to be passed 8.

Prints v. United States (1 997) 1. The handgun violence prevention act requires a system for instantly checking the grounds of handgun buyers and the argument was that the law required state law enforcement officials to to enforce a federal law. 2. The court held the law to be unconstitutional because the federal government did not have the power to make state executive officers do things. 3. This involves federalism because this case is all about the federal government trying to influence the way states enforce laws. 9. Simile v.

Board of Regents (2000) 1 The legal issue is does the age discrimination act override states eleventh amendment rights and did congress use its fourteenth amendment powers to override the states rights. . The final decision was that the states eleventh amendment rights superseded the age discrimination act because congress did not have the authority under the fourteenth amendment to override the states. 3. The federalism issue is that can congress tried to abrogate the states sovereignty with the age discrimination act. 10. Griswold v. Connecticut (1 965) 1 . Women distributed information and counseling to married couples about birth control and was charged under a Con instinct law that made it a crime to do so. The issue is does the constitution protect the individuals personal rights against State restrictions 2. The court decided that the amendments within the bill of rights specifically the first, third, fourth, and ninth create the right of marital privacy making the state law null and void. 3. This involves federalism because it is the constitution protecting individuals from the states laws. 11. District of Columbia v. Heeler (2008) 1.

The district of Columbia made it so that the handgun owners had to register and couldn't buy any more guns either. The government said that the second amendment only applied to state militias I. E. The National Guard and the plaintiffs said that the second amendment applied to all citizens. . The Supreme Court decided that the second amendment does in fact apply to private citizens and that the states cannot infringe on a person's second amendment rights. 3. This case involved federalism because the supreme court stepped in to preserve the individuals right to posses hand guns. 12. United States v.

Morrison (2000) 1. Does congress have the ability to enact the violence against women act under either the commerce clause or the fourteenth amendment. The case consisted of a Virginia tech student seeing two other students and the school because even though the students had been convicted on charges of sexual assault the students were not punished by the school. 2. The court decided that congress does not have the authority under either the fourteenth amendment or commerce clause to enact the violence against Women act because the act neither affects interstate commerce nor does it affect harms done by the states. . This involves federalism because this is the court saying that the federal government does not have the authority to pass this act because it is not a power given to the federal government. 13. Utility Air Regulatory Group v. E. P. A. (2014) 1. The legal issue is whether or not the E. P. A s regulation on car emissions made it necessary to put regulations on stationary emissions as well the argument is whether on not the regulations on stationary emissions were based on scientific fact or if they were completely arbitrary. . The supreme court decided that the E. P. A did not allow for the choosing of which emitting structures would require permits the court based this off of article one section 9 of the constitution. 3. This involves federalism because this is all about congress trying to do something that they did not specifically state in a law and thus do not have the power to do. 4. E. P. A. V. MME Homer City (2014). 1. The argument here is whether or not the E. P.

A violated another federal law when they declared some states to be downwind in terms of pollution and others to be upwind because another federal law called the clean air act stated that states could make their own

regulations concerning pollution. 2. The court decided that if a states clean air regulations are too weak then the E. P. A has the jurisdiction to enforce stronger regulations. The court used the necessary and proper clause because the E. P. A had to do what was “ necessary’ to enforce the clean air act. . This involves federalism because this is an example of the courts giving more power to the federal government over the states.

Financial Regulations 1. Reform tax act 1981 Passed by Reagan. 25% cut in individual marginal notes. Put maximum emphasis on encouraging entrepreneurs. Opponents say it widened income inequality. 2. Creation of the federal reserve- signed by Wilson. Consisted of a central bank as opposed to multiple state banks. Balanced the competing interests of private banks and populists sentiments. 3. Reform Tax act of 1986- Passed to simplify the income tax code. Second Reagan tax cut. Lowered top rate and raised the bottom rate. Capital gains taxes of same rate as income. First reform to raise taxes for the poor and drop taxes for the rich.

Federal tax as opposed to state issued tax 4. Auto industry financing and restructuring act of 2008- Passed to save major automakers from collapse. Each auto make provided a detailed restructuring plan. Strict oversight of automakers now. 5. Trouble asset relief program- To stabilize the economy, restart growth and avoid foreclosures. Money distribution is as follows: 250 billion to the banks, 27 billion to restart credit, 2 billion to restart auto industry, 70 billion to stabilize GIG, 86 billion to avoid foreclosures Poverty programs 1 . Medicaid: stems from affordable care act.

Provides Medicare for elderly, children of disabled, determined through income and application process. Federal grant money supports this program.

2. Food stamps: aid for those who can't afford to buy food, with an application process as well. Once again more federal grants. 3. Department of housing/urban development: dedicated to building healthy neighborhoods and communities, expanding and maintaining home ownership as well as stabilizing the market. 4. Welfare Reform Act: Clinton's act on a promise to "end all welfare", refurbished it completely and was the defining program of his presidency. . Aid to families with dependent children: began in Great Depression era with the social security act of 1935, as the name states it assisted families with children and little to zero income. Environmental Issues 1 . EPA: created for the purpose of protecting the environment as well as studying the affect humans were having on it. Handles all matters environmental. Federal program to protect the US environment 2. Clean Air Act: designed to control air pollution on a national level, regulated emissions from stationary and mobile sources. 3. Clean water act: same as above just concerning water. 4.

Wilderness Protection Act: This act protected over 9. 1 million acres of land and created a federal government definition of wilderness. This act was signed into legislation by [LBJ] 5. Superfund- Superfund is a federal government program devoted to cleaning up hazardous waste sites. Education: 1 . The department was created in 1979 by combining offices from several different federal agencies. This federal department assists the president in executing his education policies. The main goal of this department is to improve the

national education system by promoting student achievement and preparing for global competition for education.

The department serves K-12 schools across the nation and provides grant, loan, and work-study assistance to nearly 10 million undergraduate students.

2. National Commission on Excellence in Education (“ A Nation at Risk”) In 1983, Ronald Reagan issued to the public a report titled “ A Nation at Risk” composed by the National Commission on Excellence in Education about the quality of education throughout the nation. The report brought to the American attention that overall education must be reformed.