

Functions of State and National Government

Standard 6.1: Functions of State and National Government

Compare and contrast the functions of state government and national government. (Massachusetts Curriculum Framework for History and Social Studies) [8.T6.1]



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FOCUS QUESTION: What are the Powers and Functions of State and National Government in our Political System?

Federalism is a political system in which two or more governments share authority over the same geographical region. In the United States, the state government and federal government share power. The federal government makes policies and implements laws on a national level while state governments do the same for their region of the country. You can learn more about Federalism in the United States political system in [Topic 3 - Standard 1](#) in this book.

Modules for this Standard Include:

1. [INVESTIGATE: The Powers of State and National Government and the Tensions Between Them](#)
2. [UNCOVER: Native American Tribal Governments](#)
3. [ENGAGE: Should More States Adopt Part-Time Citizen Legislatures?](#)

1. INVESTIGATE: The Powers of State and National Government and the Tensions Between Them

The functions of state and national government in the United States are based on the principle of **Separation of Powers**. A **power** is the legal right of the executive, legislative, or judicial branch of a government to take action.

In this country, state and national (or federal) governments have specific and separate powers. The national government can do things that the states cannot and the states can do things that the national government cannot. Table 6.1.1 compares the powers of national and state governments.

| National Government Powers | State Government Powers |
|--|--|
| <ul style="list-style-type: none">• Make currency• Declare wars• Create military branches• Sign treaties with foreign nations• Regulate interstate and international commerce• Make post offices and stamps• Make laws to support the Constitution | <ul style="list-style-type: none">• Establish local governments• Issue licenses for marriage, driving, hunting, etc...• Regulate commerce within the state• Conduct elections• Ratify amendments• Support the public health of the citizens• Set laws for legal drinking and smoking ages• Create state Constitutions• Any power not specifically given to the national government |

[Table 6.1.1 National and State Government Powers](#)

However, there are some powers that both governments share concurrently, such as:

- Creating courts
- Starting and collecting taxes
- Building highways
- Borrowing money
- Creating banks
- Spending money to better the people
- Condemning private property with reason

To learn more about the separation of powers, watch the TED-Ed Video: [How Is Power Divided in the U.S. Government?](#)

The separation of powers between the state and federal government is not clear cut and leads to tensions and disputes between the different levels of government. The creation of time zones and daylight saving time and current government responses to the COVID-19 pandemic are two revealing historical examples of those tensions. In the first example, the federal government acted, but many states and local communities were reluctant to comply; in the second instance, the state government acted, but the federal government was, in many instances, not willing to support those decisions.

Time Zones and Daylight Saving Time

For the first half of United States history, time was measured locally by the position of the sun in the sky. Clocks in one town were not the same as in other towns ([A Walk Through Time: The Evolution of Time Measurement Through the Ages](#)).



United States Time Zones
Credit: [United States Department of the Interior/Public Domain](#)

The rise of the railroads forced a change in how time was measured and communicated. Trains needed to run on fixed schedules so engineers would know where other trains were on the same tracks. At 12 noon on [November 18, 1883](#) (the Day of Two Noons), major railroads in the U.S. and Canada began operating based on agreed upon time zones that established a standard time across the country, varying by one hour per time zone from coast to coast. Interestingly, time zones did not

become a federal law until the passage of the [Standard Time Act of 1918](#). With that legislation, the regulation of time zones became a function (or power) of the federal government and not a matter of state or local control.

With time zones came the concept of **Daylight Saving Time** which was instituted and repealed more than once between 1918 and 1966. There was federally-mandated daylight saving time for 7 months in 1918 and 1919 and again during World War II. There was no federal law about time between 1945 and 1966.

The [Uniform Time Act of 1966](#) created daylight saving time across the nation, **except for the states of Arizona and Hawaii that did not adopt it**. The Navajo nation whose tribal lands fall within Arizona's borders did adopt daylight saving time. In 2020, 32 states are now considering moving to permanent Daylight Saving Time ([track state daylight saving time legislation here](#)). One historian has connected the push for more daylight saving time to corporate desires to sell products that Americans can use during the extra hours of afternoon daylight ([Downing, 2006](#)).

Time zones and Daylight Saving Time are just one of many areas where the powers of federal and state governments may overlap and potentially conflict. Currently there are state and federal disputes over responses to the COVID-19 pandemic, health care (the Affordable Care Act or Obamacare), education (the Common Core), environmental regulations including air pollution standards, immigration policies and sanctuary laws, selling of federal lands, and coastal state rights to submerged lands and their natural resources, to name just a few. Each can be studied as examples of the evolving relationship between federal and state governments.

Government Responses to COVID-19

In spring and summer 2020, as the coronavirus pandemic raged in the United States, serious disagreements arose between local, state, and federal government leaders about how to respond to the crisis.

Use the following [interactive chart](#) to assess who has - and who should have - the power to act. Read each scenario, record your initial reactions, and then research and record your final answer in the right hand column of the matrix.

[Table 6.1.2 Government Power and the Pandemic Matrix](#)

Use the following interactive chart to assess who has - and who should have - the power to act? Read each scenario that took place during the spring of 2020, record your initial reactions, and then research and record the answers in the matrix below.

| Government Power and the Pandemic Matrix | | | |
|--|--|--|---|
| Scenario | Who has the power? What do you think? | Record Evidence Write down what you learn from your research. | Final Answer? Who has and who should have the power? |
| As the first wave of coronavirus cases spiked in March 2020, governors and members of Congress urged the President to invoke the Defense Production Act of 1950 (DPA) to require private companies to prioritize government orders for N95 respirator masks, ventilators, and protective equipment. The Presidency initially resisted, then issued limited DPA orders. Who has the power? | | | |
| As the COVID-19 pandemic worsened, state governors around the country issued "shelter-in-place" or "stay-at-home" orders. The President refused to issue a national order, citing constitutional problems with a federally mandated lockdown. The President further claimed he alone had the power to reopen states. Who has the power? | | | |

| | | | |
|---|--|--|--|
| <p>On April 11th, 2020 New York City Mayor Bill De Blasio said that all NYC schools would be closed for the remainder of the 2019-2020 school year. However, New York Governor Andrew Cuomo said that the decision was his. Who has the power?</p> | | | |
| <p>Places of worship were amongst the many establishments closed by governors across the country as the pandemic struck. On Friday, May 22, 2020, President Trump asked that places of worship be opened to the public. Who has the power?</p> | | | |
| <p>On Tuesday, May 26th, 2020, President Trump tweeted that mail-in ballots would be fraudulent. That same afternoon, Twitter added a warning message that read, "Get the facts about mail-in ballots." Does Twitter have this power?</p> | | | |

Suggested Learning Activities

- **Create a Visual Representation of Different Powers of the State and National Government**
 - Choose any digital tool to design a visual representation (e.g., mindmaps, slideshows, memes, infographics, stop motion animation videos).
- **Debate** (in class or on [Flipgrid](#))
 - If the powers shared by the state and national government (e.g., building highways, borrowing money) had to be separated between the two institutions, which powers should go to the state government and which ones should go to the national government?
- **Develop a Public Policy Proposal**
 - Make the case for and against permanent Daylight Saving Time and share your proposal on a school or class website or social media platform.

Online Resources for the Powers of State and National Government

- [How the Constitution's Federalist Framework Is Being Tested by COVID-19](#), *Brookings* (June 8, 2020)
- Learning Plans:
 - [Federalism and Lawmaking: Claim Your Powers State vs. Federal Government](#)
 - [Separation of Powers: What's for Lunch?](#)

2. UNCOVER: Native American Tribal Governments

There are 573 federally recognized [Indian Tribal Nations](#) in the United States today—229 are located in Alaska; the rest are in 35 other states. Taken as a whole, the land of American Indian nations would be the country's fourth largest state.



[Otoe Tribal Seal](#). by Nathan Soliz, licenced under [CC BY-SA 2.0](#)

Each tribal nation is recognized as a **sovereign (meaning self-governing)** entity by the United States Constitution, Article 1/Section 8:

"The Congress shall have the power to . . . regulate commerce with foreign nations, and among the several states, and with the Indian tribes."

The Supreme Court reaffirmed that principle in its decision in [Worcester v. Georgia](#) (1832) when it declared "Indian Nations had always been considered as distinct, independent political communities, retaining their original natural rights, as the undisputed possessors of the soil ... The very term 'nation,' so generally applied to them, means 'a people distinct from others.'"

Each tribal nation has its own government with the power to pass laws, operate police departments and courts, provide education and other social services, and build roads, bridges, and other public facilities ([Tribal Nations and the United States: An Introduction](#), National Congress of American Indians, 2019).

Suggested Learning Activity

- **Research Native American Tribal Governments in New England**
 - Tribes have developed their own tribal constitutions, expressing in writing the rights, values, and laws of tribal members, including the [Mashpee Wampanoag Tribe Constitution](#) (Massachusetts); Passamaquoddy and Penobscot Tribal Constitutions (Maine); and Mashantucket Pequot and Mohegan Tribe Constitutions (Connecticut) (see [State by State Native American Tribal Constitutions](#)).
 - In groups, select a Native American tribe in New England and collaboratively create a multimodal presentation on Google Slides about the tribe's constitution.

Online Resources for Native American History

- Learn more about the status of Indian tribes in the country today from [Frequently Asked Questions](#) from the Bureau of Indian Affairs.
- Book: [The Indian World of George Washington: The First President, The First Americans, and The Birth of the Nation](#). Colin G. Calloway (Oxford University Press, 2018)
- Native American History Pages on the *resourcesforhistoryteachers* wiki:
 - [Cahokia and Etzana, Pre-Contact Native American Cities](#)
 - [The Pueblo Revolt of 1680](#)
 - [English Settlers and Native Peoples](#)
 - [The Trail of Tears](#)
 - [Westward Expansion and Native Americans](#)
 - [Mount Rushmore and Native Americans](#)
 - [Native American Rights Movement](#)

3. ENGAGE: Should More States Adopt Part-time Citizen Legislatures?

A **Citizen Legislature** is a government organization whose members are not full-time politicians. Members of citizen legislatures work on a part-time basis in addition to full-time jobs in other fields and professions.

Large states like Massachusetts, California, New York, Illinois and Florida have legislatures consisting of members whose full-time job it is to debate and enact state laws and policies. By contrast, Vermont, Maine, New Hampshire, Rhode Island and some states in the western part of the country have part-time legislatures that meet less often and have part-time lawmakers.



[State House, Montpelier Vermont](#), by Jared C. Benedict, Licensed by [CC BY-SA 3.0](#)

The [National Conference of State Legislatures](#) organizes the 50 state legislative bodies into five major categories, ranging from full to part-time:

- Green (full-time, well-paid, large staff; average compensation \$82,358)
- Green Lite
- Gray (hybrid; average compensation \$41,100)
- Gold Lite
- Gold (part-time, low pay, small staff; average compensation \$18,449)

Base salaries range from \$107,241 in California (full-time legislature) to \$200 for a 2-year term in New Hampshire (part-time legislature) (see [2018 Legislator Compensation Information](#)).

The idea of part-time citizen legislatures has supporters and critics. Supporters believe that part-timers are more likely to remain closely connected to the communities that elect them, making government more responsive to the will of the people. Critics maintain that the responsibilities of state government are so large that full-time legislators are needed to understand the issues and develop workable solutions to pressing problems.

Suggested Learning Activities

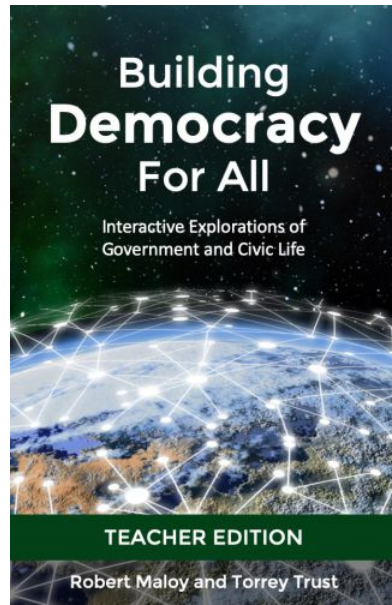
- **Listen & Discuss**
 - Listen to the Podcast [Debating the Pros and Cons of a Citizen Legislature](#) from Vermont Public Radio.
 - Discuss:
 - What are the advantages and drawbacks of citizen legislatures?
 - Who is more likely to respond to a single citizen or a small group about ideas for change in their community or state - a part-time or full-time legislator?
- **Civic Action/Community Engagement Project**
 - Contact your state representative about an issue ([Who's my Representative](#))
 - Write: Use the National Education Association's guide to [Writing to Your Legislators](#)
 - Tweet/Post: See if your legislator is on social media. Write a tweet, post on their social media page, or create a short video about a community issue, upload it to social media, and tag your legislator.

Online Resources for Citizen Legislatures

- Read [Vermont's Legislative Process](#) to learn about the workings of the Vermont legislature.
- For more, see [Under the Golden Dome: The Stories Behind Vermont's Citizen Legislature: Program 10](#).
- [Some Vermonters Can't Afford to Serve in the Citizen Legislature](#).
- [State Legislature Session Length](#) from the University of Vermont compares Vermont's citizen legislature to Maryland's professional one.

Standard 6.1 Conclusion

The United States has a federal system of government (known as federalism). **INVESTIGATE** examined how powers are divided between state and national government. **ENGAGE** asked whether part-time citizen legislatures can more effectively represent people than full-time legislative bodies. **UNCOVER** explored the roles and functions of Native American tribal governments.



Maloy, R. W. & Trust, T. (2020). *Building Democracy for All*. EdTech Books. Retrieved from <https://edtechbooks.org/democracy>



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