National, State and Local Government

Lesson Creator: NJ Center for Civic Education, Rutgers University, Piscataway

Grade Level: 3-5

New Jersey Student Learning Standards for Social Studies (2020):

6.1.5.CivicsPI.3: Explain how the United States functions as a representative democracy and describe the roles of elected representatives and how they interact with citizens at local, state, and national levels.

6.1.5.CivicsPI.4: Describe the services our government provides the people in the community, state and across the United States.

6.1.5.CivicsPI.5: Explain how government functions at the local, county, and state level.

6.1.5.CivicsPI.6: Distinguish the roles and responsibilities of the three branches of the national government.

6.1.5.CivicsPI.7: Explain how national and state governments share power in the federal system of government.

6.1.5.CivicsPI.8: Describe how the United States Constitution defines and limits the power of government.

6.1.5.Civic.DP.1: Using evidence, explain how the core civic virtues and democratic principles impact the decisions made at the local, state, and national government (e.g., fairness, equality, common good).

Common Core ELA Standards

RI.5.1 Quote accurately from a text when explaining what a text says explicitly and when drawing inferences from the text.

RI.5.4 Determine the meaning of general academic and domain-specific words and phrases in a text.

W.5.2 Write informative/explanatory texts in which they introduce a topic. Use facts and definition to develop points and provide a concluding statement.

W.5.7 Participate in shared research and writing projects.

W.5.8 Gather information from provided sources to answer a question.

SL.5.1 Engage effectively in a range of collaborative discussions, building on others’ ideas and expressing their own clearly.

SL5.2 Summarize a written text read aloud or information presented in diverse media.
Objectives: Student will be able to:
- identify the concept of federalism as one of the major principles of the United States Constitution.
- explain the reason for the inclusion of this concept in the United States Constitution.
- Compare and explain the different powers held by the federal government and those held by the states.
- analyze whether certain issues should be addressed by the federal government, by state government, or concurrently.

Lesson Length: Four 40 minute periods

Focus questions:
- Why do we need government?
- What is democracy?
- What is a republic?
- What is a constitution?
- How does our Constitution limit what the government can do?
- What are the problems with a dictatorial government?
- What is federalism?
- What powers does the national government have? What are reserved to the states? What powers are held by both?
- What other ways are power limits? What is separation of powers?
- How are New Jersey’s state and local government organized?

Why do we need government?

Activity 1: Students look at Handout 1 and respond to questions:
- Ask students what is happening in the picture? Students will respond that the bigger kids are hurting the smaller boy, literally shaking him down for money.
- How could this be prevented? With rules or laws and someone in authority to enforce them.
- So why do we need rule or laws?
  - To protect the weak from the strong
  - To protect individual rights
  - To keep us safe
  - To help us keep order
  - To settle arguments
  - To help us share things in a fair way
- The authority to enforce rule in school are the teachers and principals. At home, parents. For the state and country, the government.

What is a democracy?
- Democracy is a system of governance where the power is vested in the people.
- The United States is a democracy, as is Canada, France, Germany and Britain. Britain may have a queen but the power resides with the people who elect representative to make decisions for them.
- In a direct democracy, everybody is involved in making decisions.
- In most democracies, decisions are made by elected representatives (see republic).
What is a republic?
- A republic is a form of government in which representatives are elected to make governmental decisions for the general public and are responsible to the electorate.
- The United States has a republic because in most cases decisions about government are made by representatives serving in governmental institutions rather than by direct vote of the people.

What is a constitution and what does it do?
- Constitutions are the means used to state what powers government shall have. By defining these powers, constitutions limit the powers of government both in what it does and how it acts (due process).
- The United States has a constitutional government because the U.S. Constitution is the supreme law that everyone must obey including those serving the government.
- Government is limited to acting within the law and subject to judicial review as to whether its actions are within the Constitution.
- In a dictatorial government there are no limits on those who run the government. When the U.S. Constitution was created in 1787 most governments were run by hereditary monarchs who had absolute power to do whatever they wanted.

Activity 2: Students read Yertle the Turtle (Dr. Seuss) and respond to questions:
- Did King Yertle have the authority to act the way he did?
- What was the source of King Yertle’s authority?
- What were the problems on the island of Sala-ma-Sond?
- What can we conclude about King Yertle’s use of his authority?
- How could the turtles protest King Yertle’s abuse of authority?
- How could the problems have been corrected?
- Might King Yertle have been a better ruler if he had been elected? Why?
- Why is it important for limits to be placed on the powers of those in positions of authority?
- Give examples of instances where limits are placed on people in positions of authority?
- Have students think about our system of government and how the power of those in positions of authority is limited.
- Have students draft a constitution for Sala-ma-Sond.
- Hold an impeachment trial or court hearing.
- Have students interview authority figures to identify the source of each person’s authority and the limits placed on their authority.

What is federalism?
- A federal system is one in which the national and state government share power.
- The Constitution established a federal system of government with power shared between the state and federal government.
- The Constitution lists specific roles of the federal government, including declaring war and printing money.
- The Tenth Amendment to the Constitution specifically states that “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved for the States respectively, or to the people.”
- Some powers not listed and therefore reserved to the states include of the states are regulating intrastate trade and issuing licenses. Students will explore this topic in this activity.

Activity 3: Students work in pairs to consider Handout 2: Separation of Powers and discuss:
- What are the “States”, “the People” and “the National Government” doing?
- Who is holding most of the “power” cards? The people.
- So where does the power come from in our federal system of government? The people.
- To whom is power delegated: To the federal and state governments.
Why do you think the Framers chose a federal system of government? They wanted to limit the power of the federal government and keep issues which did not have to be decided nationally at a more local level of decision-making.

What are some of the advantages of a federal system of government? State and national governments each have limited powers.

What are some of the disadvantages? Sometimes the authority of the two governments overlaps, for example environmental issues and this can be confusing.

How does federalism work?

Activity 4: Students work in small groups to look at a simplified version of the U.S. Constitution, Art. 1, Sec. 8 (Handout 3) to determine which of the following powers have been given to Congress, which have been reserved to the states (by not being delegated to Congress), and which powers the state and national governments share. Use Handout 4: Who Has the Power and complete the chart:

Which Government has the Power to:
- Establish post offices
- Raise an army
- Conduct elections
- Establish local governments
- Take measure for public safety
- Collect taxes
- Build roads
- Coin money
- Establish courts
- Regulate commerce with foreign nations
- Make and enforce laws
- Declare war
- Regulate commerce within the state

A completed chart: Which Government Has the Power?

<table>
<thead>
<tr>
<th>Power</th>
<th>National Government</th>
<th>State Government</th>
<th>Both share</th>
</tr>
</thead>
<tbody>
<tr>
<td>Establish post offices</td>
<td>X</td>
<td></td>
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<tr>
<td>Raise an army</td>
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<td>Conduct Elections</td>
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<tr>
<td>Take measure for public safety</td>
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<td>X</td>
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<tr>
<td>Collect taxes</td>
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<td>X</td>
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<tr>
<td>Build roads</td>
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<td>X</td>
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<tr>
<td>Coin money</td>
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<tr>
<td>Establish courts</td>
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<td>X</td>
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<td>Regulate commerce with foreign nations</td>
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<td>Declare war</td>
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<td>Regulate commerce within the state</td>
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<td>X</td>
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</tbody>
</table>
**What is separation of powers?**

The concept of separation of powers was developed by baron de Montesquieu, an 18th century French social and political philosopher. Under his model, the political authority of the government is divided into legislative, executive and judicial powers. He asserted that, to most effectively promote liberty, these three powers must be separated and act independently.

Separation of powers, therefore, refers to the division of government responsibilities into distinct branches to limit any one branch from exercising the core functions of another. The intent is to prevent the concentration of power and provide for checks and balances.

- The legislative branch is responsible for enacting the laws of the state and appropriating the money necessary to operate the government.
- The executive branch is responsible for implementing and administering the public policy enacted and funded by the legislative branch.
- The judicial branch is responsible for interpreting the constitution and laws and applying their interpretations to controversies brought before it.

Most state constitutions, including New Jersey’s, specify that government be divided into three branches: legislative, executive and judicial.

**Activity 5:** Small groups of students complete the chart (Handout 5: Separation of Powers at National, State and Local Levels) to identify how executive, legislative and judicial powers are separated at the national, state and local levels.

- The Governor holds the executive position in the state, similar to the president of the country.
- The State Legislature, which consists of a State Senate and State Assembly hold the legislative positions, much like the U.S. Senate and House of Representatives.
- The County Freeholders are empowered with a broad scope of authority, some of which is designated to them by the State of New Jersey, including, but are not limited to, law enforcement, welfare, education, roads, and economic development. They share these functions with local (municipal) governments, which are also empowered by the state.
- At the local government level, the executive and legislative functions are not as clearly defined, although some counties have moved to having a county executive with clear executive functions.
- States also have three levels of judicial review (NJ Superior Courts, Appellate Courts and a State Supreme Court) much like the national government (federal District Courts, federal Appellate Courts and the U.S. Supreme Court). Municipal courts are courts of limited jurisdiction, having responsibility only for motor vehicle and parking tickets, minor criminal-type offenses (for example, simple assault and bad checks), municipal ordinance offenses (such as dog barking or building code violations) and other offenses, such as fish and game violations. A Municipal Court usually has jurisdiction only over cases that occur within the boundaries of its municipality. Serious criminal cases, such as robbery, auto theft, or assault, are heard at the Superior Court located at the county courthouse.

A completed chart:

<table>
<thead>
<tr>
<th>Separation of Powers</th>
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<tbody>
<tr>
<td><strong>Executive</strong></td>
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<tr>
<td><strong>Legislative</strong></td>
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<tr>
<td><strong>Judicial</strong></td>
</tr>
<tr>
<td>National Government</td>
</tr>
<tr>
<td>President</td>
</tr>
<tr>
<td>Congress: Senate and House of Representatives</td>
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<tr>
<td>• U.S. Supreme Court</td>
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<td>• Appellate Courts</td>
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</table>
Local Government: How and when was your town and county organized?

As a colony, New Jersey was governed by two groups of proprietors as two distinct provinces, East Jersey and West Jersey, between 1674 and 1702. New Jersey's first counties were created as administrative districts within each province, with East Jersey split in 1675 into Bergen, Essex, Middlesex and Monmouth counties, while West Jersey's initial counties of Burlington and Salem date to 1681. New Jersey's county names derive from several sources, although most of its counties are named after place names in England and prominent leaders in the colonial and revolutionary periods. These original counties then broke into additional units as their populations grew.

**Activity 6:** Identify your town and county on a map of New Jersey (Handout 6) and conduct a short research project to discover when they were incorporated and what type of local government (borough, town, township, city) you have.

**Assessment**

- Students find three articles (in newspaper, magazines, online, etc.) that represent federalism in the United States today. They should summarize the articles and explain why the issue is controlled by the federal or state government.
- Students conduct a short research project to identify a problem that they think needs to be addressed in your community. Since numerous problems will be identified, have them distinguish which level of government would address each of the problems/issues raised.

**Extension Activities:**

Students conduct a full community improvement project—See “Improving Your Community” at http://civiced.rutgers.edu/njlessons.html.
From *We the People: The Citizen and the Constitution* (Center for Civic Education)
Separation of Powers

From *We the People: The Citizen and the Constitution* (Center for Civic Education)
Article I Section. 8.

The Congress shall have Power

To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

To borrow Money on the credit of the United States;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

To establish Post Offices and post Roads;

To constitute Tribunals inferior to the supreme Court;

To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To provide and maintain a Navy;--And

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.
### Handout 4: Who has the Power?

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Handout 5:

Separation of Powers at National, State and Local levels

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<tr>
<td>Municipal Government</td>
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</table>
Handout 6: County Map of New Jersey
Find your county and your town