Who Responds First?

A flood reveals how governments share power and responsibility.

9-12.GOV.43 "Explain the functions, powers, interactions, and dynamic relationships among federal, state, local, and tribal governments including the roles of the 10th Amendment, McCulloch vs Maryland, Gibbons vs. Ogden..."

NAME _____ DATE _____

1 READ AND MARK

Read it twice

YOUR JOB Underline one action taken by each level of government: federal, state, local, and tribal. Circle rules or court rulings that limit government power, then number two examples of governments working together.

When the River Crosses Borders

1. Imagine heavy rain flooding two neighboring states and the lands of a nearby tribal nation. Town crews close streets and run shelters because local governments handle many immediate services under state law. State agencies manage highways, emergency teams, and safety rules within their borders. The federal government can provide disaster aid under federal law and coordinate resources across state lines. The 10th Amendment reserves powers not given to the federal government, or forbidden to the states, to the states or the people. Tribal nations have their own inherent authority over many matters on their lands, not a power granted by that amendment.

2. Suppose rescue boats and supplies move between the flooded states. In Gibbons v. Ogden (1824), the Supreme Court ruled that Congress's power to regulate commerce among states covered interstate navigation; a state-granted steamboat monopoly could not override a conflicting federal license. That ruling helps explain why national rules may govern transportation and trade across state lines. In McCulloch v. Maryland (1819), the Court upheld Congress's power to create a national bank as a means of carrying out its constitutional powers. It also ruled that Maryland could not tax the bank, since a state cannot impede a valid federal action.

3. Early accounts of dual federalism pictured state and federal responsibilities as mostly separate. Over time, cooperative federalism grew: governments often share work rather than stay in separate lanes. In this flood, a federal grant helps states pay for repairs; state agencies organize crews, and towns reopen roads. A tribal government directs work on its lands and coordinates with federal, state, and local officials while retaining its own authority. Cooperation does not erase limits: states decide many matters reserved to them, federal action needs a constitutional basis, and federal officials must respect tribal sovereignty under applicable law.

2 ANSWER WITH EVIDENCE

Use the passage

1. How does the 10th Amendment help explain state authority in the flood, and why is tribal authority different?

2. How did McCulloch v. Maryland and Gibbons v. Ogden each limit a state's power?

3. How does the flood response show a change from dual federalism to cooperative federalism?

4. In the flood, how do the town and tribal government both respond while holding different kinds of authority?

3 YOUR TURN

Your own words

A wildfire crosses a state line and threatens homes on a tribal nation's land. In six sentences, propose roles for federal, state, local, and tribal governments, explain how the 10th Amendment and both court cases shape their powers, and contrast a dual-federalism response with a cooperative one.

ANSWER KEY

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HIGH SCHOOL · 9-12.GOV.43

PART 1 · READ AND MARK

Underline one action taken by each level of government: federal, state, local, and tribal. Circle rules or court rulings that limit government power, then number two examples of governments working together. Accept any marking that follows this job and points at the right text.

PART 2 · ANSWERS

#	QUESTION	ANSWER
1	How does the 10th Amendment help explain state authority in the flood, and why is tribal authority different?	**The amendment reserves powers not given to the federal government or forbidden to states to the states or people. Tribal nations have inherent authority over many matters on their lands; it does not come from the 10th Amendment.**
2	How did McCulloch v. Maryland and Gibbons v. Ogden each limit a state's power?	**McCulloch barred Maryland from taxing a valid federal bank. Gibbons prevented a state-granted steamboat monopoly from overriding a conflicting federal license for interstate navigation.**
3	How does the flood response show a change from dual federalism to cooperative federalism?	**Rather than keeping state and federal responsibilities mostly separate, the federal government helps pay for repairs while state agencies organize crews and towns reopen roads.**
4	In the flood, how do the town and tribal government both respond while holding different kinds of authority?	**The town closes streets and runs shelters under state law. The tribal government directs work on its lands through its own inherent authority and coordinates with other governments.**

PART 3 · YOUR TURN (SAMPLE ANSWER)

Local fire departments could evacuate neighborhoods, while each state could direct crews and close roads under its laws. The tribal government could direct fire response on its land and coordinate with nearby crews without giving up its sovereignty. Federal officials could offer authorized aid, while the 10th Amendment reserves powers not given to the federal government or forbidden to states to the states or people. McCulloch supports valid federal means of carrying out constitutional powers and bars states from obstructing them. Gibbons supports federal regulation of interstate transportation of firefighting supplies, but not unlimited control over every fire decision. Unlike a more separate dual-federalism response, cooperative federalism would link these plans and resources.

Accept other plausible roles if students distinguish tribal authority from state-delegated local authority. Applications of the cases should identify valid federal power, not claim that either ruling gives the federal government unlimited control of disasters.