Who Has Power?

A school conflict reveals how the Constitution divides and limits power.

8.C.4.2 "Examine the structure and principles of the United States of America's government established in the Constitution of the United States of America..."

NAME _____ DATE _____

1 READ AND MARK

Read it twice

YOUR JOB Underline what each national branch does. Circle two phrases about state and national power, then number two examples of limits on government power.

When a State Resisted

1 Imagine a state school board announcing that some children must attend separate schools because of their race. Who can stop it? The Constitution's Preamble says government should establish justice, promote the general welfare, and secure liberty. To prevent any one office from abusing power, the Framers divided the national government into three branches. Congress makes laws, the President carries them out, and federal courts decide cases under the Constitution and federal laws. Each branch has its own job, but none has unlimited authority.

2 In 1954, the Supreme Court decided Brown v. Board of Education. It ruled that racial segregation in public schools violated the Fourteenth Amendment's Equal Protection Clause. This was judicial review: courts can reject government actions that violate the Constitution. In 1957, Arkansas officials resisted school integration in Little Rock. President Dwight Eisenhower sent federal troops to enforce a federal court order. The President could not change the Court's ruling, but the executive branch could help carry it out. Neither state officials nor the President could set aside the Constitution.

3 This conflict also shows federalism, the sharing of power between national and state governments. States usually manage public schools, a reserved power because the Constitution does not assign general control of schools to the national government. Congress has express powers, such as regulating trade between states; both state and national governments can collect taxes, a concurrent power. Under the Supremacy Clause, the Constitution and valid federal laws outrank conflicting state rules. State control of schools therefore cannot justify a school rule that violates the Constitution.

2 ANSWER WITH EVIDENCE

Use the passage

1. How did the Supreme Court and the President use different powers to address school segregation?

2. Why could Arkansas officials not use state control of schools as a reason to ignore the court order?

3. Compare the power to manage public schools with the power to collect taxes. Who may exercise each?

4. How did the branches' separate jobs in this conflict support one goal named in the Preamble?

3 YOUR TURN

Your own words

A state bars people of one race from using public libraries. In four or five sentences, explain how federalism, the Supreme Court, and the President could affect this rule. Link your explanation to one goal in the Preamble.

ANSWER KEY

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GRADE 8 · 8.C.4.2

PART 1 · READ AND MARK

Underline what each national branch does. Circle two phrases about state and national power, then number two examples of limits on government power. Accept any marking that follows this job and points at the right text.

PART 2 · ANSWERS

#	QUESTION	ANSWER
1	How did the Supreme Court and the President use different powers to address school segregation?	**The Court ruled that racial segregation in public schools violated the Fourteenth Amendment. The President sent troops to enforce a federal court order.**
2	Why could Arkansas officials not use state control of schools as a reason to ignore the court order?	**State control of schools is limited by the Constitution. Under the Supremacy Clause, a state rule cannot override the Constitution.**
3	Compare the power to manage public schools with the power to collect taxes. Who may exercise each?	**States usually manage public schools as a reserved power. Both state and national governments can collect taxes as a concurrent power.**
4	How did the branches' separate jobs in this conflict support one goal named in the Preamble?	**The Court ruled against unequal treatment, and the President helped enforce the court order. Their separate actions supported the goal of establishing justice.**

PART 3 · YOUR TURN (SAMPLE ANSWER)

States normally run public libraries, but state power must follow the Constitution. If someone challenges this rule in court, the Supreme Court could decide that it violates the Fourteenth Amendment's Equal Protection Clause. Under the Supremacy Clause, the state could not keep an unconstitutional rule. If state officials resisted a federal court order, the President could help enforce it. These separate roles help government establish justice, a goal in the Preamble.

Accept answers that distinguish a court ruling from executive enforcement and explain that state authority remains subject to the Constitution. For the marking job, students may number the limit on state officials, the limit on the President, or the Supremacy Clause.