Who Decides?

State resistance and the Constitution's answer

8.C.8.2.A "Explain how provisions of the Constitution (Supremacy Clause; Article III) addressed the theoretical right to reject federal laws."

NAME _____ DATE _____

1 READ AND MARK

Read it twice

YOUR JOB Underline what the Supremacy Clause requires, circle what Article III allows courts to do, and number the steps from a state's claim to a legal decision.

Can a State Say No?

1. Imagine a state legislature votes to block a valid federal rule about trains crossing state lines. Its members claim the state may reject any federal law it dislikes. This claim is often called nullification: the idea that a state can declare a federal law powerless within its borders. Arguments about state authority were sharp after the Constitution was written. The key question was not whether people could criticize a law. It was whether a state could make a valid federal law stop working just by saying no.

2. The Constitution gives a different answer in Article VI, known as the Supremacy Clause. The Constitution, federal laws made in keeping with it, and treaties made under United States authority are the supreme law of the land. State judges must follow that law even when a state law or state constitution says something else. This rule does not make every act of Congress valid. A federal law that breaks the Constitution does not gain supremacy simply because Congress passed it. The conflict must be judged, not settled by a state's announcement.

3. Article III gives federal courts power to hear cases arising under the Constitution and federal laws. If the train dispute reaches court, judges can consider whether the federal rule is constitutional and how it applies. A state judge hearing the case is also bound by the Supremacy Clause. Article III offers a path for legal disputes rather than a state legislature's one-sided veto. Later, the Supreme Court affirmed the power of courts to rule on constitutionality. Together, these provisions deny a state the final say over whether a federal law applies.

2 ANSWER WITH EVIDENCE

Use the passage

1. Why would the legislature's vote alone not stop the valid federal train rule from working?

2. Suppose a state judge hears the train case, and the state constitution conflicts with the valid federal rule. What must the judge follow, and why?

3. A lawmaker says every law passed by Congress must defeat a state law. How does the passage limit that claim?

4. How does Article III provide a different way to settle the train dispute than the state's claim of nullification?

3 YOUR TURN

Your own words

Suppose Congress passes a constitutional law allowing federal mail carriers to use state roads, but a state votes to stop them because it rejects the law. In four or five sentences, explain why the vote is not final, how the Supremacy Clause and Article III matter, and what would change if the federal law broke the Constitution.

ANSWER KEY

Who Decides?

GRADE 8 · 8.C.8.2.A

PART 1 · READ AND MARK

Underline what the Supremacy Clause requires, circle what Article III allows courts to do, and number the steps from a state's claim to a legal decision. Accept any marking that follows this job and points at the right text.

PART 2 · ANSWERS

#	QUESTION	ANSWER
1	Why would the legislature's vote alone not stop the valid federal train rule from working?	**The Supremacy Clause makes valid federal law supreme over conflicting state law, so a state cannot cancel it by voting to reject it.**
2	Suppose a state judge hears the train case, and the state constitution conflicts with the valid federal rule. What must the judge follow, and why?	**The judge must follow the valid federal rule because the Supremacy Clause binds state judges even when a state constitution conflicts.**
3	A lawmaker says every law passed by Congress must defeat a state law. How does the passage limit that claim?	**Only federal laws made in keeping with the Constitution have supremacy. Passing a law does not make an unconstitutional law supreme.**
4	How does Article III provide a different way to settle the train dispute than the state's claim of nullification?	**Article III allows federal courts to hear cases arising under federal law and the Constitution, so judges can consider the rule's constitutionality and application instead of treating the state's rejection as final.**

PART 3 · YOUR TURN (SAMPLE ANSWER)

The state's vote cannot cancel a constitutional federal law about mail carriers. Under the Supremacy Clause, that law takes priority over a conflicting state rule, and state judges must follow it. Article III allows federal courts to hear a case about the federal law and decide how it applies. If the law broke the Constitution, it would not gain supremacy just because Congress passed it.

Accept explanations that distinguish a state's attempt to reject a law from a court's consideration of whether the law is constitutional. Students need not use the word nullification if they explain the claimed state power accurately.