**Up in Smoke: Federalism Today**

**Subject area/course**: Social Studies, U.S. Government

**Grade level/band**: 11–12

**STUDENT PROMPT SECTION**

1. **Task context**:

When the framers of the U.S. Constitution got together to draft a document that would set out the fundamental tenets of our government, one of their most serious challenges was deciding how to balance the powers of the national and state governments. They wanted a system that empowered both levels of government appropriately without giving either the ability to truly override the other. The system they adopted was Federalism.

Since the inception of the Constitution, politicians have debated the role of the national government and the autonomy of the states. Just where does the sovereignty of the state end and the power of the national government begin? This question remains challenging today – simply consider the question of the legality of medical marijuana. Some states have decided to legalize the sale of marijuana under certain circumstances, while under federal law the sale and transport of marijuana remains illegal. Who should have authority over this issue?

The purpose of this task is to address the question of jurisdictional authority, not to discuss the merits or ethical questions about the legality of marijuana. Therefore, you will want to start building your argument by discussing the distribution of power to the national and state governments as listed in the Constitution. What does it suggest as the answer? For additional support for your argument, look up key Supreme Court cases on Federalism and see what they have to say on the issue. You should present the arguments for both national and state control of the issue before concluding with your suggestion.

1. **The task**:

Write a 5- to 6-page paper analyzing Federalism at work in a modern setting. Using both the Constitution and relevant Supreme Court cases, build an argument for whichever level of government you think should be the one to determine the legality of this issue.

Your paper should:

* Demonstrate an understanding of the concepts of Federalism and the distribution of power between the national government and state governments as outlined in the Constitution.
* Demonstrate an understanding of the role of the Supreme Court and its role in judging the constitutionality of government decisions and legislation.
* Include a selection of relevant sources and integrate them into an argumentative essay.
* Demonstrate argumentative writing skills that require evidence-based claims and consideration of contrary evidence or claims.
* Use discipline-specific vocabulary.
* Use in-text citations and include a Works Cited page using MLA citation format or another style that your teacher selects.
1. **Materials/resources:**
* You will need a copy of the U.S. Constitution and relevant Supreme Court Cases
* Supreme Court cases are easily accessed online using the HT Chicago-Kent College of Law site: [http://www.oyez.org.](http://www.oyez.org/)
* Handout A, the Supreme Court Case Assessments worksheet
1. **Time requirements:**

Depending on your class schedule, you may spend two weeks or more researching and writing your paper outside of class time.