



Nature of the Federal Union Today

How do we reconcile federal supremacy with delegated federal powers and states' rights?

Supremacy Clause of Article VI

Vesting Clause of Article I

10th Amendment

A few problems...

What may Congress regulate and enforce through national institutions?

May Congress require states to help enforce federal law?

May Congress use the spending power to compel states to act?

How do we handle unconstitutional state laws and Congress's power to enforce civil rights?

GONZALES V. RAICH (2005)

The Rehnquist Court

ARGUED: 11/29/2004

DECIDED: 06/06/2005

VOTE: 6 — 3

MAJORITY:



DISSENT:



How far does Congress's power extend?

May Congress criminalize marijuana possession when a state has made it legal?

Art. I, sec. 8

- Commerce Clause
- Necessary and Proper Clause

Can states be compelled to help enforce federal law?

Immigration enforcement and sanctuary cities

Environmental regulations

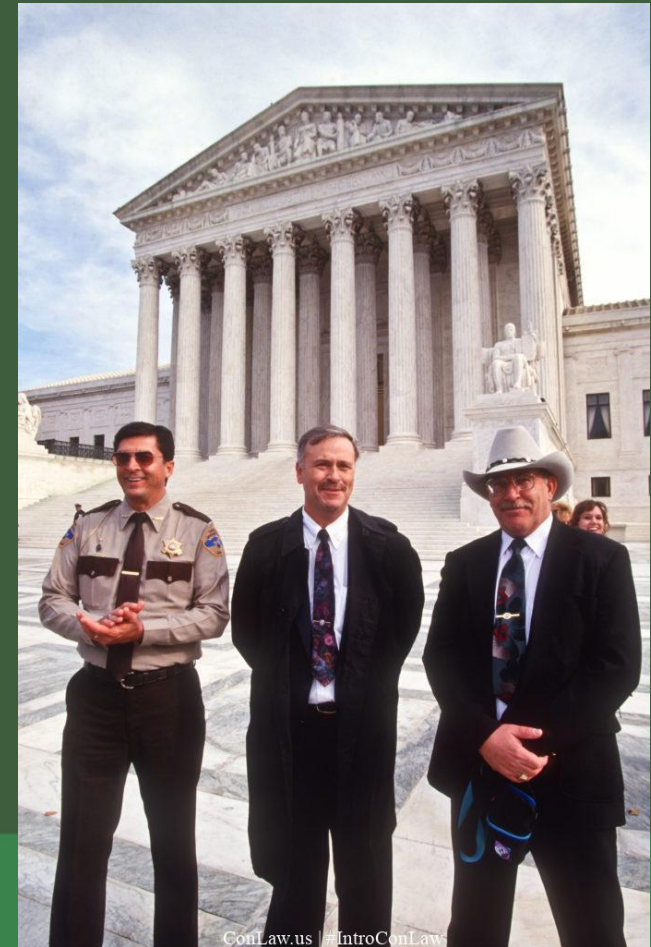
Gun control

Drug enforcement

Printz v. United States (1997)

May Congress compel state law enforcement to perform background checks for gun purchases?

Non-commandeering rule



Can the spending power be used to compel states?

NFIB v. Sebelius (2010)

May Congress punish states for refusing to expand Medicaid under the Affordable Care Act?



Congress enforces civil rights, but who decides what they are?



14th Amendment, sec. 5

Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

Boerne v. Flores (1997) and RFRA