**LAW CLASS**

**The Tenth Amendment**

The Tenth Amendment states:

*"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, or to the people."*

Vocabulary

Delegated: assigned to

Prohibited: not allowed

Reserved: given to

**The Federal Government**

The federal government is another name for the national government (Congress, the President, and the Supreme Court) of the United States. It is defined by the U.S. Constitution.

**Federal and State Governments**

The United States was formed as a group of states under one federal government. The federal government has the powers given to it by the Constitution, while the state governments and the people have the rest of the powers.

The Tenth Amendment was added to insure that the powers of the federal government remain limited. The writers of the Tenth Amendment wanted to make it clear that the power of the federal government comes from the states and the people, not the other way around.

**Which is higher, state law or federal law?**

This can be a tricky question. The highest power in the land is the Constitution. This makes federal law the higher power. However, federal law is limited in its powers to only what is specifically stated in the Constitution. The states and the people have all other powers.

**Powers of the Federal Government**

Some examples of powers of the federal government include:

•Raising and maintaining the armed forces

•Declaring war

•Collecting taxes

•Regulating commerce between the states

•Coining and regulating money

•Establishing a national bank

**Powers of the State Governments**

Some examples of state powers include:

•Traffic laws

•Collecting local taxes

•Issuing driver's licenses and marriage licenses

•Regulating commerce within the state

•Building and maintaining roads and schools

•Police and fire departments

**How is the Tenth Amendment different from the Ninth?**

The Ninth and Tenth Amendments are very similar in that they limit the federal government.

**Interesting Facts about the Tenth Amendment**

•Many powers overlap between the federal and state governments such as collecting taxes, education, and criminal justice.

•Sometimes the federal government will use federal funding (money) as an incentive for states to follow federal programs.

•States will sometimes cite the Tenth Amendment as the reason why they don't have to follow a federal law.

Questions to Consider:

1. How does this amendment balance power between the federal and state governments?
2. What are some powers given to the federal government?
3. What are some powers that the state government has?
4. What are some powers that BOTH have?
5. What does the Ninth and Tenth amendment have in common?