

Chapter 4: Federalism

Section 3

Lecture Notes

The title 'AMERICAN GOVERNMENT' is centered on the page. 'AMERICAN' is in a white, serif font with a slight shadow. 'GOVERNMENT' is in a larger, bold, yellow, sans-serif font with a black outline. The text is set against a background of a stylized American flag with blue stars and red and white stripes.

AMERICAN
GOVERNMENT

PEARSON

► Objectives

1. Explain why States make interstate compacts.
2. Understand the purpose of the Full Faith and Credit Clause.
3. Describe the Extradition Clause and explain its purpose.
4. Explain the purpose of the Privileges and Immunities Clause.

▶ Key Terms

- **interstate compact:** an agreement made between two States or between a State and a foreign government
- **Full Faith and Credit Clause:** the clause of the Constitution that says that each State will respect the laws, records, and court decisions of other States

▶ Key Terms, cont.

- **extradition:** the legal process of returning a fugitive to a State
- **Privileges and Immunities Clause:** the clause in the Constitution that says that no State can make unreasonable distinctions between its own residents and those persons who live in another State

► Introduction

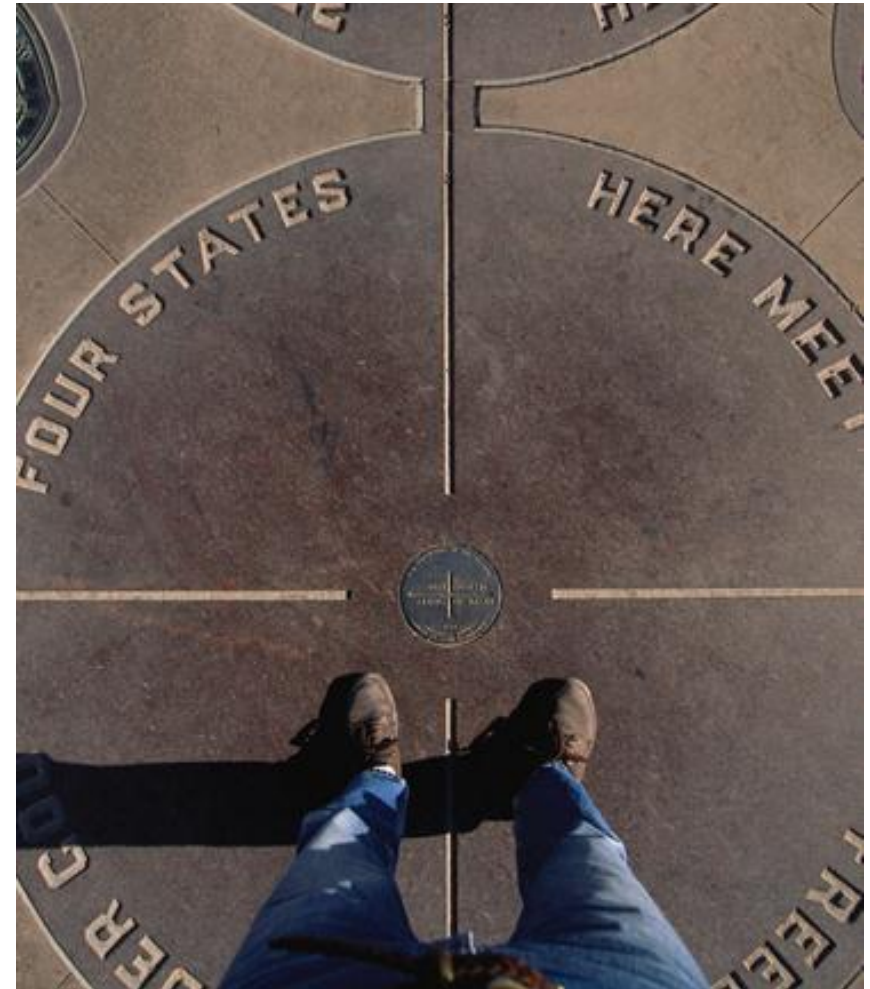
- How do the States work together to preserve the Union?
 - State governments make interstate compacts.
 - States offer full faith and credit to the laws, official records, and court rulings of other States.
 - States extradite fugitives to other States.
 - States respect the privileges and immunities of residents of other States.

▶ Interstate Compacts

- States can enter agreements with other States and with foreign governments with the consent of Congress.
 - The number of these agreements has increased over time.
 - There are interstate agreements to share law enforcement data, counter global climate change, encourage cooperation between public universities, and coordinate the conservation of water and wildlife.

► Interstate Compacts, cont.

- States also cooperate to manage shared resources and border areas.
 - The States of Utah, Arizona, Colorado, and New Mexico meet at the “Four Corners.”



► Full Faith and Credit

- The **Full Faith and Credit Clause** of the Constitution requires each State to honor and enforce the laws, official documents, and court rulings of other States.
 - Documents issued in one State—such as birth certificates—must be accepted in all States.



▶ Exceptions

- There are two key exceptions to the Full Faith and Credit Clause:
 - It applies only to the civil laws of each State, not the criminal laws.
 - If a person who does not live in a State is granted a divorce by that State, the State in which that person actually resides can refuse to recognize the divorce.

▶ Marriage and Divorce

- Only the State in which a couple has established residency can grant them a divorce.
- Same-sex marriages are outlawed by the federal government and 41 States.
 - However, several States allow legal same-sex marriages or civil unions.
 - The Defense of Marriage Act (DOMA) says that no State can be forced to recognize a same-sex marriage performed in another State.

► Marriage and Divorce

- The constitutionality of DOMA has not yet been decided.
- Interracial marriage was illegal in many States until the Supreme Court ruled in 1958 that such laws were unconstitutional.



▶ Extradition

- The Constitution states that people charged with a crime in one State who flee to another State must be extradited—returned to the State where they were originally charged.
 - Typically a State governor asks another State governor to return any captured fugitives. Such requests are usually upheld.
 - If extradition is challenged, the federal government can order a governor to extradite a fugitive.

▶ Privileges and Immunities

- No State can make *unreasonable* distinctions between its residents and residents of another State.
 - Each State must recognize the right of any American to travel in or become a resident of that State.
 - Citizens can also marry, buy, own, rent, or sell property, and use the courts in any State, no matter where they live.

▶ Privileges and Immunities, cont.

- States can make *reasonable* distinctions between their residents and those of other States.
 - People can be required to live in a State for certain period of time before they can vote, hold public office, or be licensed in certain professions.
 - States can also charge higher fees to out-of-State hunters, fishers, or students attending a State's public universities.

► Privileges and Immunities, cont.

- Checkpoint: Why might a State be restricted from making distinctions between its residents and those of another State?
 - This could lead to unfair social or economic treatment of U.S. citizens, such as preferential hiring of in-State residents or lower welfare benefits for newly arrived residents.
 - It could also cause conflict between States.

► Review

- Now that you have learned about how the States work together to preserve the Union, go back and answer the Chapter Essential Question.
 - Is the federal system the best way to govern the United States?