

SOCRATIC SEMINAR

Read how each issue relates to the powers of federal and state governments. Prepare to discuss which level of government you think should have the power to decide each issue.

| Issue | Federal | State |
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| <p>Gun Ownership</p> | <p>The Second Amendment of the Constitution says, “A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.” While this amendment secures a citizen’s right to own a firearm, the federal government has shaped the laws surrounding gun ownership through Supreme Court cases and other legislation. In 2008, through the case <i>District of Columbia v. Heller</i>, the Supreme Court affirmed that people have the right to own a firearm for the use of self-defense in their homes. Congress also passed the Brady Handgun Violence Prevention Act in 1993, which requires a background check for anyone purchasing a gun from a business. The Brady Act did not require background checks if purchasing from a private individual.</p> | <p>In 2010 a Supreme Court case, <i>McDonald v. City of Chicago</i> ruled that the Second Amendment applies to the states, therefore all states must allow gun ownership. States can, however, implement laws that define gun ownership. For example, some states require waiting periods between the purchasing and receiving of a firearm, ranging from three days to two weeks. Other states have no such requirement. Similarly, some states require a permit to own a gun, while other states do not have any licensing requirements. States also can restrict the types of firearms that can be owned, as well as the types and amount of ammunition that can be purchased. Some states have laws that require a background check for purchasing a gun from a private individual, which goes a step further than the federal background check law. States can also enact laws allowing firearms to be kept at home, carried in a concealed manner, or openly carried in public.</p> |
| <p>Questions to Consider</p> | <ol style="list-style-type: none"> 1. Should states be allowed to enact varying laws pertaining to firearm ownership? 2. What are some benefits of allowing states the freedom to create legislation regarding firearm ownership? What are some potential drawbacks? | |

| Issue | Federal | State |
|-------------------------------------|---|---|
| <p>Minimum Wage</p> | <p>The national minimum wage was enacted by Congress in 1938, under Article I, Section 8 of the US Constitution, commonly referred to as the commerce clause. This clause allows Congress to pass laws that impact the economy. Minimum wage has been increased many times, most recently in 2009. For the minimum wage to be increased, Congress must pass a law and the president must sign it. The current federal minimum wage is \$7.25 an hour for employees that are hired as hourly employees and have reached the age of twenty. Workers under twenty can be paid \$4.25 an hour for the first ninety days of employment, after which their pay must be increased to \$7.25. Employees that receive tips as part of their pay have a minimum wage of \$2.13 an hour. Businesses are required to pay employees minimum wage if the business has a minimum of \$500,000 in revenue. The U.S. Labor Division enforces minimum wage laws and investigates employers that do not abide by them.</p> | <p>States and cities have the power to enact a minimum wage that is higher than the federal minimum wage. Approximately twenty-nine states and forty cities have passed laws that require employers to pay more than federal minimum wage of \$7.25. Although two states, Georgia and Wyoming, have minimum wages below the federal rate at \$5.15, employers must follow the federal minimum wage due to the Supremacy Clause of the US Constitution. This clause says when federal and state law contradict one another, federal law stands. State minimum wage laws are as high as almost \$14.00 an hour, and a handful of cities have minimum wages as high as \$17.00 an hour. Generally, states and cities enact a minimum wage above federal law when the area has a higher-than-average cost of living. Housing, gas, and groceries are typically higher than the national average in places with minimum wages significantly above \$7.25. Some states and cities have chosen to raise the minimum wage because the federal wage has not been increased for over ten years, but the cost of housing and goods have increased significantly.</p> |
| <p>Questions to Consider</p> | <ol style="list-style-type: none"> 1. Should the federal government have the power to enact minimum wage laws, or should it be left up to the states? 2. What are the benefits of minimum wage laws? | |

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