CAN CONGRESS DO THAT?

Learning objectives: The students will

1. Categorize the constitutional powers of Congress.
2. Examine Congressional legislation and the related provisions of the U.S. Constitution.

TEKS: Govt 7 D, 8 A, 20 A

Materials needed: One copy of cards cut up for each pair of students and a copy of the worksheet for each student.

Teaching Strategy:

1. Provide pairs of students with a set of cards.

2. Inform students that each card contains one of the clauses of the text of Article I, Section 8 of the U.S. Constitution. Instruct them to sort the cards into categories. They should determine the number and title of the categories that they divide the cards into.

3. After students have completed the sorting, discuss what they observed regarding the constitutional powers of Congress. They probably would have discovered that a majority of the cards are either economic or military. This allows an opportunity to discuss why the founding fathers would have given these powers to Congress.

4. Ask students to look at the card that contains Article I, Section 8, Clause 18. This clause is known as the Implied Powers Clause, the Elastic Clause, and the Necessary and Proper Clause. In the U. S. Supreme Court case of McCulloch v. Maryland (1819), the Court ruled that under this clause Congress does have implied powers, and consequently, for example, Congress could, by combining Clause 18 with Clause 5, pass a law creating a Bank of the United States, even though such a power is not specifically listed as belonging to Congress in the first seventeen paragraphs.

5. After discussion, give each student a copy of the worksheet. Explain to students that the laws listed on this page reflect both historical and current laws passed by Congress. They are to locate which clause of Article I, Section 8 would have given Congress the power to pass this legislation. If they choose to use the Implied Powers Clause, they need to include a second clause that it would most likely have been linked to.

6. The last part asks students to examine Article I, Section 9 and the denied powers of Congress. Students can use either a copy of the Constitution or the set of cards for Article I, Section 9.
Suggested key for Part 1 of the worksheet:

1. I, 8, 8 or 1—general welfare
2. I, 8, 1—general welfare or 3 (commerce clause) which Congress used when it passed the original Fair Labor Standards Act creating the minimum wage)
3. I, 8, 3
4. I, 8, 3 or 1 general welfare
5. I, 8, 4
6. I, 8, 14
7. I, 8, 1—general welfare
8. I, 8, 11
9. I, 8, 8 or 1 general welfare
10. I, 8, 7
11. I, 8, 5

Part II – answers will vary
**Powers of Congress— Can Congress do that?**

Directions: For each of the scenarios below, identify which part of Article I would apply. Include the article, section and clause number that would apply. If it is an “implied” power—identify what other power in the Constitution would give Congress the authority to act in this situation.

<table>
<thead>
<tr>
<th>Scenario</th>
<th>Constitutional Power</th>
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<tbody>
<tr>
<td>1. Michael J. Fox urged Congress to pass legislation that would allow for the use of federal funds in research on stem cell lines to help find a cure for Parkinson’s disease.</td>
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<td>2. Susie Smith is tired of making $6.80 an hour at the sandwich shop—she would like for Congress to raise the minimum wage.</td>
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<td>3. Congress passed a bill that would limit Mexican trucks from operating beyond the 20 to 25 mile commercial zone along the U.S. and Mexico border.</td>
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<td>4. Farmers want programs that will help guarantee a certain price for their products.</td>
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<td>5. Homeowners, threatened by the loss of their homes, want Congress to require minimum standards for home loans and prohibit brokers from guiding consumers to mortgages that they would be unlikely to be able to repay. They also want help that would prevent them from declaring bankruptcy.</td>
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<td>6. The House of Representatives passed a bill that would require deploying U.S. troops out of Iraq within 120 days of the bill’s enactment.</td>
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<tr>
<td>7. Congress passed the GI Bill that provided veterans with assistance in the form of educational tuition aid, medical benefits, and special rates on home and farm loans.</td>
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8. Congress declared war on Japan following the bombing of Pearl Harbor.

9. Congress created the Center for Disease control which monitors the supply of vaccines to children and helps states educate parents about the need for vaccinations.

10. Congress approved the construction and financing for 35,000 miles of roadway when it authorized the Interstate Highway system.

11. Congress supports commercial transactions by maintaining uniform weights and measures standards. This guarantees that when you buy a gallon of gas or a pound of apples that you are actually getting a gallon and a pound of the product.

Article I, Section 9 of the Constitution provides for limiting the power of the federal government by prohibiting it from doing certain things. Read through this list and identify the three that you feel are most important. Include an explanation of why you chose each item.

1. 

2. 

3. 
To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States;... (I,8,1)

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries; (I,8,8)

To borrow Money on the credit of the United States; (I,8,2)

To constitute Tribunals inferior to the Supreme Court; (I,8,9)

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes; (I,8,3)

To define and punish Piracies and Felonies committed on the high Seas, and Offenses against the Law of Nations; (I,8,10)
To establish a uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States; (I,8,4)

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water; (I,8,11)

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures; (I,8,5)

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years; (I,8,12)

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States; (I,8,6)

To provide and maintain a Navy; (I,8,13)
To establish Post Offices and post Roads; (I,8,7)

To make Rules for the Government and Regulation of the land and naval Forces; (I,8,14)

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions; (I,8,15)

To provide for organizing, arming, and disciplining the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of the discipline prescribed by Congress; (I,8,16)

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Session of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards and other needful Buildings: – and (I,8,17)

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof. (I,8,18)