

## Enumerated v. Implied Powers Teacher Materials

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## “Does the Constitution Contain All of Our Rules?”

<b>Key Concepts</b>	Congress, Checks and Balances, Enumerated Powers, Precedent		
<b>Content Standards</b>	<p><b>C – 3.1.1</b> Identify and describe the purposes, organization, powers, processes, and election of the legislative branch as enumerated in Article I of the Constitution.</p> <p><b>C – 3.1.4</b> Examine and evaluate the role of separation of powers and checks and balances in regard to the distribution of power and authority between the three branches of government.</p> <p><b>C – 3.3.1</b> Describe and analyze how groups and individuals influence public policy.</p>		
<b>Staging the Question</b>	Have students take 60 seconds to review their daily routine with a partner, from the time they get up in the morning to the time they go to sleep. Then, ask the question, “Who makes the rules for each part of your day?”. Have students go back through their daily routine with their partner and answer the question prompt throughout. For example, students might point out that their family makes rules about their home life, state and local governments make the rules (enforced by police) for their drive to school, school administration and teachers make rules for the classroom, etc.		
<b>Supporting Question 1</b>		<b>Supporting Question 2</b>	<b>Supporting Question 3</b>
What are Congress’ enumerated powers?		What are Congress’ implied powers?	Can Congress do anything it wants?
<b>Formative Performance Task</b>		<b>Formative Performance Task</b>	<b>Formative Performance Task</b>
Students will complete the “Enumerated Powers Worksheet.”		Students will complete the “Implied Powers Worksheet.”	Think-Pair-Share and class discussion
<b>Featured Sources</b>		<b>Featured Sources</b>	<b>Featured Sources</b>
<p>Source 1A: Excerpts from the <a href="#">U.S. Constitution, Article I</a></p> <p>Source 1B: <a href="#">The Dos and Don’ts of Congress</a> (iCivics Video 2:38)</p>		<p>Source 2A: <a href="#">Article 1, Section 1 Annotated</a></p> <p>Source 2B: <a href="#">Snapshot: General St. Clair’s Defeat</a></p> <p><i>Note: An audio version and a Spanish version of the Snapshots are available at <a href="http://go.levin-center/education">go.levin-center/education</a></i></p> <p>Source 2C: <a href="#">General St. Clair’s Defeat</a> (LBH and Detroit PBS Video 8:55)</p>	<p>Source 3A: <a href="#">Snapshot: Joe McCarthy’s Oversight Abuses</a></p> <p><i>Note: An audio version and a Spanish version of the Snapshots are available at <a href="http://go.levin-center/education">go.levin-center/education</a></i></p>
<b>Assessment</b>	Students will write a Claim-Evidence-Reasoning paragraph to answer the compelling question, “Does the Constitution contain all of our rules?” using the C-E-R Graphic Organizer. If students are unfamiliar with the C-E-R format, there are tips in the C-E-R Sentence Stems document.		
<b>Extension/Taking Informed Action</b>	Is there a school rule that you think is abused because it’s not written down for everyone to abide by? Draft an amendment to your Student Handbook to remedy this situation.		



## Required Supplies/Materials:

- Student devices and internet access or hard copies of the handouts
  - Enumerated Powers Worksheet
  - Implied Powers Worksheet
  - C-E-R Graphic Organizer
- Highlighters
- A/V to play videos
- Hard copies or digital access to the Featured Sources listed above

**Suggested Pacing:** Two 60-minute class periods

## Lesson Sequence:

### Period 1

1. Introduce the lesson using the “Staging the Question” activity (5 minutes)
2. With a partner, have students use Article I of the US Constitution to complete the “Enumerated Powers” worksheet. (20 minutes). After students have had time to work, play the iCivics video, “The Dos and Don’ts of Congress” (2:38)
3. Debrief the activity by having students share one power that they identified and confirm that others in the class found the same. Encourage students to identify which section or paragraph they found the power in. (5 minutes)
4. Using the annotated version of Article I, Section 1 of the US Constitution, have students define each of the terms. You can choose to read aloud as a class or have students complete this task in small groups. (5 minutes)
5. Play the Levin Center video, “General St. Clair’s Defeat” (8:55) for the entire class then pass out the “Snapshot: General St. Clair’s Defeat” reading. Students can use both sources to answer the questions on their “Implied Powers Worksheet”. (20 minutes)

### Period 2

1. To transition to the final Supporting Question, pose the question to students, “If a rule is not written down in our student handbook, how do we know how to behave at school?”. Give students two minutes to brainstorm on their own. Then, have them turn to a partner or a small group to share their answers. (5 minutes)
2. Pass out the “Snapshot: Joe McCarthy’s Oversight Abuses” to each student. As students read, have them highlight an action that Senator McCarthy took that was not discussed as an enumerated or implied power of Congress. (20 minutes)
3. Give each student the “C-E-R Graphic Organizer” so that they respond to the Compelling Question. Before the end of class, you can ask a few students to share their thoughts and arguments. (30 minutes)



Name: \_\_\_\_\_

## Enumerated Powers of Congress **ANSWER KEY**

**Enumerate:** To specify one after another.

Using Article I of the US Constitution, list eight **enumerated** powers of Congress. Note which Section you found them in. Draw a small picture or symbol to help you remember this power.

Enumerated Power <i>(Students may pick any eight of the following)</i>	Found in Section...
<i>House of Reps. chooses the Speakers of the House</i>	<i>2</i>
<i>House of Reps. has the sole power of impeachment</i>	<i>2</i>
<i>Senate chooses the President Pro Tempore (who acts in place of the Vice President on Senate matters).</i>	<i>3</i>
<i>Senate has the power to try all impeachments.</i>	<i>3</i>
<i>The House and Senate determine their own rules for meetings and expulsion.</i>	<i>5</i>
<i>Congress passes laws.</i>	<i>7</i>
<i>Congress can impose and collect taxes</i>	<i>8</i>
<i>Congress can borrow money on behalf of the United States.</i>	<i>8</i>
<i>Congress regulates trade between states, between the United States and other countries, and between the United States and tribal nations.</i>	<i>8</i>
<i>Congress establishes the rules for citizenship.</i>	<i>8</i>
<i>Congress coins money.</i>	<i>8</i>
<i>Congress creates post offices.</i>	<i>8</i>
<i>Congress creates courts/the court system below the Supreme Court.</i>	<i>8</i>
<i>Congress punishes pirates.</i>	<i>8</i>
<i>Congress declares war.</i>	<i>8</i>
<i>Congress creates and maintains the Army and Navy.</i>	<i>8</i>
<i>Congress makes laws necessary to carry out any of the above-listed powers. ("Necessary and Proper Clause")</i>	<i>8</i>



Name: \_\_\_\_\_

## Implied Powers of Congress

Using the annotated version of Article I, Section 1, define the following terms:

<b>Implied</b>	<i>Actions that Congress can take to execute or use their enumerated powers.</i>
<b>Resulting</b>	<i>Actions that Congress can take because of an enumerated power – for example, the Constitution states that Congress can make treaties, so they must also be able to acquire territory from a treaty.</i>
<b>Inherent</b>	<i>Actions that Congress can take because we are a sovereign nation.</i>

### Congress' First Investigation

While reading the summary of the investigation into General St. Clair's defeat, answer the following questions:

1. What issue led to Congress' first investigation and when was it held?

*In 1792, Congress investigated the significant military defeat of the US military led by General Arthur St. Clair. His troops were under-prepared and lacked resources which led to a massive loss of life and territory.*

2. Who came into conflict at the Wabash River?

*The US military and additional militia (temporary soldiers) came into conflict with Native American forces representing the Shawnee, Miami, and Delaware tribes.*

3. What debate was sparked by Representative Giles Resolution in 1792?

*Representative Giles wanted President George Washington to investigate the cause of the military losses but there was nothing in the Constitution about the President being able to do this task. Congress was unsure if it was legal to request or conduct this investigation, which led to debate within the representatives.*

4. What effects or impacts did this investigation have?

*Immediately, Quartermaster General Hodgson was removed from his position and held accountable for mismanagement. There were also changes made to US military training and logistics. In addition, this investigation set the precedent for Congress to be able to investigate wrongdoing or crises when it needed to.*

5. How is a congressional investigation an example of a check and balance within our federal government? Do you think our Congress still has this power today?





*Student answers will vary*

6. Is the ability of Congress to conduct investigations enumerated in the Constitution, or is it an implied power that the Supreme Court has ruled Congress possesses?

*Although the ability to conduct investigations is not explicitly enumerated in the Constitution, it has been an integral part of the legislative process since the founding of the United States. During the investigation of St. Clair, Congress and the President agreed on Congress's ability to investigate. The Supreme Court later further supported this effort.*



# Responding to Open-Response Questions using the C-E-R Method

<b>Before You Write...What is the Question Asking?</b> <ul style="list-style-type: none"> <li>• Read the question carefully</li> <li>• Circle or underline key words in the questions</li> <li>• Restate the question in your own words</li> </ul> 	
 <b>Claim</b>	
Your concise answer to the question. The rest of your response should PROVE your claim.	
 <b>Evidence</b>	 <b>Reasoning</b>
This includes a direct quotation or a paraphrased detail from the text that <u>PROVES</u> your claim is correct. You need to <u>CITE</u> your evidence.	You need to <u>EXPLAIN</u> in your own words how your evidence proves that your claim is correct.
<b>Sentence starters for introducing evidence:</b>  These sentence starters can help you introduce your text evidence: <ul style="list-style-type: none"> <li>• <b>The author stated...</b> “insert direct quotation” (citation).</li> <li>• <b>According to the text...</b> “insert direct quotation” (citation).</li> <li>• <b>In the text it stated...</b> “insert direct quotation” (citation).</li> <li>• <b>This example provides evidence that...</b> “insert direct quotation” (citation).</li> <li>• <b>An example is ...</b> “insert direct quotation” (citation).</li> <li>• <b>The graphic showed...</b> (insert explanation of graphic) (citation).</li> <li>• <b>The illustration showed...</b> (insert explanation of illustration) (citation).</li> </ul>	<b>Sentence Starters for reasoning:</b>  These sentence starters can help you begin your reasoning: <ul style="list-style-type: none"> <li>• <b>This shows...</b></li> <li>• <b>This means...</b></li> <li>• <b>This reveals...</b></li> <li>• <b>This expresses the idea...</b></li> <li>• <b>This implies...</b></li> <li>• <b>This suggests...</b></li> <li>• <b>This confirms...</b></li> <li>• <b>This highlights the difference between,...</b></li> <li>• <b>The author’s point is that...</b></li> <li>• <b>This example proves that...</b></li> </ul>

