

Constitution Carousel

Who has the Power?

Powers Granted

The Federal Government may:

- Create Post Offices
- Regulate Interstate and Foreign trade
- Declare and Conduct War
- Create a National Currency
- Enter into treaties with foreign nations

The State Government may:

- Regulate trade within the state
- Establish Public Schools
- Create Traffic and motor vehicle laws
- regulate marriage and divorce practices

Both Federal and State Governments may:

- Tax People
- Borrow Money
- Create Court Systems
- Provide for the health and welfare (safety) of the people

The People may:

- Believe what we wish
- Form or join organizations
- Select our careers and live our lives as we choose
- Choose our friends
- Travel where we wish to go inside or outside the country
- Raise a family

Powers Denied

The Federal Government may not:

- Tax Exports
- Spend Money in a way that is not approved by law
- Enact laws that favor trade in one state over the others
- Exercise powers that belong to the states
- Suspend the right to a writ of habeas corpus, except in a national emergency

The State Governments may not:

- Coin or print money
- Enter into treaties with other nations
- Tax imports or exports
- Keep an army or navy in time of peace
- Engage in war unless invaded or in immediate danger of being invaded

The Federal and State governments may not:

- Deny the right to trial by jury
- Enact ex post facto laws
- Grant titles of nobility

Instructions: Read each scenario with a partner. Then, decide if the power belongs to the national government, the state governments, both, or neither. Also, identify the clause where you found the power.

#1	#2	#3	#4	#5
#6	#7	#8	#9	#10

Types of Power

Enumerated Powers

Congress has the right to:

- Impose and collect taxes and duties
- Borrow Money
- Regulate commerce with foreign nations and among the states
- Coin Money
- Establish post offices
- Declare War
- Raise and Support and Army and Navy

General Powers

Congress has the power to:

- "provide for the common defense and general welfare [common good, safety etc.] of the United States." This is called the **general welfare clause**.
- "make all Laws which shall be necessary and proper" for carrying out the other powers that the Constitution grants to Congress. This is called the **necessary and proper clause**. For example, under the enumerated powers, Congress has the power to raise and support an army. To exercise this power, it might be necessary and proper that Congress pass a law requiring citizens to serve in the armed forces.

Limits on Powers

Congress cannot:

- Ban the slave trade before 1808
- Suspend the privilege of the writ of habeas corpus except in emergencies. In Latin, habeas corpus means to "have the body." A writ of habeas corpus orders government to deliver a person it has arrested to a court of law. Government must explain why that person has been arrested and held. If government cannot show that the person has broken the law, the person must be set free.
- Pass **ex post facto laws**. This is a law that makes an act a crime even though the act was legal when it took place.
- Pass **Bills of Attainder**. This is a legislative act that declared a person guilty of violating the law and set the punishment without a court trial.
- Tax anything exported from a state
- Take money from the treasury without first passing a law to do so
- Grant titles of nobility

Instructions: Your committee wants to introduce six bills in Congress. Review the general and enumerated powers granted to Congress. For each bill, identify which type of power will allow you to pass the bill (general or enumerated). If you don't think you have the power, write "denied." Also, identify the clause where you found the power.

A	B	C	D	E	F