Power and Limits

Compare what two constitutions let legislatures do and forbid them from doing.

USG.3.3 "Compare and contrast the enumerated, implied, and denied powers of legislatures in both the United States Constitution and the Indiana Constitution."

NAME _____ DATE _____

1 READ AND MARK

Read it twice

YOUR JOB Underline each stated power or duty, and circle each action described as an implied step. Write F beside a limit on Congress, I beside a limit on Indiana's General Assembly, and B beside a limit that applies to both.

Who Can Make the Rule?

1. Suppose a package travels from Indiana to another state. Congress can set rules for the national mail system because Article I, Section 8 of the U.S. Constitution expressly gives it power to establish post offices and post roads. That is an enumerated power, one stated in the Constitution. Congress can also pass laws needed to carry out its listed powers. For example, it can authorize the hiring of postal workers to run post offices. Hiring workers is not separately listed, so it is an implied power connected to an enumerated one. Congress does not have a general power to legislate on every local issue.

2. Now consider a school in Indiana. Article 4, Section 1 of the Indiana Constitution vests legislative power in the General Assembly, rather than listing only a few subjects on which it may legislate. Article 8, Section 1 specifically directs that body to provide by law for a general and uniform system of common schools with free tuition. To put that duty into practice, the General Assembly may create an office to manage school funding. Creating the office is an implied step, not a separately stated constitutional power. Indiana's broader lawmaking authority still has limits under both the Indiana and U.S. Constitutions.

3. Some limits apply to both legislatures. The U.S. Constitution forbids Congress from passing ex post facto laws, which make past conduct criminal after the fact. Indiana's Constitution also forbids ex post facto laws, and the U.S. Constitution separately forbids states from passing them. Other limits differ. Congress cannot tax goods exported from a state, under Article I, Section 9. Indiana's General Assembly cannot pass a local or special law granting a divorce, under Article 4, Section 22 of its constitution. When comparing powers, ask what authority is stated, what practical steps follow from it, and what each constitution rules out.

2 ANSWER WITH EVIDENCE

Use the passage

1. How does Congress's stated authority over post offices differ from the General Assembly's stated legislative authority?

2. Compare the implied step each legislature could take in the passage. What stated authority supports each step?

3. What kind of law is denied to both legislatures, and how do the constitutions establish that shared limit?

4. Give one limit specific to Congress and one limit specific to Indiana's General Assembly from the passage.

3 YOUR TURN

Your own words

A new delivery robot will carry U.S. mail and travel on Indiana sidewalks. In five sentences, propose one law for each legislature, name the stated authority and an implied step for each, and explain one restriction both must respect.

ANSWER KEY

Power and Limits

HIGH SCHOOL · USG.3.3

PART 1 · READ AND MARK

Underline each stated power or duty, and circle each action described as an implied step. Write F beside a limit on Congress, I beside a limit on Indiana's General Assembly, and B beside a limit that applies to both. Accept any marking that follows this job and points at the right text.

PART 2 · ANSWERS

#	QUESTION	ANSWER
1	How does Congress's stated authority over post offices differ from the General Assembly's stated legislative authority?	**The U.S. Constitution lists Congress's power to establish post offices and post roads. Indiana's Constitution vests broader legislative power in the General Assembly and also directs it to provide a system of common schools.**
2	Compare the implied step each legislature could take in the passage. What stated authority supports each step?	**Congress could authorize postal workers to carry out its listed postal power. Indiana's General Assembly could create an office to manage school funding as a step toward providing common schools.**
3	What kind of law is denied to both legislatures, and how do the constitutions establish that shared limit?	**Both are barred from passing ex post facto laws. The U.S. Constitution bars Congress and states from passing them, and the Indiana Constitution also bars them.**
4	Give one limit specific to Congress and one limit specific to Indiana's General Assembly from the passage.	**Congress cannot tax goods exported from a state. Indiana's General Assembly cannot pass a local or special law granting a divorce.**

PART 3 · YOUR TURN (SAMPLE ANSWER)

Congress could set safety rules for robots carrying U.S. mail because the U.S. Constitution gives it power to establish post offices. Congress could authorize postal employees to test the robots as an implied step in running the mail system. Indiana's General Assembly could set rules for robots using Indiana sidewalks under its general legislative authority. It could authorize a state office to administer those rules as an implied step. Neither legislature could make yesterday's lawful robot use a crime, because both are barred from passing ex post facto laws.

Accept other implied steps that reasonably carry out the stated authority. For the final task, the federal proposal should concern the mail system, while the Indiana proposal should concern activity within the state.