Who Has the Power?

Sort constitutional limits from decisions reserved to states.

USG.C.3.4.C "Identify powers denied to the national government versus those reserved to the states."

NAME _____ DATE _____

1 READ AND MARK

Read it twice

YOUR JOB Underline actions the Constitution forbids the national government, circle decisions generally left to states, and write B beside any ban that applies to both governments.

Promises at the County Fair

1. At a county fair, a student hears two campaign promises. One candidate for Congress wants a federal tax on oranges shipped from Florida to buyers overseas. Another wants a national award that gives a famous grower the official title "Duke of Citrus." The Constitution blocks both ideas: Congress may not tax articles exported from any state, and the United States may not grant titles of nobility. These are denied powers, actions the national government is forbidden to take. The title rule also applies to states, so a ban on Washington does not always create a state power.

2. Later, the county debates who should set the minimum age for a driver's license and who should choose courses for public schools. The Constitution does not assign these everyday decisions to the national government. Under the Tenth Amendment, powers not given to the United States or denied to the states remain with the states or the people. States generally set driver licensing rules and guide public school curriculum. Congress can still act within its own constitutional powers, such as funding some school programs. A state power is not a blank check to ignore federal law or constitutional rights.

3. At the next meeting, someone suggests that Congress pass a law declaring one named fair vendor guilty of fraud and ordering punishment without a trial. That would be a bill of attainder, which the Constitution forbids Congress to pass. States cannot pass such laws either. Meanwhile, a state legislature may create or reorganize local governments, such as counties, to handle local needs. To sort these examples, ask two separate questions: Does the Constitution forbid this action by the national government? If not, does it leave this kind of decision with states or the people?

2 ANSWER WITH EVIDENCE

Use the passage

1. Could Congress impose the proposed tax on oranges shipped overseas? Identify the constitutional limit.

2. Could a state grant the grower the official title “Duke of Citrus” instead? Explain.

3. Who generally sets the minimum age for a driver’s license? Is that decision described as a power denied to the national government or one left to states?

4. A county wants to change its boundaries. Which level of government may reorganize it, and how does that differ from a power denied to the national government?

3 YOUR TURN

Your own words

Invent a three-sentence news brief about a proposed national law that punishes a named person without a trial and a state plan for a new public-school course. Identify which proposal is forbidden, which decision belongs to states, and whether a state could pass the punishment law.

ANSWER KEY

Who Has the Power?

HIGH SCHOOL · USG.C.3.4.C

PART 1 · READ AND MARK

Underline actions the Constitution forbids the national government, circle decisions generally left to states, and write B beside any ban that applies to both governments. Accept any marking that follows this job and points at the right text.

PART 2 · ANSWERS

#	QUESTION	ANSWER
1	Could Congress impose the proposed tax on oranges shipped overseas? Identify the constitutional limit.	**No. Congress may not tax articles exported from any state.**
2	Could a state grant the grower the official title "Duke of Citrus" instead? Explain.	**No. The Constitution forbids both the United States and the states from granting titles of nobility.**
3	Who generally sets the minimum age for a driver's license? Is that decision described as a power denied to the national government or one left to states?	**States generally set the minimum age. The passage describes driver licensing as a decision left to states, not a specific ban on national action.**
4	A county wants to change its boundaries. Which level of government may reorganize it, and how does that differ from a power denied to the national government?	**A state legislature may reorganize a county. This is a decision left to states, rather than an action the passage says the Constitution forbids the national government to take.**

PART 3 · YOUR TURN (SAMPLE ANSWER)

Congress has proposed a law that declares a named coach guilty of cheating and orders a fine without a trial. That law is forbidden as a bill of attainder, while the state may choose to add a public-school course on financial literacy. The state could not pass the punishment law either, because the ban on bills of attainder applies to states too.

Accept other invented people, punishments, and school courses if the response correctly distinguishes a forbidden bill of attainder from a state curriculum decision. Do not accept a claim that every power denied to the national government belongs to states.