**Adapted Lesson Plan: The Powers of Getting a Drink**

(see Lesson Plan: You Can Lead a Class to Water, But Can you Make it Think? http://teachingcivics.org)

Standards/Benchmark:

9.1.4.6.1 and 9.1.4.6.2 – Explain the purposes, organization, functions and processes of the legislative branch as enumerated in Article I of the United States Constitution.

Abstract:

This lesson provides students with a concrete example of enumerated (expressed) and implied (necessary and proper clause) powers found in Article I, Sec. 8. This demonstration can introduce or reinforce reading on powers of Congress. I use it to reinforce what students have read and outlined in notes.

Procedure:

Ad-lib teacher/class dialogue - (see script)

We are going to do a little demonstration on the powers of congress and I need a volunteer.

Is anyone thirsty?

Would you like a drink?

All right, let’s pretend that I am the Constitution and you are Congress. I am going to give you the expressed power to get a drink. You said you were thirsty and now I, the Constitution, give you, Congress, the power to get a drink.

Student often asks, Can I go? Do I need a Pass? Etc.

Repeat, You are given the expressed power to get a drink.

Other students will yell out, just go get a drink! Student will stand up and walk to the door.

STOP – Did I give you permission to stand up and walk to the door?

Student (class) No.

Why did you stand up and go to the door?

I want to get a drink.

Did I give you the expressed power to get a drink? Yes.

Is it necessary to stand up and go to the door to carry out your expressed powers? Yes.

Okay, I am giving you the expressed power to get a drink.

Student goes into the hall – yell STOP

Do you have a pass to be in the hall? No.

Why are you in the hall without a pass? You told me I could get a drink.

Is it necessary to be in the hall to get a drink? Yes. Repeat expressed power.

As student gets a drink, review with class expressed and implied powers.

Student returns. Teacher asks: Where did you get a drink?

Hopefully, the student went to the nearest drinking fountain. Why didn’t you go to the cafeteria to get a drink? Why didn’t you leave school to go to the Holiday station to get a drink?

Would it be reasonable in carrying out your expressed powers to go to the cafeteria or to the holiday station? No.

So are there limits to what is implied in getting the drink of water? Yes

What are those limits? They must be reasonable and necessary

Good. I hope you enjoyed your drink.

Class applauds the student for carrying out congressional powers.

**Congress has both expressed and implied powers. When Congress prohibited hotels/restaurants from discriminating against blacks it was applying the expressed power to carry out commerce. It seemed necessary and reasonable that in order to carry out the commerce power Congress could outlaw discrimination in interstate restaurants.**

**Congress passed the Affordable Care Act (Obamacare) under the expressed power to regulate commerce. Congress said it was necessary in regulating the business of medical care to require individuals and companies to purchase health insurance. The Supreme Court did not rule on that question but said instead that the tax power of Congress (another enumerated or expressed power) gave Congress the power to require insurance coverage.**

**How does the Constitution limit Congressional power?**

**How can Congress stretch those powers?**

**When should Congess stretch its powers?**

**(gun control, violence against women, voting rights)**