*Florida Civic Literacy Support Lesson*

**U.S. Constitution Clauses DBQ**

How have clauses of the U.S. Constitution been interpreted and applied over time?

*An Activity for High School Civic Literacy*

*Competency #2: An understanding of the United States Constitution and its application.*

***Benchmark and Benchmark Clarification Correlations***

*SS.912.CG.3.3: Analyze the structures, functions and processes of the legislative branch as described in Article I of the U.S. Constitution.*

*\*Students will explain why Article I of the U.S. Constitution established a bicameral legislative body and how the House of Representatives functions differently from the Senate. \*Students will identify the methods for determining the number of members in the House of Representatives and the Senate. \*Students will identify and describe the “enumerated powers” delegated to Congress (e.g., assess taxes, borrow money, declare war, make laws). \*Students will analyze the role of the legislative branch in terms of its relationship with the judicial and executive branch of the government. \*Students will describe constitutional amendments that changed the role of Congress from its original description in Article I of the U.S. Constitution (i.e., 10th, 14th, 16th, 17th and 27th Amendments).*

*SS.912.CG.3.6: Explain expressed, implied, concurrent and reserved powers in the U.S. Constitution.*

*\*Students will identify powers that are expressed in the U.S. Constitution to Congress (e.g., coin money, declare war, assess taxes, citizenship). \*Students will identify that expressed powers are also known as enumerated powers found in Article I of the U.S. Constitution. \*Students will analyze the role of the “general welfare clause” and “necessary and proper clause” in granting Congress implied powers. \*Students will describe examples of concurrent powers as those powers shared by both state and national governments (e.g., build roads, tax citizens, make laws). \*Students will explain how reserved powers define issues as matters for the people or the state governments. \*Students will compare the roles of expressed, implied, concurrent and reserved powers in United States’ federalism.*

***Activity Materials and Handouts***

Video and bell ringer questions: [The Necessary and Proper Clause | C-SPAN Classroom](https://www.c-span.org/classroom/document/?8822)

Document A – Interpretation of the Necessary and Proper Clause: [National Constitution Center Necessary and Proper Clause](https://constitutioncenter.org/the-constitution/articles/article-i/clauses/754#necessary-and-proper-clause)

Document B – Applications of the Necessary and Proper Clause: [National Constitution Center Necessary and Proper Clause Application](https://constitutioncenter.org/blog/the-space-force-and-the-constitution)

Document C – Interpretation of the Emoluments Clause: [National Constitution Center Emoluments Clause](https://constitutioncenter.org/the-constitution/articles/article-i/clauses/759#the-foreign-emoluments-clause-article-i-section-9-clause-8)

Document D – Application of the Emolument Clause: [An Overview Of How Military Retirees Are Subject To The Emoluments Clause | FedSmith.com](https://www.fedsmith.com/2017/05/19/overview-how-military-retirees-subject-emoluments-clause/)

Document E – Interpretation and applications of the Commerce Clause: [Bill of Rights Institute Interpreting the Commerce Clause Background Essay](https://billofrightsinstitute.org/activities/handout-a-how-has-the-supreme-court-interpreted-the-commerce-clause-background-essay)

Document F – political cartoons of the constitutional clauses including but not limited to: <https://cagle.com/topic/emoluments-clause>, <https://cagle.com/topic/commerce-clause>

Cartoon analysis handout [National Archives Analyzing a Political Cartoon Worksheet](https://www.archives.gov/files/education/lessons/document-analysis/english/analyze-a-cartoon-intermediate.pdf)

***Activity Vocabulary***

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| *clause* – a distinct article or provision in a contract, treaty, will, or other formal or legal written document.  *commerce* – the activity of buying and selling.  *emoluments* – gift or profit from employment or office; foreign and/or domestic.  *due process* – fair treatment through the judicial system following its normal procedures.  *elastic clause*– a synonym for the Necessary and Proper Clause, demonstrating Congress’ flexible use of its delegated powers. |

***Lesson Steps***

1. Bell ringer / introduction – Students will watch a video from CSPAN and answer the questions as they follow along (see student handout for questions)
2. Introductory lecture – This will provide a quick summary of powers granted to Congress in Article 1 and the clauses that have been established, which will provide background information for students in the DBQ.
3. DBQ – students will be given several sources (blogs, cartoon images, and essays). The goal of this DBQ is for students to be able to understand the three clauses included in Article 1 and how they have been applied throughout U.S. history.
4. Debrief – a Socratic seminar answering the question. Allowing the students to use the documents and their responses to guide the discussion about these clauses.

**Enrichment Suggestion** **#1** – Students complete the Constitution Scavenger Hunt with Political Cartoons available at: [Constitution Scavenger Hunt National Archives](https://www.archives.gov/legislative/resources/education/constitution-scavenger-hunt)

**Teacher Background Information**

What content does the teacher need to know to teach this lesson effectively?

* Understanding of the Necessary and Proper/Elastic Clause
* Understanding of the Emoluments Clause
* Understanding of the Commerce Clause
* How to analyze a political cartoon

The Emoluments Clauses of the U.S. Constitution available at: [Congressional Research Service Emoluments Clause](https://sgp.fas.org/crs/misc/IF11086.pdf)

Socratic Seminar Guidelines available at: [Socratic Seminar Guidelines](https://www.aisd.net/bowie-high-school/wp-content/files/sites/25/2017/05/Socraticseminarguidelines.pdf)

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Bell Ringer questions:

* How does the Necessary and Proper Clause expand the powers of Congress?
* How does the decision in *McCulloch v. Maryland*, focusing on the Necessary and Proper Clause, provide for a broad view of federal government power?
* The Necessary and Proper Clause is often referred to as the "Elastic Clause." What is the meaning behind this “nickname”?

DBQ questions:

* Cartoon analysis handout
* Explain why this clause was added to the Constitution.
* What criticism, if any, might occur with implementation of this clause?
* How has this clause been implemented over time?
* How effective would our government be without this clause?