

American Government & Politics: A Christian Worldview.
Constitutional Loophole Lab (15–20 Minutes)

TEACHER INSTRUCTIONS

Goal

Students pretend to be ambitious federal officials who want powers the Constitution never specifically grants. Their job is to invent constitutional-sounding excuses to justify taking those powers anyway.

Instructions

1. Students work in pairs or small groups; allow 10–12 minutes.
2. Discuss as a class.

Suggested Key

Answers will vary! What's important is whether answers resemble arguments commonly used by supporters of broad federal power.

Debrief/Wrap-Up Questions

- Which clause was easiest to use to justify new federal powers?
- Which clause appeared most often?
- Why do advocates of limited government argue that these interpretations of these clauses conflict with the Tenth Amendment?
- At what point does a broad interpretation become too broad?
- If these arguments can justify almost any power, what practical limit remains on federal authority?

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For each scenario:

- Assume (correctly) that the Constitution does not grant the U.S. government that power.
- Pretend you are a federal official who wants that power anyway.
- Write a brief justification/excuse using the “commerce clause,” the “necessary and proper clause,” or the “general welfare” clause. Your goal is to make your justification sound as convincing as possible!

Scenarios:

Congress wants to control the curriculum taught in every Christian school in America.

Congress wants authority to require every citizen to purchase a government-approved health plan.

Congress wants to set nationwide nutrition standards for all restaurants, including small local restaurants that never serve customers from another state.

Congress wants authority to regulate how much water private homeowners may use in their gardens.

Congress wants authority to regulate homeschooling requirements nationwide.

Congress wants to regulate farming practices on small family farms whose products never leave the state.

Congress wants to establish national standards for all professional licenses, including barbers, plumbers, electricians, and real-estate agents.

