

American Government & Politics: A Christian Worldview.
States Steering Senators (12–15 Minutes)

TEACHER INSTRUCTIONS

Goal

Students play the part of state legislatures instructing their senators (before the ratification of the Seventeenth Amendment) on how to vote constitutionally on several bills in Congress.

Instructions

1. Read the instructions together.
2. Give students 8–10 minutes to answer the questions in pairs or small groups.
3. Review the answers together.
4. (If you want, you can award bonus points to winners.)

Key

1. NO – The “commerce clause” is not a blanket grant of power to direct economic activities within states, regardless of how some U.S. Supreme Courts have ruled.
2. NO – Spending on education is not a power listed anywhere in the Constitution. It’s not “general welfare” anyway; it’s specific welfare—direct specifically at those who have “school-aged” children and who want somebody else to pay for their children’s education.
3. NO – The Necessary and Proper Clause only aids enumerated powers. A general federal police force for state crimes violates the Tenth Amendment; there’s nothing whatsoever in the U.S. Constitution that gives the U.S. government the power to create this.
4. YES – This merely reinforces an existing constitutional duty. It does not expand federal power; it facilitates interstate cooperation.
5. NO – The Tenth Amendment reserves undelegated powers to the states. “Nothing says we can’t” is not a legitimate source of constitutional authority.

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States Steering Senators

You are a member of your state's legislature *before* the ratification of the Seventeenth Amendment. Your job: to instruct your two U.S. senators how to vote on the following bills ("Yes" or "No"). Protect your state's sovereignty! Base your vote only on what the Constitution actually allows the federal government to do.

Scenario 1: Congress proposes a law limiting the growing of wheat on your state's farms, even if the wheat is only consumed on the farm and never sold across state lines. As one representative says, "Wheat not grown here means less wheat bought from other states, which affects interstate commerce, so we can regulate it under the Commerce Clause." How do you instruct your senators to vote on this bill, and why?

Scenario 2: Congress proposes a federal program that gives grants to states that adopt national education standards. One senator says this: "The General Welfare Clause allows Congress to spend money for the general welfare, and helping to educate American schoolchildren is certainly in the general welfare." How do you instruct your senators to vote on this bill, and why?

Scenario 3: Congress proposes a law creating a federal police force to investigate and prosecute any crime it deems "national in scope," including routine state-level offenses like assault, theft, and drug possession that happen within a single state. One representative says this about the bill: "The Necessary and Proper Clause lets Congress make any law that helps carry out its enumerated powers, and a federal police force is necessary for enforcing federal laws." How do you instruct your senators to vote on this bill, and why?

Scenario 4: Congress passes a law requiring all states to cooperate with each other in returning fugitives from justice, as already required by Article IV, Section 2 of the Constitution. The law sets uniform procedures for extradition hearings to make the process smoother and faster. How do you instruct your senators to vote on this bill, and why?

Scenario 5: Congress proposes a law creating a federal Department of Agriculture that would regulate all farming practices, including crop selection, fertilizer use, and livestock treatment, even on small family farms that sell only within the state. One prominent senator express this thought about the bill: "There's nothing in the Constitution that says we CAN'T regulate agriculture, and farming is important to the whole country, so we have the power to do this." How do you instruct your senators to vote on this bill, and why?