

**Lesson 33: The Other Powers**

(Less. Time 44:27)

[for Sunday, September 27, 2015]

Reading: *The Making of America*, pages 449-462

**(Chapter 18) The Remaining Enumerated Powers**

Pre-lesson questions for homework study and review: [*Supplemental* notes are bracketed]  
[287 Constitution Provisions “principles” in text.]

1. HOW DID THE FOUNDERS KNOW FIRSTHAND THE NEED FOR A NAVY? (PAGE 449)

Provision 99

Congress to maintain a navy.

- o Lost New York because of no navy
- o John Paul Jones gave US Navy example

2. WHO HAS THE AUTHORITY TO MAKE RULES GOVERNING THE MILITARY? UPON WHAT PRINCIPLE IS THIS AUTHORITY BASED? (449)

Provision 100

Make rules for military forces

- o Makes military subordinate to civilian authority
- o Adds uniformity to militias from states

3. WHO IS AUTHORIZED TO CALL STATE MILITIAS INTO NATIONAL SERVICE? UNDER WHAT CIRCUMSTANCES CAN THEY BE CALLED UP? (450)

Provision 101

State militias are called up by CONGRESS

o for 3 reasons

- 1 execute federal laws
- 2 suppress insurrections
- 3 repel invasions (of the U S !)

4. WHAT IS A STATE MILITIA? WHY DID THE FOUNDERS GIVE THE FEDERAL GOVERNMENT THE BURDEN OF EQUIPPING AND TRAINING THE STATE MILITIAS? (450-51)

Provision 102

Congress provides for militia units in states

o Militia - all males from 18-45

- organized:            -National Guard            -Military Reserve
- unorganized        - all other males 18-45 (states)

o Fed Gov to pay for training and disciplining

5. WHAT CONSTITUTIONAL PROVISIONS WERE DESIGNED TO ALLEVIATE THE FEAR OF FEDERAL INTRUSION INTO THE STATE MILITIAS? (454)

Provision 103

States to appoint officers and train militias

o State appoints officers - continue same when called up by fed gov

6. WHY DID CONGRESS WANT A NATIONAL SEAT OF GOVERNMENT THAT WOULD BE SEPARATE FROM THE STATES?

Provision 104

Congress to have exclusive power over capital

- o Not subject to state protection

- o Separate from any state

SUMMARIZE THE DEBATE THAT LED TO THE CHOICE OF WASHINGTON, DC, FOR THE SITE OF THE NATIONAL CAPITAL. (455-56)

- o Compromise on debt assumption bill

  - Washington D.C. created out of Maryland on Potomac River

- o 23<sup>rd</sup> Amendment violated neutrality by giving D. C. Presidential electors [should have made part of MD only]

7. DESCRIBE WHAT HAS GRADUALLY HAPPENED TO THE FOUNDERS' ORIGINAL PLAN FOR A POLITICALLY NEUTRAL SEAT OF GOVERNMENT. (456-57)

Provision 105

Congress to own land within state

- o Must have consent of the state legislature

8. UNDER WHAT CIRCUMSTANCES IS THE FEDERAL GOVERNMENT AUTHORIZED TO OWN LAND WITHIN A STATE? (458)

- o Must be for one of four purposes: -1 forts      -2 (magazines) arsenals      -3 dock-yards -4 needful buildings [courts, post offices, etc]

- o No authority for National Parks, forests, etc.!

9. WHAT BECAME THE ESTABLISHED PROCEDURE FOR THE DISPOSAL OF FEDERALLY HELD LAND AS NEW STATES JOINED THE UNION? (458)

[That Gov 1)retains un-granted public lands 2)disposes asap 3)sells to private indivd's for gov. debt.]

10. HOW DID CONGRESS RADICALLY CHANGE ITS POLICIES WHEN THE LAND FOR THE WESTERN STATES WAS ACQUIRED FROM MEXICO? [Must give Land to the Federal Government in exchange for statehood(became 35% of American Land mass)]

HOW HAS THIS VIOLATED THE INTENT OF THE CONSTITUTION? (458-59)

[Unconstitutional uses thereafter such as national parks, reserves and wilderness designations, and became permanent!]

11. WHAT IS THE "NECESSARY AND PROPER" CLAUSE OF THE CONSTITUTION, SOMETIMES CALLED THE "ELASTIC" CLAUSE? DOES IT GIVE THE NATIONAL GOVERNMENT ADDITIONAL POWER? IF NOT, WHY DID THE FOUNDERS FEEL THIS PROVISION WAS NECESSARY? (459-62)

Provision 106

Necessary and Proper Clause

- o Any law necessary to carry out 20 powers

- o Does not delegate additional powers

- o Enumerating powers prohibits others

- o This clause gives life

- o Today's interpretation - "elastic clause"

- o Madison's solution for abuse of this clause (quote) ["a remedy must be obtained by the people... to annul the acts of the usurpers"]

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#### QUIZ - LESSON 33

1. THE CONSTITUTIONAL PROVISION GIVING CONGRESS THE AUTHORITY TO MAKE RULES FOR THE GOVERNING OF THE MILITIA MEANS THAT THE MILITARY WILL ALWAYS BE UNDER

\_\_\_\_\_ CONTROL.

2. THE MILITIA OF A STATE CONSISTS OF ALL ABLE-BODIED \_\_\_\_\_ WHO ARE

\_\_\_\_\_ TO \_\_\_\_\_ YEARS OLD.

3. WHO CALLS UP THE MILITIA WHEN NEEDED? \_\_\_\_\_

4. GIVE THE THREE REASONS FOR WHICH THE MILITIA MAY BE CALLED UP.

A \_\_\_\_\_

B \_\_\_\_\_

C \_\_\_\_\_

5. THE TWO MAIN DIVISIONS OF THE STATE MILITIA ARE THE \_\_\_\_\_ MILITIA AND

THE \_\_\_\_\_ MILITIA.

6. WHO PAYS FOR THE TRAINING AND DISCIPLINING OF THE MILITIA? \_\_\_\_\_

7. WHO APPOINTS OFFICERS AND ACTUALLY DOES THE TRAINING?

8. THE DISTRICT OF COLUMBIA WAS DESIGNED TO BE POLITICALLY \_\_\_\_\_.

9. VIRGINIA AGREED TO THE FEDERAL GOVERNMENT ASSUMING DEBTS OF THE STATES IF THE

NEW CAPITAL WERE PLACED ON THE \_\_\_\_\_ RIVER.

10. WASHINGTON D. C.'S POLITICAL NEUTRALITY BEGAN TO ERODE WHEN THE 23RD

AMENDMENT ALLOWED IT TO HAVE \_\_\_\_\_.

11. THE FEDERAL GOVERNMENT CAN ONLY PURCHASE LAND WITHIN A STATE IF IT HAS THE

\_\_\_\_\_ OF ITS \_\_\_\_\_.

12. THE FEDERAL GOVERNMENT CAN OCCUPY LAND IN A STATE FOR ONLY FOUR REASONS. NAME THREE.

A \_\_\_\_\_

B \_\_\_\_\_

C \_\_\_\_\_

D \_\_\_\_\_

13. WHAT AUTHORITY DOES THE FEDERAL GOVERNMENT HAVE FOR NATIONAL PARKS, NATIONAL FORESTS, NATIONAL MONUMENTS, AND WILDERNESS AREAS?

14. WHAT PART OF THE U. S. CONTAINS MOST OF THE LAND UNCONSTITUTIONALLY CLAIMED BY THE FEDERAL GOVERNMENT?

15. WHAT CLAUSE OF THE CONSTITUTION GIVES THE CONGRESS AUTHORITY TO PASS ANY OTHER LAWS NEEDED TO IMPLEMENT ITS 20 POWERS?

### Illustration: The Unconstitutional Government Land GRAB.

Only

Constitutional use:

-1 forts; -2  
(magazines)  
arsenals;  
-3 dock-yards; -4  
needful buildings  
[courts, post  
offices, etc]

[https://upload.wikimedia.org/wikipedia/commons/1/1F/Map\\_of\\_all\\_U.S.\\_Federal\\_Land.jpg](https://upload.wikimedia.org/wikipedia/commons/1/1F/Map_of_all_U.S._Federal_Land.jpg)

