

## ANSWER KEY

### Handout D: State Power – Criticisms and Responses

1. The federal government overturned state policies that infringed upon individual liberty.
2. For increased power: Protection against the infringement of individual liberties. Against increased power: States have a right to decide what is best for the citizens in their states.
3. Accept reasoned answers.

### LESSON 2: WHAT IS THE COMMERCE CLAUSE?

#### Handout A: Background Essay - How Has the Supreme Court Interpreted the Commerce Clause?

1. The Commerce Clause was intended create a common commercial policy between the various state governments, encouraging free trade within the continental U.S. and with foreign markets.
2. The case of *Gibbons v. Ogden* established

that the national government had the power to make rules for commerce between more than one state.

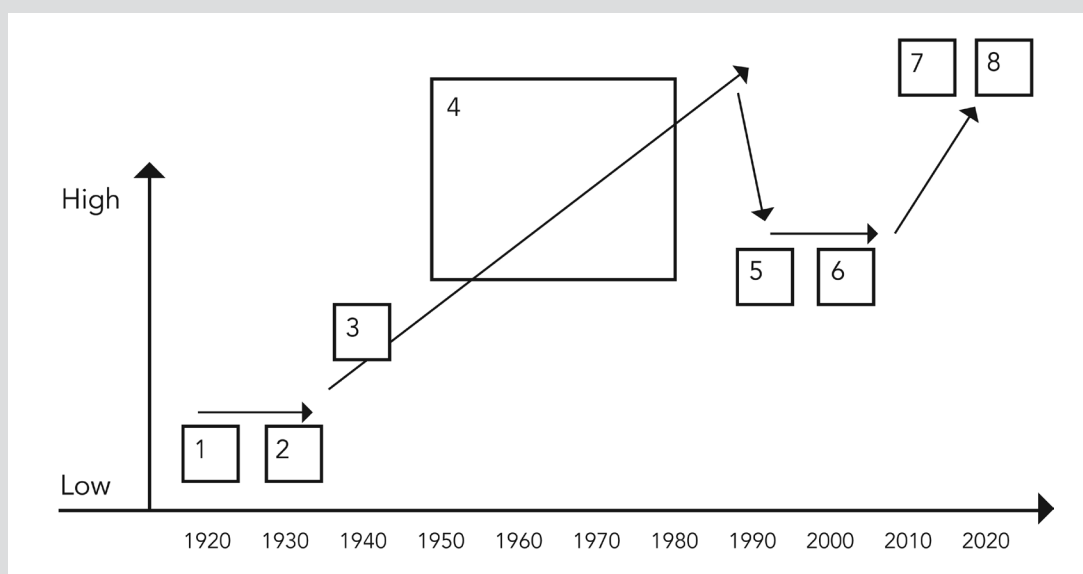
3. The Court began interpreting the Commerce Clause as permitting national regulation of wide variety of activities that had not previously been understood as “interstate commerce.”
4. Accept reasoned answers.
5. Accept reasoned answers.

#### Handout B: Federalism – For or Against?

1. Argues against federalism.
2. Argues in favor of federalism.
3. Argues in favor of federalism.
4. Argues against federalism.
5. Argues in favor of federalism.
6. Argues against federalism.
7. Both/neither.
8. Both/neither.
9. Both/neither.

#### Handout C: Commerce Clause Timeline

Accept reasoned answers. A sample timeline might look like the diagram below.



Depending on student analysis of the Affordable Care Act case, federal power to regulate activities on the basis of the Commerce Clause may have stayed the same, while power to regulate through taxing power may have increased.