



Tenth Amendment: Lesson Plan

| Topic | |
|---|---------------|
| <p>The Tenth Amendment defined a hard limit to the federal government's authority to only what's granted by the Constitution. Any powers not granted would be kept for the states or their people. There are several Supreme Court cases that have expanded and constricted these rights, such as <i>United States v. Darby Lumber Co.</i>, <i>Printz v. United States</i>, and <i>Bond v. The United States</i>.</p> | |
| Possible subjects/classes | Time needed |
| Government, Law, Civics, History | 35-40 minutes |
| Video link: | |
| https://academy4sc.org/video/tenth-amendment-this-right-is-reserved/ | |
| Objective: <i>What will students know/be able to do at the end of class?</i> | |
| <p>Students will be able to...</p> <ul style="list-style-type: none"> • Summarize the text of the Tenth Amendment. • Identify the reasons for its passage as well as its current interpretation. • Analyze the role of the Tenth Amendment in modern societal issues. • Explain at least one relevant court case (past or current) that involved the Tenth Amendment. | |
| Key Concepts & Vocabulary | |
| Bill of Rights, Necessary and Proper Clause, Commerce Clause, Federalism | |
| Materials Needed | |
| Worksheet, Student Internet Access (Case Analysis Activity) | |
| Before you watch | |
| <p>Quick poll: Ask the class who has more power: the federal government or the state governments? Have the students briefly justify their answers.</p> | |
| While you watch | |



1. Define the Tenth Amendment.
2. Name one other piece of the Constitution that often is tested against the Tenth Amendment.
3. List one Supreme Court case that further defined the Tenth Amendment.

After you watch/discussion questions

1. Who do you think should have more power, the national government or the states? Defend your answer using historical examples.
2. How has the ideal role of the national government changed over time? How do you think it'll change in the future?
3. How might the power balance between the federal government and the states be contradictory? Is it possible to achieve such a balance?

Activity Ideas

- **Federalism Drawing:** Have each student draw an illustration of federalism. Their drawings can be as creative as the students want, but they should depict the relationship between the federal and state governments.
- **Case Analysis:** In small groups, have students visit the following site: <https://www.oyez.org/cases/1991/91-543>. After reviewing the case *New York v. United States*, have the groups summarize the core question and the Court ruling in their own words.
- **Worksheet:** Have students partner up to complete the Worksheet activity. After all the partners have finished, go over the attached answer key as a class.

Sources/places to learn more

1. Bybee, Jay S. "The Tenth Amendment among the Shadows: On Reading the Constitution in Plato's Cave." *Harvard Journal of Law and Public Policy*, vol. 23, no. 2, 2000, p. 551.
<https://heinonline.org/HOL/Page?handle=hein.journals/hjlpp23&id=569&collection=journals&index=>
2. Carrillo, David A, and Matthew Stanford. "All of a Sudden, Everyone Loves the Tenth Amendment." *The Recorder*, ALM Media , 17 Apr. 2020.
<https://www.law.com/therecorder/2020/04/17/all-of-a-sudden-everyone-loves-the-tenth-amendment/?sreturn=20200703093301>.
3. Lawson, Gary. "A Truism with Attitude: The Tenth Amendment in Constitutional Context." *Notre Dame Law Review* , vol. 83, no. 2, Jan. 2007,



pp. 469–504.

<https://heinonline.org/HOL/Page?handle=hein.journals/tnd183&id=479&collection=journals&index=>.

4. "Hammer v. Dagenhart." Oyez, www.oyez.org/cases/1900-1940/247us251.