

## Q3 – Name one thing the U.S. Constitution does.

**DOUGLAS GINSBURG, Federal Judge, U.S. Court of Appeals, D.C. Circuit:**

For such a small document, the Constitution does a lot. It sets up our government. It defines the government. And it protects our fundamental rights.

That's the genius of the Constitution. The Framers protected our rights by the very act of defining the government. By being specific about what Congress and the president can do, the Framers limited what they can do.

The powers of the Congress are defined clearly and briefly, you can read them in a minute. They include coining and borrowing money. Regulating foreign and interstate commerce. Regulating immigration. Establishing the postal service. Granting patents. Raising an army and navy. Declaring war. And the greatest power: the power to tax – which as the Supreme Court said is the power to destroy.

We call those “enumerated powers” because they're numbered and listed. If it's not listed here, then the Congress can't do it. At least that's the theory.

Does the federal government have the power to set standards for public schools? Some scholars say yes. Some no. The Constitution itself says nothing about public schools – which are a state and local function. The Framers meant to protect our liberties by ensuring we work within the Constitution. Within the enumerated powers. We can give Congress more powers by amending the Constitution. But Congress can't just take power. Otherwise, what's the point of having a Constitution in the first place?