

American Government and Politics

The Constitutional Scenarios

Ole J. Forsberg, Ph.D.

Resident Assistant Professor: Creighton University

For the scenario assigned to your group, determine if the action is constitutional with respect to the original US Constitution (first) and with respect to the current Constitution (second). Remember, in order for an act to be constitutional, every aspect of it must be constitutional. If you determine that the act/action is unconstitutional, you will need to cite which part of the Constitution the act violates.

1. Safe Harbors

To make our harbors safer and to better protect us from terrorists, Congress has designated four ports as clearinghouses for all incoming ships. Ships must stop in these harbors to get cleared before they can take their cargo to their final destination. These 'Clearance Ports' are located in New York City, San Diego, Seattle, and New Orleans. Is this constitutional?

2. Bugged by Florida

The Spanish Orange Beetle burrows into and eventually kills any tree it infests. Luckily, it only attacks citrus trees. Also luckily, it can only spread through infected fruit. Fortunately (for non-Floridians), only Florida has the beetle at this time. To slow the spread of the Spanish Orange Beetle to their state, California passed a law banning the importation of Floridian citrus fruit. Is this constitutional?

3. American Trees for American Workers!

Tired of seeing its forest products mills closing from lack of raw timber, and feeling frustrated that so many millions of feet of timber are exported from their state, the citizens of Oregon passed a law eliminating the exportation of raw timber from its lands (both public and private). Exporting lumber (timber that has gone through the mill) is still acceptable under the law. Is this law constitutional?

4. No Illegal Immigrants

In an effort to reduce illegal immigration into their state, New Mexico signed a treaty with Mexico allowing for more open borders. This will allow Mexican citizens to cross over and work in New Mexico with fewer hassles, while allowing them to return to their homes in Mexico every night. They are not allowed to live in the United States; they must return to Mexico every night. Is this constitutional?

5. The Ballot is in the Mail

Unhappy with the declining turnout for elections, Wyoming made it law that all elections are to be held by mail. Three weeks prior to the election, ballots are mailed out to those registered to vote. Those voters can mail back the ballots at their leisure until the cutoff of midnight on Election Day. Is this constitutional?

6. You Dirty Rat

Tired of all the industries polluting the Pigeon River (specifically Champion), the Tennessee General Assembly decided to do something about it. They created a “Dirty List” naming the out-of-state companies that violate the Tennessee environmental laws. They then passed a law forbidding any materials from those companies on the “Dirty List” from passing into Tennessee. Is this law constitutional?

7. Haven't We Done This Before?

Our president, tired of dealing with that horrible Mahmoud Ahmadinejad, decides to invade Iran. The war is short. Their Islamic Republic of Iran Army is no match for our modern war making machine. As a result of how well the war is going, and in support of the war, the US Congress passes a bill authorizing the president to use all force necessary. Are the president's actions constitutional?