

## Handout A: War and the Constitution Answer Key

1. Powers of Congress; powers denied to Congress
2. Accept reasoned answers.
3. Accept reasoned answers.
4. Accept reasoned answers.
5. Some students may say that a declaration of war is the beginning of a war and that war cannot exist without a declaration; others may say declaring war can happen at any time after the beginning of hostilities, or not at all.
6. The Necessary and Proper Clause empowers Congress to make all needed and appropriate laws for “any department” of the government. Students may say that this increases Congress’s war powers by allowing it to make rules for the executive and judicial branches regarding war.
7. To lead the military; accept additional reasoned answers.
8. The Supreme Court has ruled on the president’s power to suspend *habeas corpus*; conditions when it may be suspended; Congress’s power to create military commissions to try illegal combatants; interpreted the Constitution as it may apply to enemy combatants and illegal combatants; interpreted international treaties ratified by the United States, and other issued related to war.