

Chapter 11: Powers of Congress

Section 1: The Scope of Congressional Powers

Key Terms: expressed power, implied powers, inherent powers, strict constructionist, liberal constructionist, consensus

A. Congressional Power

1. Congress has only those powers delegated to it and not specifically denied to it by the Constitution.

The Constitution has given Congress expressed, implied, and inherent powers.

- Expressed:** Powers specifically mentioned in the Constitution
2.
 - Implied:** Powers not specifically mentioned in the Constitution, but may reasonably deduced from those that are.
 - Inherent:** Powers that are possessed by all national governments

B. Strict Versus Liberal Construction

1. **Strict constructionists** (led by Thomas Jefferson) believed Congress should exercise only its expressed powers and those implied powers absolutely necessary to carry out those expressed powers. The value of government most valued was State government.
2. **Liberal constructionists** believe that the Constitution must be interpreted broadly, with an eye toward change.
 - a. That belief has extended the powers of the Federal Government far beyond the plans of the original Framers of the Constitution.
 - b. Liberal constructionists prevailed largely because wars and economic crises called for national action. The consensus of the American public is that government should have the power to solve national problems.

Chapter 11: Powers of Congress

Section 2: Expressed Powers of Money & Commerce

Key Terms: tax, direct tax, indirect tax, deficit financing, public debt, commerce power, legal tender, bankruptcy

A. The Power to Tax

1. The Purpose of Taxes
 - 90% of all the money needed to run the government comes from taxes.
 - A **tax** is a charge levied by the government on persons or property to meet public needs.
 - Congress may also impose taxes to protect American business (tariffs), and to protect the public health and safety. A license or fee is also a type of tax.
2. Limits on the Taxing Power
 - The Constitution places 4 explicit limits on the power to tax:
 - Congress may tax only for public purposes

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Constitutional Law for a Changing America Lee Epstein, Kevin T. McGuire, Thomas G. Walker, 2020-09-17 Excellent balance of case excerpts and author explanation highly appropriate for undergraduate students Dr Wendy Brame Briar Cliff University Political factors influence judicial decisions Arguments and input from lawyers and interest groups the ebb and flow of public opinion and especially the ideological and behavioral inclinations of the justices all combine to shape the development of constitutional doctrine Drawing on political science as much as from legal studies Constitutional Law for a Changing America A Short Course helps students realize that Supreme Court cases are more than just legal names and citations With meticulous revising the authors streamline material while accounting for recent landmark cases and new scholarship Ideal for a one semester course the Eighth Edition of A Short Course offers all the hallmarks of the Rights and Powers volumes in a more condensed format Students and instructors benefit from the online Con Law Resource Center which houses the supplemental case archive links to CQ Press reference materials a moot court simulation instructor resources and more

Congressional Record United States. Congress, 2000 The Congressional Record is the official record of the proceedings and debates of the United States Congress It is published daily when Congress is in session The Congressional Record began publication in 1873 Debates for sessions prior to 1873 are recorded in The Debates and Proceedings in the Congress of the United States 1789 1824 the Register of Debates in Congress 1824 1837 and the Congressional Globe 1833 1873

Federal Charters for Energy Corporations--selected Materials ,1974 Study of the Development, Management, and Use of Water Resources on the Public Lands ,1969

The Law of Higher Education, A Comprehensive Guide to Legal Implications of Administrative Decision Making William A. Kaplin, Barbara A. Lee, Neal H. Hutchens, Jacob H. Rooksby, 2019-04-01 Your must have resource on the law of higher education Written by recognized experts in the field the latest edition of The Law of Higher Education Vol 2 offers college administrators legal counsel and researchers with the most up to date comprehensive coverage of the legal implications of administrative decision making In the increasingly litigious environment of higher education William A Kaplin and Barbara A Lee s clear cogent and contextualized legal guide proves more and more indispensable every year Two new authors Neal H Hutchens and Jacob H Rooksby have joined the Kaplin and Lee team to provide additional coverage of important developments in higher education law From hate speech to student suicide from intellectual property developments to issues involving FERPA this comprehensive resource helps ensure you re ready for anything that may come your way Includes new material since publication of the previous edition Covers Title IX developments and intellectual property Explores new protections for gay and transgender students and employees Delves into free speech rights of faculty and students in public universities Expands the discussion of faculty academic freedom student academic freedom and institutional academic freedom Part of a 2 volume set If this book isn t on your shelf it needs to be

Hearings, Reports and Prints of the Senate Committee on Interior

and Insular Affairs United States. Congress. Senate. Committee on Interior and Insular Affairs, 1974 *Guide to Congress*
CQ Press, 2012-08-10 The new edition of this comprehensive two volume reference has been thoroughly revised and expanded by expert CQ Press writers with years of experience covering Congress to offer a complete institutional history of Congress along with updated insight and analysis on the 2008 and 2010 shifts in power of the U S Senate and House of Representatives The 35 chapters of *Guide to Congress* Seventh Edition are divided into eight subject areas that cover all aspects of the U S Congress Origins and Development of Congress from the constitutional beginnings of the legislative branch to the histories of the House and Senate and their power shifts eras of partisanship and unity influential leaders and working relationships with presidents New coverage includes analysis of the tug of war between House Democrats and the George W Bush administration on Iraq war withdrawal timetables updates on criminal investigations of House members including William J Jefferson of Louisiana and Charles Rangel of New York and analysis of the Tea Party Movement and new Republican majority Powers of Congress including powers to tax spend and borrow to conduct foreign policy and investigations to confirm and impeach to regulate commerce to amend the Constitution and to select the president Updated material includes analysis of the George W Bush administration s use of immunity from questioning by congressional committees analysis of the signing of the new START treaty with Russia marking a cornerstone of U S relations with the country coverage of the War on Terror including the killing of bin Laden in a U S raid in Pakistan and perspective on the negotiations to raise the federal debt ceiling in 2011 Congressional Procedures detailing the party and leadership structures rules and the legislative process the committee system assignment and procedures and congressional staff Revised coverage profiles the methods styles and legislative successes and defeats of House Speakers Pelosi and Boehner and Senate majority leader Reid The Guide also analyzes the new hyperpartisanship emerging in Congress and provides updates on congressional travel reforms and aide statistics and trends Pressures on Congress including influence from constituents political parties the president the Supreme Court lobbyists and the media New material explores the use of social media to communicate with constituents examines the role of the new Consumer Financial Protection Bureau and analyzes the Obama administration s relationship with Congress Housing and Support covering the U S Capitol House and Senate office buildings the Library of Congress and organizations such as the Government Accountability Office and the Congressional Research Service Updates are provided on new initiatives by the Library of Congress and reforms to the General Accounting Office Pay and Perquisites including honoraria and allowances franking and travel privileges and other benefits Updates include revised figures for congressional pay and benefits and analysis of efforts to control privately sponsored foreign travel Congress and the Electorate covering the right to vote the demographic composition of congress the role of parties in elections campaign financing and redistricting New information discusses elections statistics in recent elections the impact of third parties Tea Party gains and the creation of super PACs and 527 groups Qualifications and conduct detailing congressional ethics

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Power of Congress Over Procedure in Criminal Contempts in "inferior" Federal Courts--a Study in Separation of Powers Felix Frankfurter,James McCauley Landis,1924

Constitutional Law For A Changing America: Institutional Powers and Constraints, 6th Edition Lee Epstein,Thomas Walker,2007-02-20 Previous editions published 2004 5th 2001 4th 1998 3rd 1995 2nd and 1992 1st

The Heritage Guide to the Constitution David F. Forte,Matthew Spalding,2014-09-16 A landmark work of more than one hundred scholars The Heritage Guide to the Constitution is a unique line by line analysis explaining every clause of America s founding charter and its contemporary meaning In this fully revised second edition leading scholars in law history and public policy offer more than two hundred updated and incisive essays on every clause of the Constitution From the stirring words of the Preamble to the Twenty seventh Amendment you will gain new insights into the ideas that made America important debates that continue from our Founding and the Constitution s true meaning for our nation

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The First Amendment and Restrictions on Issue Advocacy United States. Congress. House. Committee on the Judiciary. Subcommittee on the Constitution,1998 *The Power to Legislate* Richard E. Levy,2006-07-30 In a political climate where the machinery of the federal government has grown increasingly complex *The Power to Legislate* offers a comprehensive and in depth analysis of the extent and limitations of legislative power granted by the U S Constitution By examining the historical development of the Constitution as well as judicial precedent set by the Supreme Court Richard E Levy develops a systematic account of federal legislative power that is ideal for anyone interested in constitutional history and political science Levy focuses his investigation on three distinct yet related aspects of federal legislative power the necessary and proper clause of Article I the delegation of powers to the various federal institutions and the deliberative powers of Congress to conduct investigations and interrogations *The Power to Legislate* synthesizes these three crucial ideas into a fresh perspective that sheds light on today's controversies **Congressional Record** ,1889

Letter from the Secretary of the Treasury, in Answer to Resolution of the House in Relation to the Operations of the Reciprocity Treaty United States. Department of the Treasury,1864 **State Sovereign Immunity** Melvyn R. Durchslag,2002-10-30 As part of a new series of Greenwood's comprehensive reference guides to the United States Constitution Professor Durchslag's edition on the Eleventh Amendment's guarantee of state sovereign immunity is the most thorough and up to date treatment of that amendment The Court's interpretation of the Eleventh Amendment over the past two centuries has been an attempt to balance the sovereign interests of the states against the primacy of federal law and is currently its primary means of articulating its federalist doctrine Beginning with an extensive history of the Eleventh Amendment and the ratification debates surrounding it Durchslag proceeds to a chronological discussion of the development

of the first generation of Eleventh Amendment jurisprudence from 1793 1890 The book then proceeds topically tracing the developments of the various doctrinal components of the Amendment and includes suggestions as to how they may evolve The work concludes with an erudite bibliographic essay to guide the reader to relevant primary and secondary works and is fully indexed For constitutional students scholars and legal practitioners as well as for political scientists and historians studying the constitution or federalism Limitations on Court-ordered Busing--Neighborhood School Act United States. Congress. House. Committee on the Judiciary. Subcommittee on Courts, Civil Liberties, and the Administration of Justice,1983 **Presidential Powers** Harold J Krent,2005-02-01 Framed in Article II of the Constitution presidential powers are dictated today by judicial as well as historical precedent To understand the ways the president wields power as well as how this power is kept in check by other branches of government Harold J Krent presents three overlapping determinants of the president s role under the Constitution the need for presidential initiative in administering the law and providing foreign policy leadership the importance of maintaining congressional control over policymaking and the imperative to ensure that the president be accountable to the public Krent s examination is sweeping ranging from the president s ability to appoint and remove executive branch officials to the president s role in proposing and implementing treaties and the power to conduct war to the extent the president can refuse to turn over information in response to congressional and judicial requests Finally Krent addresses the history and purposes of presidential pardons By drawing on historic and contemporary presidential actions to illustrate his points Krent reminds us that the president is both an exalted leader with the regalia of power and an American who is and should be accountable to fellow citizens important considerations as we elect and assess our presidents *Congressional Quarterly's Guide to the U.S. Supreme Court* Elder Witt,1990 The 1979 edition is cited in BCL3 A comprehensive reference detailing the origins and development of the Court and the Court in relation to the federal system the individual external pressures Operations and procedures and their evolution are explain A separate section provides material about the justices in general and biographical sketches each one Some 400 major decisions are summarized nine documents and texts are included along with appendices of relevant data Indexed by case as well as subject Annotation c Book News Inc Portland OR booknews com

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