

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

The Scope Of Congressional Powers Answer Key

JS Bruner



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Law 101 Jay M. Feinman, 2010-06-09 The first two editions of the best selling Law 101 provided readers with a vividly written and indispensable portrait of our nation's legal system. Now in this third edition Jay M. Feinman offers a fully updated survey of American law that incorporates fresh material on 2009 Supreme Court cases, the legal response to the war on terror including the Guantanamo detainees and electronic surveillance and to the latest developments in Internet law. In a book brimming with legal puzzles, interesting anecdotes and thought provoking questions, Jay M. Feinman's clear introduction to the law provides us with a solid understanding of the American legal tradition and covers the main subjects taught in the first year of law school. Readers are introduced to every aspect of the legal system from constitutional law and the litigation process to tort law, contract law, property law and criminal law. Feinman illuminates each discussion with many intriguing, outrageous and infamous cases from the scalding coffee case that cost McDonald's half a million dollars to the sensational murder trial in Victorian London that led to the legal definition of insanity to the epochal decision in *Marbury v. Madison* that gave the Supreme Court the power to declare state and federal law unconstitutional. He broadens the reader's legal vocabulary, clarifying the meaning of everything from due process and equal protection in constitutional law to the distinction between murder and manslaughter in criminal law. Perhaps most important, we learn that though the law is voluminous and complex, it is accessible to all. Everyone who wants a better grasp of current legal issues from students contemplating law school to journalists covering the legislature or the courts to fans of Court TV will find here a wonderful source of information, a complete, clear and colorful map of the American legal system.

Ending Taxation Without Representation United

States. Congress. Senate. Committee on the Judiciary, 2008

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Legislative Establishment Appropriation Bill United States. Congress. Senate. Committee on Appropriations,2012

Comparative Constitutional Design Tom Ginsburg,2012-02-27 This volume brings together essays by leading scholars of comparative constitutional design from myriad disciplinary perspectives The authors collectively assess what we know and don t know about the design process as well as particular institutional choices concerning executive power constitutional amendment processes and many other issues Bringing together positive and normative analysis it provides the state of the art in a field of growing theoretical and practical importance Constitutional Law Erwin Chemerinsky,2006

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Organization of Congress,1945 *Regulatory Reform and Congressional Review of Agency Rules* United States. Congress. House. Committee on Rules. Subcommittee on Rules of the House,1980 **Constitutional Law for a Changing America**

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