

Powers of Congress

I. Expressed Powers: Definition & Examples

- A. Definition: Those powers of Congress specifically listed in the Constitution. (a.k.a., Enumerated Powers or Delegated Powers.)
- B. Six examples from Article I, Section 8:
 1. Power to tax & borrow – this power is needed to fund government operations.
 2. Commerce power – the power to regulate interstate & foreign trade.
 3. Currency power – the power to coin money & regulate its value.
 4. Power to raise and maintain an army & navy – provides for our standing military forces.
 5. Naturalization – the power to determine the process by which immigrants from other countries can become citizens of the United States.
 6. Copyrights & Patents – the power to make rules regarding how people can protect their original creative works (copyrights) and their inventions (patents).

II. Implied Powers: Definition & Examples

- A. Definition: The powers of Congress that are not listed in the Constitution, but are implied by those that are. Congress considers implied powers necessary to help carry out expressed powers.
- B. Two examples of implied powers:
 1. The Draft – implied by the expressed power to raise an army. The Constitution tells Congress they can raise an army, but it doesn't tell them how to do it. At times in our history, Congress has felt it necessary to draft young men into the service to get the army the country needed. The last time we actually had a draft was in 1973, but young men still have to register for the draft when they turn 18.
 2. Minimum Wage – implied by the expressed power to regulate trade. Since Congress can regulate trade, they assume this means they can regulate the businesses of the country that conduct trade. During the hardships suffered by people during the Great Depression, Congress felt it was necessary to dictate to businesses the minimum amount they had to pay their workers. There has been a minimum wage ever since. Currently the federal minimum wage is \$7.25/hour.

Chapter 11 Powers Of Congress Worksheet Answers

C. W. Hunnicutt



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Congressional Oversight of Administrative Agencies (the Cost of Living Council) United States. Congress. Senate. Committee on the Judiciary. Subcommittee on Separation of Powers,1973 *The Constitution in the Supreme Court* David P. Currie,1992-09 Currie s masterful synthesis of legal analysis and narrative history gives us a sophisticated and much needed evaluation of the Supreme Court s first hundred years A thorough systematic and careful assessment As a reference work for constitutional teachers it is a gold mine Charles A Lofgren Constitutional Commentary *2001 Magruder's American Government* William A. McClenaghan, Frank Abbott Magruder,2001 **Teacher's handbook** Marcel Lewinski,1980 Call to Freedom Sterling Stuckey,2003 Teaches U S history employing the themes geography economics government citizenship science technology and society culture Constitutional heritage and global relations

Congressional Record United States. Congress,1977 *SG T/a the American Democracy* S. A. Robertson,2005

American Constitutional Law: Governmental powers and democracy Donald P. Kommers,2004 Me n Mine-Social Science Saraswati Experts, A text book on social Social Studies Indiana. Department of Public Instruction,1979 *Life and Liberty* Philip Roden,1987

Classified Index of National Labor Relations Board Decisions and Related Court Decisions ,1988 **Congressional Record** United States. Congress,1980 **General Ashcroft** N. V. Baker,2006 Reviled as a fascist and zealot by libertarians and liberals but praised as a great patriot and devout man of God by many conservatives John Ashcroft may have been the most powerful and polarizing attorney general in our nation s history Looking past such oversimplified stereotypes Nancy Baker offers the first in depth study of Ashcroft s controversial tenure as attorney general and as domestic commander in our campaign against global terrorism Addressing new concerns about challenges to civil liberties in the wake of 9 11 Baker provides a critical assessment of Ashcroft s impact on national life within the context of an enormous expansion of presidential power Baker depicts a man who even before 9 11 was in search of a mission and then found it in the War on Terror She explores how Ashcroft s counterterrorism actions eroded checks on executive power arguing that the attorney general used both the formal and informal powers of his office to expand executive and law enforcement authority and did so at the additional expense of criminal procedural rights privacy rights and government transparency Baker tells how the war against terrorism the unique legal policy role of the attorney general and Ashcroft s presence in that office dramatically expanded the power and impact of executive power in domestic affairs She identifies Ashcroft s rhetorical tactics that set his actions at odds with the public interest such as browbeating critics and marginalizing dissent and challenges the success claimed by Ashcroft and his supporters in safeguarding America by documenting the Justice Department s lack of effectiveness in key prosecutions She also includes an enlightening analysis of the Patriot Act and its implications for both civil liberties and government power By documenting the ongoing importance of Ashcroft s legacy a legacy now continued by Alberto Gonzalez Baker shows how he dramatically changed the office and

disrupted our constitutional system of divided and checked powers Her close scrutiny of Ashcroft s actions vividly highlights the role that an attorney general can play in shaping presidential power during national crises and provides a cautionary tale for anyone eager to protect our civil liberties

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