

Magruder's American Government

CHAPTER 11 *Powers of Congress*

Powers of Congress

SECTION 1 The Scope of Congressional Powers

SECTION 2 The Expressed Powers of Money and Commerce

SECTION 3 Other Expressed Powers

SECTION 4 The Implied Powers

SECTION 5 The Nonlegislative Powers

The Implied Powers

- How does the Necessary and Proper Clause give Congress flexibility in lawmaking?
- What key developments have occurred in the battle over the implied powers of Congress?



The Necessary and Proper Clause

The **Necessary and Proper Clause** gives to Congress the power:

“To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.”

—Article I, Section 8, Clause 18



Go To
Section:

1

2

3

4

5

Chapter 11, Section 4

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The Battle Over Implied Powers

- The formation of the Bank of the United States spawned controversy between strict and liberal constructionists.
- In *McCulloch v. Maryland*, 1819, the formation of the Second Bank of the United States was challenged by strict constructionists.
- Chief Justice John Marshall ruled in favor of the Second Bank, giving sweeping approval to the concept of implied powers.



Go To
Section:

1

2

3

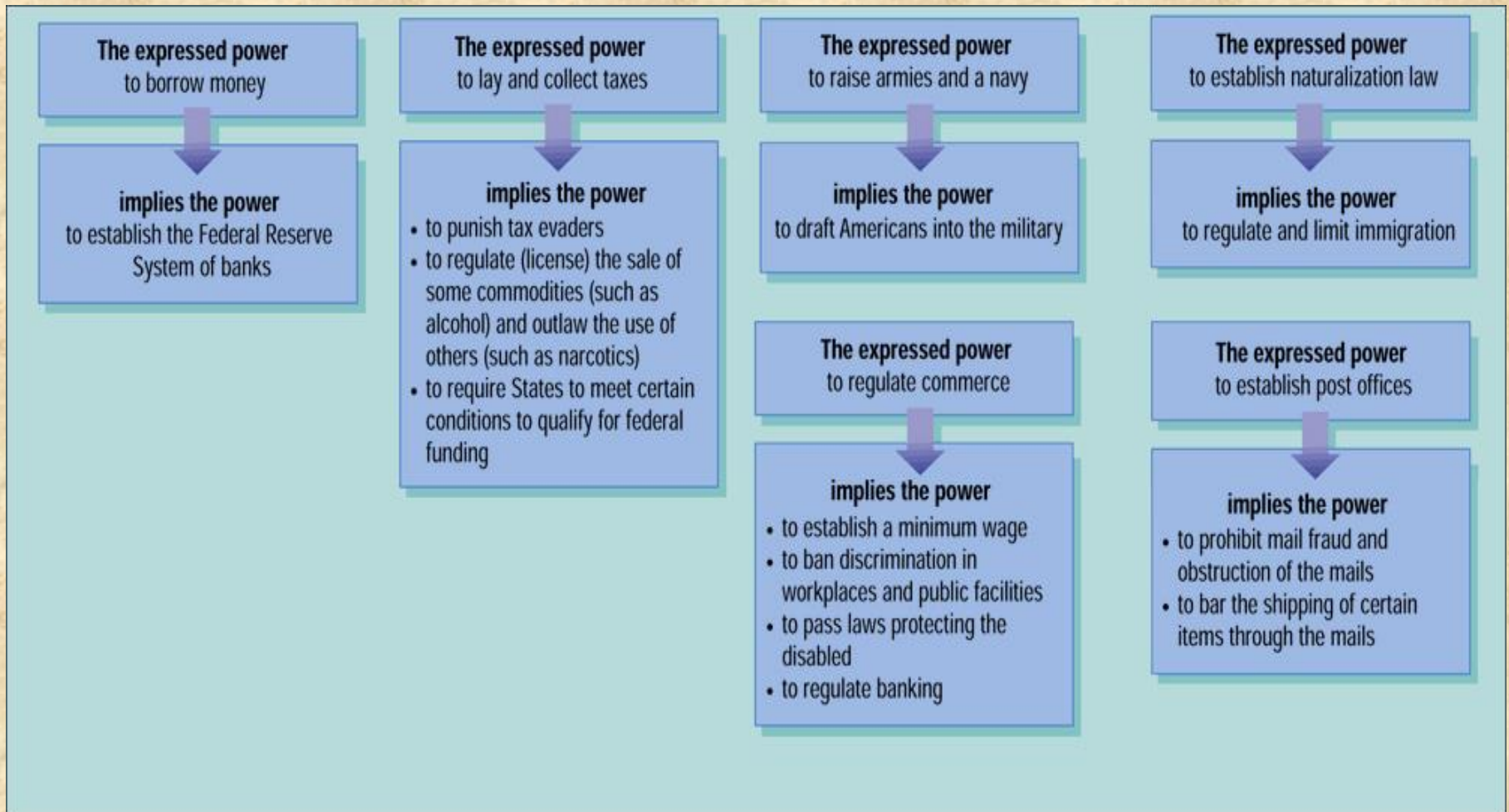
4

5

Chapter 11, Section 4

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The Implied Powers of Congress



Go To Section:

1

2

3

4

5

Chapter 11, Section 4

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Go To
Section:



Chapter 11, Section 4