Presentation Pro

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?





Prentice

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















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.





The Implied Powers of Congress

The expressed power to borrow money

implies the power to establish the Federal Reserve System of banks The expressed power to lay and collect taxes

implies the power

- · to punish tax evaders
- to regulate (license) the sale of some commodities (such as alcohol) and outlaw the use of others (such as narcotics)
- to require States to meet certain conditions to qualify for federal funding

The expressed power to raise armies and a navy

implies the power to draft Americans into the military

The expressed power to regulate commerce

implies the power

- to establish a minimum wage
- to ban discrimination in workplaces and public facilities
- to pass laws protecting the disabled
- to regulate banking

The expressed power to establish naturalization law

implies the power to regulate and limit immigration

The expressed power to establish post offices

implies the power

- to prohibit mail fraud and obstruction of the mails
- to bar the shipping of certain items through the mails

















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