

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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S Ben Porath



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Arbitration Law in America Edward Brunet, Richard E. Speidel, Jean E. Sternlight, Stephen J. Ware, 2006-01-09
Arbitration Law in America A Critical Assessment is a source of arguments and practical suggestions for changing the American arbitration process The book argues that the Federal Arbitration Act badly needs major changes The authors who have previously written major articles on arbitration law and policy here set out their own views and argue among themselves about the necessary reforms of arbitration The book contains draft legislation for use in international and domestic arbitration and a detailed explanation of the precise justifications for proposed legislative changes It also contains two proposals that might be deemed radical to ban arbitration related to the purchase of products by consumers and to prohibit arbitration of employment disputes Each proposal is vetted fully and critiqued by one or more of the other co authors

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