

## **POWERS OF CONGRESS**

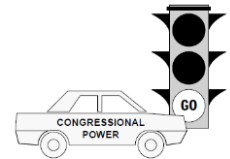
Overview: Congress has some **expressed powers** that are outlined in the Constitution, and others, called implied powers, that are not stated outright but that Congress may assume in order to carry out its expressed powers. This does not give Congress free rein. The **implied powers** must be “reasonably” drawn from expressed powers. Congress possesses a third type of powers — the so-called **inherent powers** of government. These powers, like the implied powers, are not explicitly listed in the Constitution, but they are said to be inherent to the very idea of national government.

### **EXPRESSED (ENUMERATED, DELEGATED)**

- Levy taxes
- Borrow money
- Regulate foreign, interstate, Indian commerce
- Establish naturalization and bankruptcy laws
- Coin money
- Establish weights and measures
- Punish counterfeiters
- Establish post offices
- Grant copyrights and patents
- Create courts inferior to Supreme Court
- Define and punish piracy
- Declare war
- Raise and support an army and navy

### **INSTITUTIONAL POWERS, I.E., THAT RELATE TO SYSTEM OF CHECKS & BALANCES**

- **Both Houses of Congress**
  - Proposal of constitutional amendments with 2/3 vote in both houses
- **House of Reps**
  - House votes for impeachment
  - House elects President if no electoral majority
- **Senate**
  - Senate ratifies treaties with 2/3 vote
  - Senate approves appointments with majority vote
  - Senate tries impeachment cases
  - Senate elects V.P. if no electoral majority



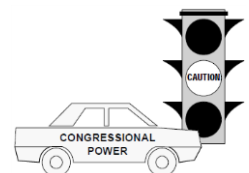
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### **IMPLIED POWERS**

- Based upon the necessary and proper clause (elastic clause)
- All implied powers come from an expressed power
  - The power to tax (expressed) gives Congress the power to set up an IRS (implied)
- Strict v. loose constructionist approaches

### **INHERENT POWERS**

- Because the United States is a sovereign nation in the world >> possess certain powers that all sovereign nations possess and always have possessed
  - Control national borders
  - Regulate immigration
  - Acquire new territories
  - Defend the state from revolution



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### **POWERS DENIED TO CONGRESS**

- Passing ex post facto laws – Retroactive criminal law that works to the disadvantage of a person
- Passing bills of attainder – Law inflicting punishment without a trial
- Suspending habeas corpus (the right of a person to go before a judge and question his or her imprisonment) except in cases of rebellion or invasion

