

Module 3: Congress

Topic 2 Content: Legislative Powers

Introduction




Glover Mint: The framers of the Constitution envisioned Congress as the most powerful branch of the government, the branch where all of the laws of the land would be written. We are joined by Pilar de la Casa and Bill O'Law, live via satellite.

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Expressed Legislative Powers

Expressed Powers



- Powers that the Constitution explicitly states belong to the national government
- Listed under Article I, Section 8 of the Constitution

Please Make Your Selection Below

Levy Taxes	Borrow Money
Regulate Commerce	Coin Money

Pilar de la Casa: Expressed powers are those powers that the U.S. Constitution explicitly states belong to the national government. These powers are listed under Article I, Section 8 of the Constitution.

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The Power to Levy Taxes



Expressed Powers

The Power to Levy Taxes

- Not granted under the Articles of Confederation
- Explicitly granted to Congress by the Constitution
- Guaranteed a stream of revenue for the national government

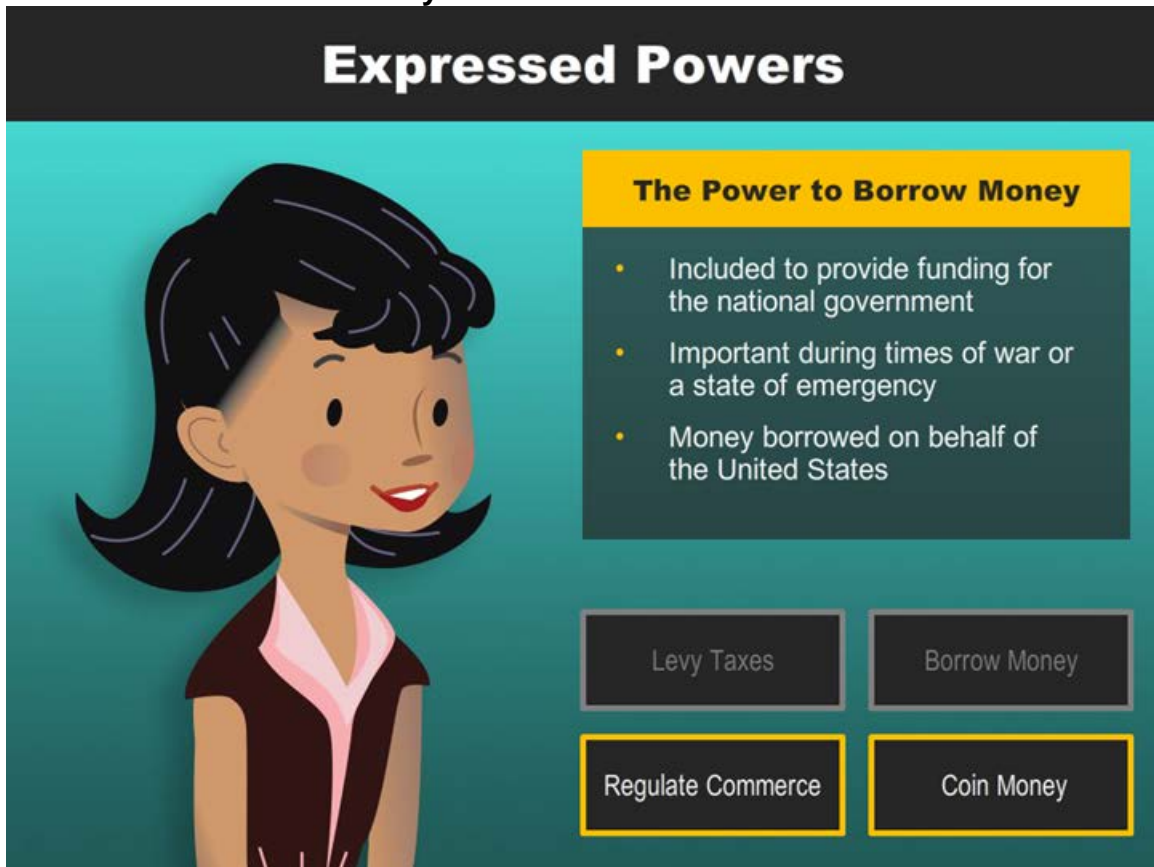
Levy Taxes Borrow Money

Regulate Commerce Coin Money

Pilar de la Casa: The Articles of Confederation did not give the national government the power to tax the states; thus there was no system to create revenue. The national government was unfunded and unable to support itself. Under the Constitution, Congress was explicitly given the power to levy taxes, allowing the government to have a guaranteed stream of revenue. With these funds, Congress would not be prevented from performing its duties due to financial reasons.

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The Power to Borrow Money



Expressed Powers

The Power to Borrow Money

- Included to provide funding for the national government
- Important during times of war or a state of emergency
- Money borrowed on behalf of the United States

Levy Taxes Borrow Money

Regulate Commerce Coin Money

Pilar de la Casa: The power to borrow money was included in the Constitution for reasons similar to those given for the power to levy taxes. There may be times when there is not enough revenue to pay for the expenses of the national government. This may occur during times of war, when a natural disaster occurs, or if there is some other state of emergency. Congress' power to borrow money on behalf of the United States is beneficial during these times.

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The Power to Regulate Commerce

Expressed Powers



The Power to Regulate Commerce

- Not granted under the Articles of Confederation
- Caused obstructions to trade, hurting the economy
- Allows the Congress to pass laws protecting interstate commerce

Levy Taxes

Borrow Money

Regulate Commerce

Coin Money

Pilar de la Casa: Under the Articles of Confederation, Congress did not have the power to regulate commerce between the states. As a result, some states imposed taxes on the goods of other states. Some states completely prohibited the entrance of any out-of-state goods. These obstructions to trade between the states had a negative impact on the nation's economy. The Constitution grants Congress the power to regulate commerce between the states, which allows the national government to create laws that protect interstate commerce.

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The Power to Coin Money

Expressed Powers Next



The Power to Coin Money

- Greatly benefits the economy
- Creates a uniform currency that is regulated by the government
- Ensures ease in the buying and selling of goods

Levy Taxes Borrow Money

Regulate Commerce Coin Money


Pilar de la Casa: The Constitution gives Congress the power to coin money. This expressed power greatly benefits the national economy by creating one uniform currency, regulated by the government. This helps to ensure ease in the buying and selling of goods. Imagine the difficulties if each state used its own version of the dollar.

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More Expressed Powers

Expressed Powers



Additional Expressed Powers

- Declare war
- Establish a national post office
- Build roads
- Punish counterfeiters
- Create courts of law below the Supreme Court
- Provide copyright protection for artists and patents for inventors
- Set laws on how to become a naturalized citizen
- Make Washington, D.C. the location of the federal government

Pilar de la Casa: This is not a complete list of the expressed powers of the government. There are actually 27 different powers stated under Article I, Section 8. A few additional powers granted to Congress include:

- the power to declare war;
- the power to establish a national post office;
- the power to build roads;
- the power to punish counterfeiters;
- the power to create courts of law below the Supreme Court;
- the power to provide copyright protection for artists and patents for inventors;
- the power to set laws on how to become a naturalized citizen; and
- the power to make Washington, D.C. the location of the federal government.

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Implied Powers



Implied Powers

Necessary and Proper Clause

“The Congress shall have 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

Bill O’Law: The final power expressed under Article I, Section 8 of the Constitution is the Necessary and Proper Clause, which states that Congress has 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.”

The framers knew that it was impossible to state each and every power delegated to the national government. This clause implies that Congress has unstated powers, which it may use to carry out its expressed powers. For example, the idea of a military draft is never directly stated in the Constitution, although Congress does possess the power to raise and maintain an army. If it is deemed necessary to draft civilians into the military to properly raise an army, then Congress may pass such a law.

The “Necessary and Proper” clause is clearly open to interpretation and has been a long-standing issue in the government. Countless debates have occurred over the constitutionality of different implied powers of Congress. It has also been referred to as the elastic clause, since it often stretches the power of the legislative branch.

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Ending of Episode



Glover Mint: This concludes our episode on legislative powers. Thank you for tuning in. We'll see you soon.