

# Congressional Powers



# Historical Debate (Which level is superior?)

- **(Hamilton)** Believed the national government was superior regarding political affairs and the US Constitution should be read “liberally” and the powers should be “broad and sweeping” (necessary and proper clause) “elastic clause” (**Liberal constructionists**)
- **(Jefferson)** Believed the state governments were superior because they are closer to the people, the US Constitution should be read “conservatively” and the federal powers are “limited” (**Strict constructionists**)

# Powers of Congress

- The **expressed** powers of Congress are listed in **Article 1, Section 8** of the Constitution.
- These are the *specific (expressed)* powers granted to Congress (**enumerated** powers)
- Of the 17 powers given by Congress, **6** are related to the military.



# The Power to Tax

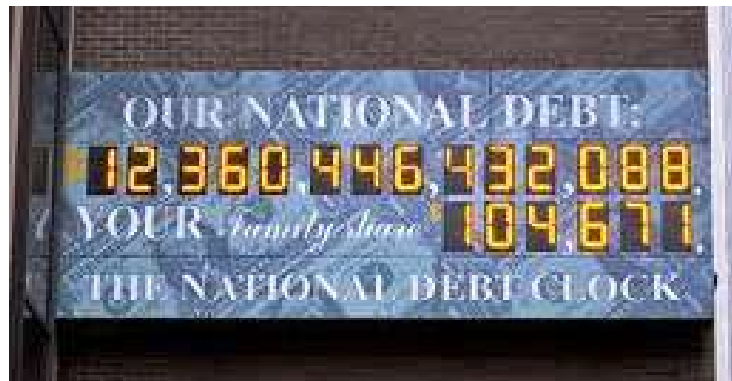


- Congress shall have the power to lay and collect taxes, duties, imposts and excises
  - Pay the **debt**
  - Provide for the **common defense**
  - And the **general welfare** of the U.S.
- **16<sup>th</sup> Amendment** (1913): “*The Congress shall have the power to lay and collect taxes on incomes, from whatever source derived*”



# Power to Borrow Money

- To borrow money on the credit of the United States
- This led to the creation of our **National Debt**: all the money the U.S. has borrowed over the years and not yet paid back plus interest (*Public Debt*)
- Today's national debt is **17.3 Trillion** and rising
- There is no constitutional debt limit, but there is a **statutory limit** (law) set by Congress and raised every few years



# 10,000 dollars in \$100 dollar bills



# 1 Million Dollars



# One Hundred Million Dollars





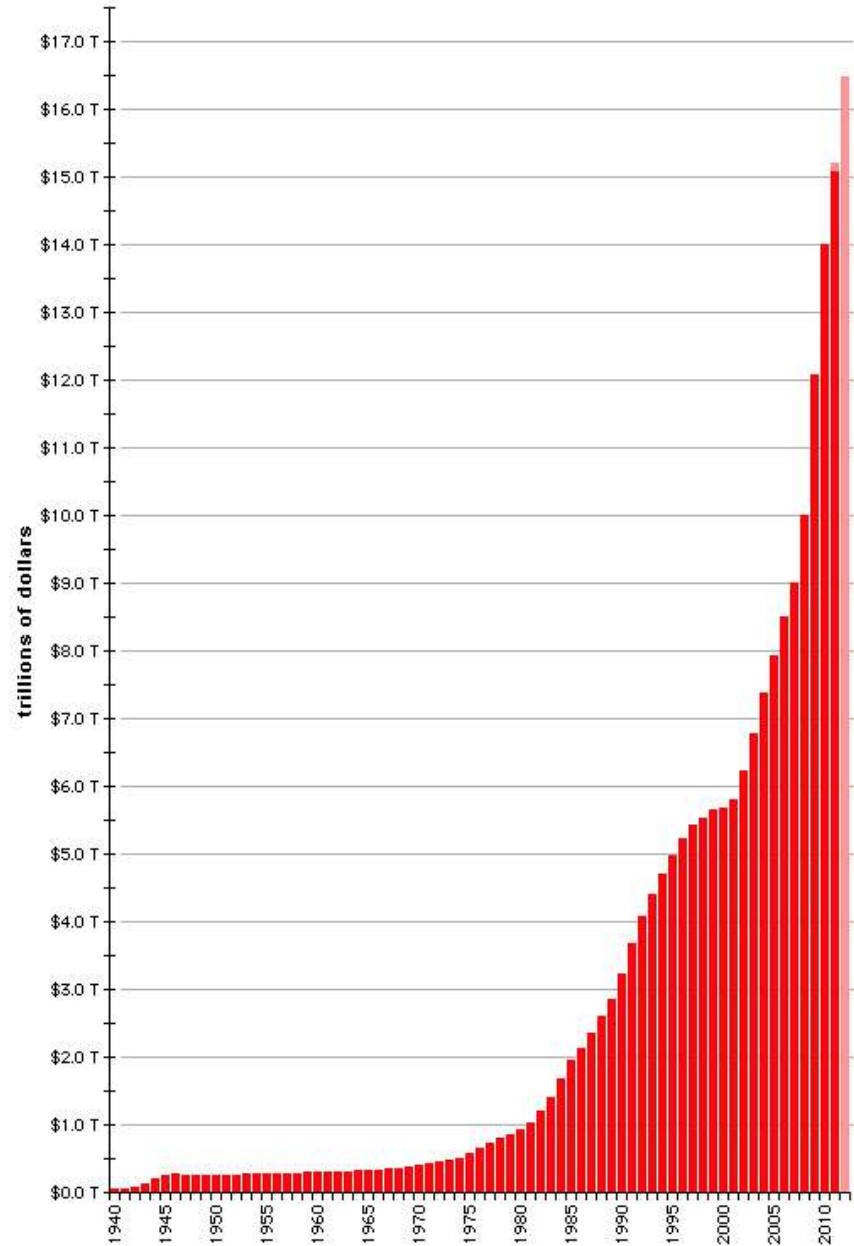
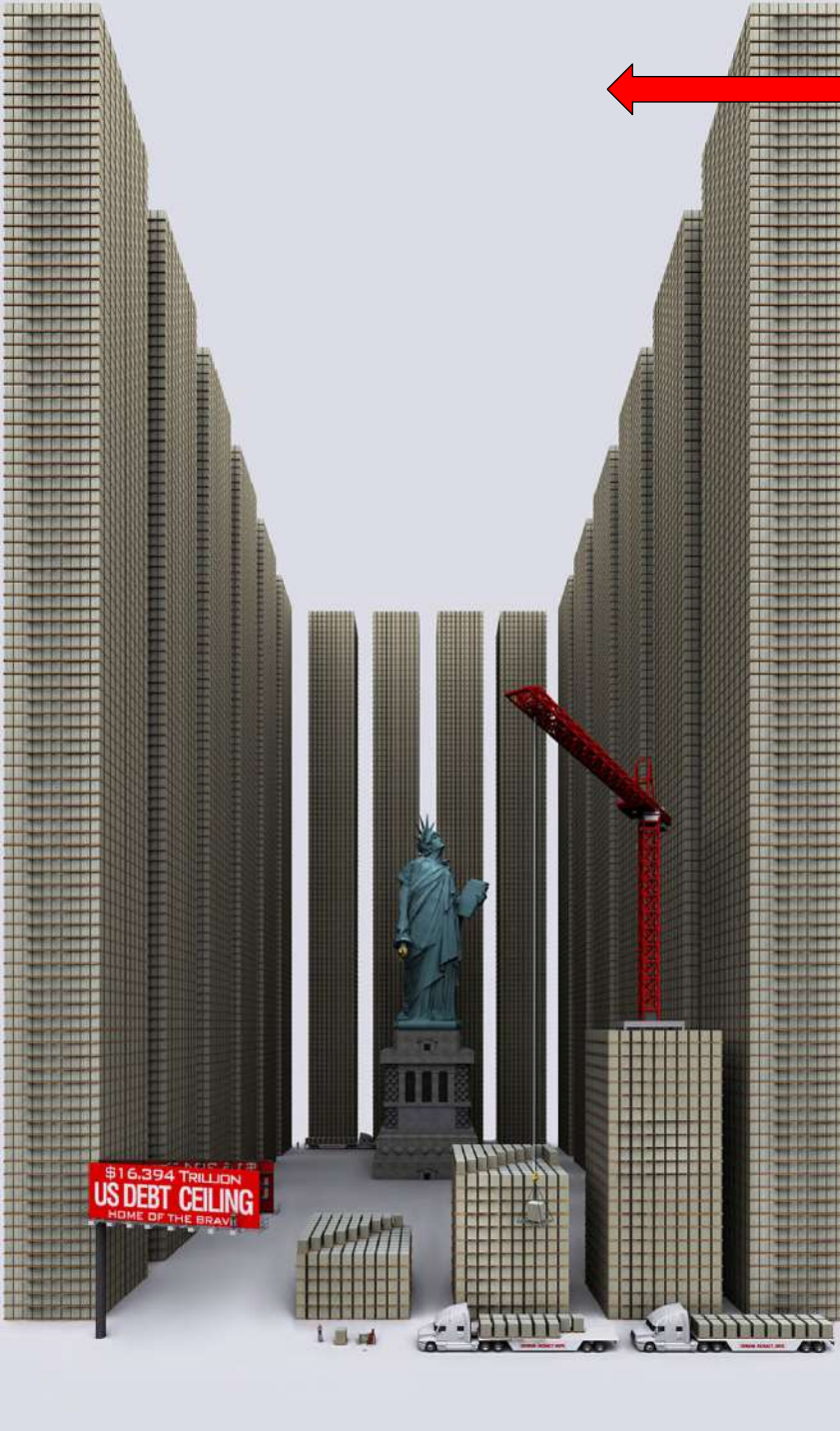
# One Billion Dollars



# 1 Trillion Dollars in \$100 dollar bills



# 16 Trillion in \$100 bills



National Debt from 1940 to Present

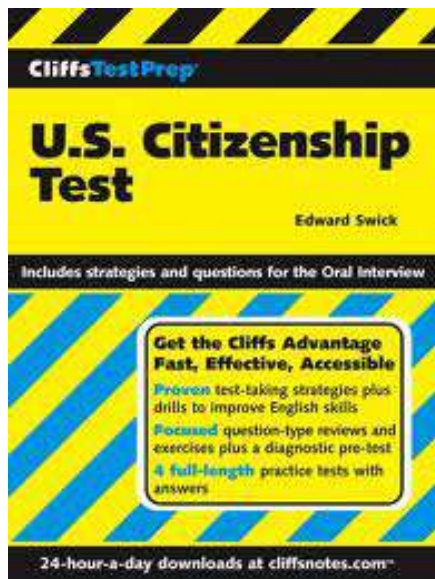
# Commerce Power

- Commerce Power: allows Congress to regulate trade between states and other nations
  - Trade includes transportation
  - Congress can tax **imports**
  - Congress cannot tax **exports**



# Naturalization and Bankruptcy

- **Naturalization Power:** to regulate the process of how foreigners become a US citizen
- **Bankruptcy Power:** to regulate the process of how the bankrupt person's assets are distributed among those to who a debt is owed



# Currency and Counterfeiting

- **Currency Power**: to print and coin money and regulate the value of that money
  - <https://www.youtube.com/watch?v=I2m3t2Yr8Vg> - Federal Reserve
  - <https://www.youtube.com/watch?v=iFDe5kUUyT0> - Biggest Scam
- **Counterfeiting**: the crime of a person printing or making their own money (federal offense)











# Largest Bill in Print Today



# New \$100 (2013)



## 3-D Security Ribbon

Tilt the note back and forth while focusing on the blue ribbon. You will see the bells change to 100s as they move. When you tilt the note back and forth, the bells and 100s move side to side. If you tilt it side to side, they move up and down. The ribbon is woven into the paper, not printed on it.

## Bell in the Inkwell

Tilt the note to see the color-shifting bell in the copper inkwell change from copper to green, an effect which makes the bell seem to appear and disappear within the inkwell.

## 1. Portrait Watermark

Hold the note to light and look for a faint image of Benjamin Franklin in the blank space to the right of the portrait. The image is visible from either side of the note.

## 2. Security Thread

Hold the note to light to see an embedded thread running vertically to the left of the portrait. The thread is imprinted with the letters *USA* and the numeral *100* in an alternating pattern and is visible from both sides of the note. The thread glows pink when illuminated by ultraviolet light.









THIS IS TO CERTIFY THAT THERE IS ON DEPOSIT IN THE TREASURY OF

100,000

100,000

G

SERIES OF  
1934

**GOLD**

THIS CERTIFICATE IS LEGAL TENDER  
IN THE AMOUNT THEREOF IN PAYMENT OF ALL  
DEBTS AND DUES, PUBLIC AND PRIVATE.

**CERTIFICATE**

A00020113A

100,000

A00020113A

*W. J. ...*  
Secretary of the Treasury



WASHINGTON, D.C.

SERIES OF 1934

*Henry Morgenthau Jr.*  
Secretary of the Treasury

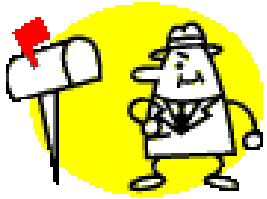
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100,000

THE UNITED STATES OF AMERICA  
ONE HUNDRED THOUSAND DOLLARS IN GOLD  
PAYABLE TO BEARER ON DEMAND AS AUTHORIZED BY LAW

100,000





# Postal Power

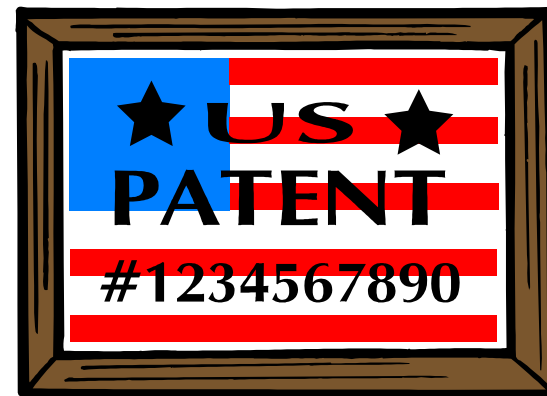


- **Postal Power:** to establish a Post Office and post roads (to regulate the mail)
- Federal crime to tamper with mail, steal mail, or send certain items through the mail



# Patents and Copyrights

- **Patent:** grants a person the sole right to manufacture, use, or sell any new and useful art, machine, manufacture, or composition
- Patent may last up to 20 years
- **Copyright:** the exclusive right of an author to reproduce, publish, and sell his or her creative work (last the life of the author + 70)



# Federal Courts

- Congress has the power to create inferior federal courts (courts below the US Supreme Court) *Tribunals*



## Supreme Court

- Highest court in the federal system
- Nine Justices, meeting in Washington, D.C.
- Appeals jurisdiction through *certiorari* process
- Limited original jurisdiction over some cases



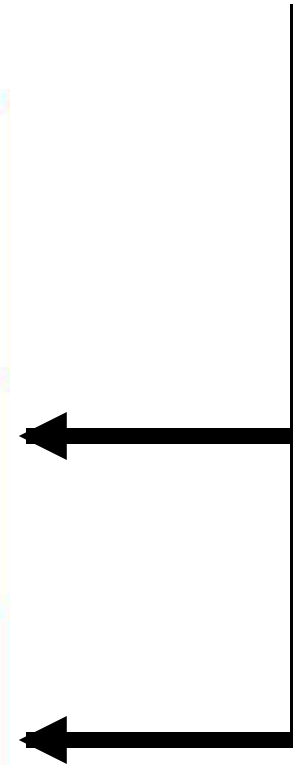
## Courts of Appeal

- Intermediate level in the federal system
- 12 regional "circuit" courts, including D.C. Circuit
- No original jurisdiction; strictly appellate



## District Courts

- Lowest level in the federal system
- 94 judicial districts in 50 states & territories
- No appellate jurisdiction
- Original jurisdiction over most cases



# Piracies and International Law

- Power to define and punish **Piracies** and Felonies committed on the high seas
- And offenses against the laws of Nations (**international law**)



# Congressional Military Powers



**1. Only Congress** has the power to **declare war**. It also makes laws regarding **captures on land and water**

2. Raise and support **armies**

3. Provide and maintain a **navy**

4. Make rules for the **government and regulation of the land and naval forces**

5. Calling forth of the **militia**, which is known as the **national guard** today.

6. To provide for the **organizing, arming and disciplining of the militia**



# Federal Land and D.C.



- Create and pass laws that regulate our Nation's Capital: **Washington D.C.** (District of Columbia)
- Pass laws that regulate all federal property and land to include military bases
- **Eminent Domain**: power to take private property for public use (must pay just compensation) **5<sup>th</sup> Amendment**



# Implied Powers

- **Necessary and Proper Clause** (Article I, Section 8, Clause 18) *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...”* also called the **Elastic Clause (Created Implied Powers)**



# Examples



- **Expressed Power: Raise an Army**

Implied Power: Establish a draft to raise and Army

Implied Power: Develop new armored tanks

Implied Power: Construct military bases

- **Expressed Power: Collect Taxes**

Implied Power: Establish the IRS (Internal Revenue Service)

Implied Power: Establish a national bank

Implied Power: Punish those who fail to pay their taxes

- **Expressed Power: Regulate commerce**

Implied Power: Prohibit the importation of certain goods

Implied Power: Prohibit the exportation of certain goods

