

Constitutional Law: Principles and Practice

Federal Legislative Powers

Chapter 4

Constitutional Law: Principles and Practice

Legislative Power in General

- The lawmaking power of Congress is found primarily in Article I, Section 8.
- Power to regulate
 - All matters dealing with foreign relations
 - Limited matters of domestic concern
- Necessary and Proper Clause
- Various constitutional amendments provide additional powers.

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Taxation and Spending Powers

- Limitation on the power to tax
- Income tax: direct or indirect
- Regulation vs. revenue
- Taxes in conflict with other constitutional provisions
- Spending power

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Interstate Commerce Power

- Interstate commerce and the Supreme Court cases
 - *Gibbons v. Ogden*
 - *United States v. Lopez*
- Limits on the power to regulate interstate commerce
 - Supreme Court will strike down a law if it violates another constitutional right.

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Interstate Commerce and Congress

- Business legislation
- Criminal laws
- The environment
- Communications and the Internet
- Civil rights legislation
- Universal healthcare reform

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War Powers

- The president is made the commander in chief of the armed forces under Article II.
- Congress is authorized to:
 - Declare war
 - Raise and support an army and navy
- War Powers Resolution
 - Response to presidential acts during Vietnam War
 - Limited presidential war power

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Fiscal Powers

- Congress has exclusive power to regulate the U.S. money system.
 - Coin money
 - Punish counterfeiters
- Congress also has exclusive power over bankruptcy.

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Power to Investigate

- Congress has the power to conduct investigations.
- Inquiry must be related to the constitutional powers of Congress.
- The primary tool is the ability to subpoena witnesses.
- Congress can enforce subpoenas with contempt power.

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Delegation of Congressional Powers

- Congress created administrative agencies, and commissions regulate specific areas.
- The delegation of power is sometimes controversial.