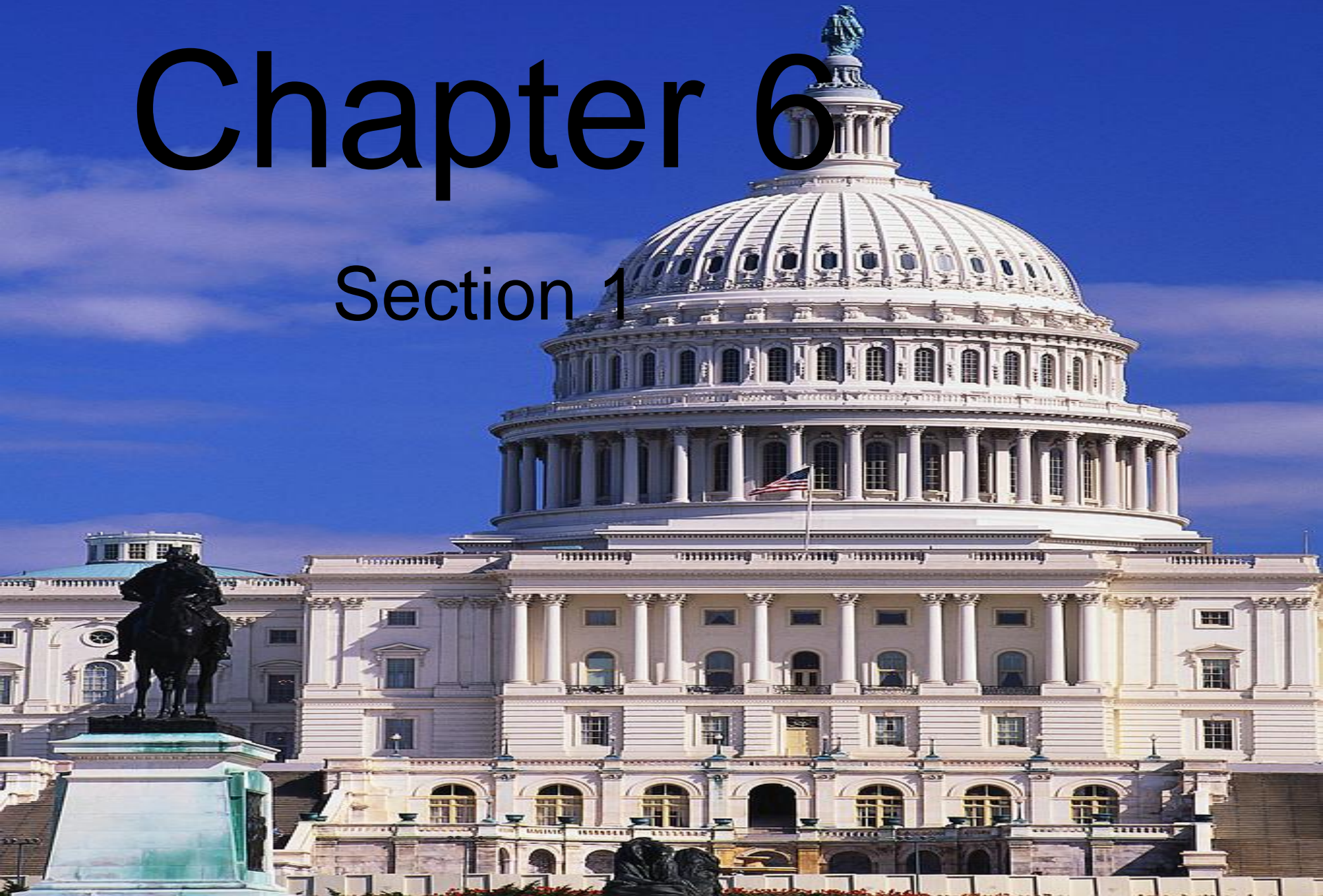


Chapter 6

Section 1



Chapter 6

- Legislative Powers of Congress
 - Article 1, section 8, clauses 1-18
 - expressed powers: powers listed in the constitution
 - necessary and proper clause:
Congress has power to do whatever in order to carry out expressed powers
 - Implied

Chapter 6

- Conflicts with the Constitution
 - Interpretation of the constitution causes problems because the constitution can be interpreted in many different ways.

Chapter 6

- Denied Powers
 - Article I, section 9
 - Congress cant suspend the writ of habeas corpus
 - They may not pass bill of attainder
 - Laws that establish guilt and punishment for people without trial
 - Prohibited from passing ex post facto laws
 - Cant make an act criminal that was legal when committed
 - Cant tax exports

Chapter six

- Legislative powers
 - Non Legislative powers: confirm or deny presidential appointments
 - Legislative powers
 - Pass laws
 - Control over the economy
 - Taking, spending and regulating commerce

Chapter 6

- Taxing and Spending Power
 - Allows congress to influence policy because no government agency can spend money without authorization
 - Allows congress to impose many taxes
 - Laws for raising money (Revenue bills)
 - Start in the house and then go to the senate
 - Appropriations Bills
 - Laws proposed to authorize spending money
 - Spending request comes from the executive branch

Chapter 6

- Money powers
 - Congress has power to pay for government costs
 - Authorizing sale of government securities: Bonds
 - Legislative Branch
 - Power to coin money
 - Regulate money value
 - Laws on bankruptcy
 - Administer the assets of a person or business that can't pay debts

Chapter 6

- **Commerce Power**

- Commerce Clause allows congress to regulate interstate and foreign commerce

- **Gibbons v Ogden**

- New York granted Ogden the right to run steamboats in the Hudson river btwn. NJ and NY. One day Ogden ran into a rival from New Jersey, Gibbons, and tried to sue him for running steamboats in the river. It was ruled however that commerce in the river, being between NJ and NY, was interstate commerce and thus fell under the commerce clause

- commerce since has expanded its power using this clause to control things like interstate workers' wages

Chapter 6

- **Heart of Atlanta Motel v United States**
 - congress used its power over commerce to pass the Civil Rights Act which prohibited discrimination in places like hotels and restaurants and in jobs.
 - the above mentioned court case occurred because a motel owner in Georgia was upset, saying that his motel was local business, therefore not subject to the national government's rulings and the Civil Rights Act. He lost.

Chapter 6

- Providing for the nation's Growth
 - power over naturalization (the process by which immigrants become citizens)
 - admit new states and govern any territories
 - pass laws to govern federal property
- Other Legislative Power
 - power to grant copyright and patents (A copyright is the exclusive right to publish and sell a literary, musical, or artistic work for a pacified period of time)
 - power to establish a post office and federal court-combat criminal activity

Chapter 6

- Nonlegislative Power

- The power to choose a president
- If no candidate has a majority, the president from the three candidates with the more electoral votes
- vice president breaks tie.
- twice in American history
 - Thomas Jefferson over Aaron Burr
 - John Quincy Adams over Andrew Jackson
- 20th Amendment
 - move up the inauguration of a new president from March to January 20th
- 25th Amendment
 - Clearly lays out what happens if a president , vice president, or elected candidate dies or is incapacitated

Chapter 6

- Constitution give congress powers:
 - naturalization
 - Article IV-section 3(admits new states and govern territories)
 - Article I & IV (pass laws to govern federal property)
 - Article I-Section 8 (grants copyrights and patents and establishes a post office and feeral courts)

Chapter 6

- The power to choose a president
 - Congress counts electoral college votes
 - Each house delegation has one vote
 - Senate chooses vice president from the two candidates with most electoral votes
- 20th and 25th Amendment:
 - gives congress power to settle problems from death of electoral candidates, presidential incapacity or resignation
 - when office of vice president is vacant, President appoints replacement. Congress must confirm appointment.

Chapter 6

- The Confirmation Power:
 - Senate has the power to approve presidential appointments of federal officials
 - Each year senate looks more closely at several hundred nominations to cabinet and sub cabinet positions, regulatory agencies, major diplomatic and military posts, and the federal judiciary
 - The senate has rejected about 20% of court nominations

Chapter 6

- The Removal Power:
 - The constitution grants congress the power to remove any federal official from office.
 - If majority of the house votes to impeach a public official, the senate conducts the trial
 - Two-thirds vote of those senators present is required for conviction and removal
 - Richard Nixon impeached in 1974
 - Bill Clinton went to court but found not guilty
- Causes for impeachment:
 - Treason
 - Bribery
 - Other high crimes
 - Misdemeanors

Chapter 6

- The Ratification Power
 - Article II Section 2 gives senate the power to ratify treaties between the U.S. and other nations.
 - To ratify a treaty, 2/3 senators votes must occur (helps shape foreign policy)
- Amendment Power
 - Congress shares with state legislature the power to propose amendments. They may be proposed by 2/3 vote of both houses or by a convention called by legislatures of 2/3 of states. This convention has never had to occur.

Chapter vocab.

- Expressed powers- enumerated powers, legislative powers of congress in article 1
- Necessary and proper clause- elastic clause, last clause in set. 8, gives congress power to do whatever is necessary and proper to carry out its other powers
- Implied powers- have allowed congress to expand it's role to meet the nation's needs
- Revenue bills- laws for raising money, start in the house and go to the senate
- Appropriations bills- laws proposed to authorize spending money, is not spelled out in constitution
- Interstate commerce- commerce among the states, founders provided what has become one of the most sweeping powers of gov't
- Impeachment- the formal accusation of misconduct in the office, if a majority of the house votes to impeach an official, the senate conducts a trial, 2/3 vote of senators