

Article One, Section Eight of the U.S. Constitution

Do you believe that the federal government operates within the bounds of the U.S. Constitution *as originally intended by the Founders*?

Per Wikipedia, "Article One of the U.S. Constitution describes the powers of Congress, the legislative branch of the federal government. The Article establishes the powers of and limitations on the Congress, consisting of a House of Representatives composed of Representatives, with each state gaining or losing representation in proportion to its population, and a Senate, composed of two Senators from each state. The article details the manner of election and qualifications of members of each House. It outlines legislative procedure and enumerates the powers vested in the legislative branch. Finally, it establishes limits on the powers of both Congress and the states".

It is important to remember that Congress may exercise only those powers granted by the Constitution and are subject to the EXPLICIT RESTRICTIONS in the Bill of Rights and other protections outlined in Constitutional text. The 10th Amendment states that all prerogatives not vested in the federal government nor prohibited of the states are reserved to the states and to the people, which means that the only prerogatives of the Congress (as well as the Executive Branch and the Judicial Branch) are limited to those explicitly stated in the Constitution.

There are 10 Sections within Article One. Of particular interest is Section 8 which gives to the Congress certain broad enumerated powers. Have these powers been abused by Congress? Do you think it is possible that the court interpretations of these powers too broad? We'll let you decide!

Here are the Congressional powers outlined in Section 8:

Section 8:

- *The Congress shall have power To lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States;*
- *To borrow money on the credit of the United States;*
- *To regulate commerce with foreign nations, and among the several states, and with the Indian tribes;*
- *To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;*
- *To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;*
- *To provide for the punishment of counterfeiting the securities and current coin of the United States;*
- *To establish post offices and post roads;*
- *To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;*

- *To constitute tribunals inferior to the Supreme Court;*
- *To define and punish piracies and felonies committed on the high seas, and offenses against the Law of Nations;*
- *To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;*
- *To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;*
- *To provide and maintain a navy;*
- *To make rules for the government and regulation of the land and naval forces;*
- *To provide for calling forth the militia to execute the laws of the union, suppress insurrections and repel invasions;*
- *To provide for organizing, arming, and disciplining, the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;*
- *To exercise exclusive legislation in all cases whatsoever, over such District (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings;—And*
- *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.*

What is the liberal/progressive perspective on the limitations of the powers granted by the Constitution?

Of course, they prefer 'a *more open interpretation of the constitution*'. These are remarks made by Chief Justice Marshall in the 1819 McCulloch vs. Maryland case:

"We admit, as all must admit, that the powers of the Government are limited, and that its limits are not to be transcended. But we think the sound construction of the Constitution must allow to the national legislature that discretion with respect to the means by which the powers it confers are to be carried into execution which will enable that body to perform the high duties assigned to it in the manner most beneficial to the people. Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consistent with the letter and spirit of the Constitution, are constitutional," wrote Chief Justice Marshall.

Sadly, those who hold this view control much of our government and media today.

Read more: <http://www.answers.com/topic/enumerated-powers#ixzz1BCTb0Gfu>