

# THE ENUMERATED POWERS AND DUTIES OF THE FEDERAL GOVERNMENT

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## CONGRESSIONAL POWERS

The very first sentence of the First Article of the Constitution states, "All legislative powers herein granted shall be vested in a Congress of the United States."

Neither the president nor the Supreme Court justices can make laws -- except by usurpations tolerated by Congress. The legislative power, together with the power of the purse, makes Congress the most powerful of the three branches of the Federal Government.

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**Many, but not all, powers of Congress are contained in Article I, Section 8. The full list, including the law-making powers follows:**

- \*Levy Taxes
- \*Borrow money on the credit of the United States.
- \*Spend when authorized by an appropriations bill
- \*Pay the Federal debt
- \*Constitute tribunals inferior to the Supreme Court
- \*Declare War
- \*Raise armies, a navy, and provide for the common defense
- \*Introduce constitutional amendments and choose the mode of ratification
- \*Call a Constitutional Convention on the application of two-thirds of the States
- \*Regulate interstate and foreign commerce.
- \*Coin Money
- \*Standardize the value of currency
- \*Regulate copyrights and patents
- \*Establish federal courts lower than the Supreme Court.
- \*Limit the appellate jurisdiction of the Federal Courts including the Supreme Court.
- \*Standardize weights and measures.
- \*Establish uniform times for elections.
- \*Control the Postal System
- \*Establish laws governing citizenship
- \*Make its own rules and discipline its own members.
- \*Provide for the punishment of counterfeiting, piracy, treason and other Federal Crimes.
- \*Exercise exclusive jurisdiction over the District of Columbia
- \*Establish Bankruptcy laws
- \*Override presidential vetoes.
- \*Oversee all Federal property and possessions
- \*Fill a vacancy in the presidency in cases of death or inability
- \*Receive and count electoral votes for the Presidency
- \*Keep and publish a journal of its proceedings
- \*Conduct a census every ten years.

- \*Approve treaties, cabinet level appointments, and appointments to the Supreme Court (Senate only).
  - \*Impeach (House only) and try (Senate only) federal officers.
  - \*Initiate all bills for raising revenue (House only).
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These are the powers of Congress; there are no non-enumerated powers. Leaving nothing to inference, the Constitution even specifies that Congress may pass the laws "necessary and proper" for executing its specified powers. Congressmen have simply to study and apply the Constitution in order to restore sound government. That most fail to do so is not the fault of the Founders, but the people who elect the congressmen and send them to Washington.

Informed constituents should always evaluate how their U.S. representatives and senators vote in light of the constitutionally authorized powers of Congress. They should use this knowledge not only to apply informed pressure on their congressmen but to inform and activate their fellow citizens.

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## **EXECUTIVE POWERS**

The powers of the Presidency follow:

- \*Execute Federal Laws
  - \*Serve as commander in Chief
  - \*Commission U.S. military officers.
  - \*Conduct foreign affairs
  - \*Grant reprieves and pardons to Federal Offenders
  - \*Veto Bills
  - \*Convene and/or adjourn sessions of Congress under extraordinary circumstances.
  - \*Make treaties (Subject to Senate confirmation)
  - \*Temporarily fill vacancies that may occur during the recess of the Senate.
  - \*Appoint Supreme Court justices and other Federal judges (Subject to Senate confirmation)
  - \*Report to Congress on the State of the Nation.
  - \*Recommend measures for the Congress to consider.
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## **JUDICIAL POWERS**

The power of the Federal Judiciary is limited to judging:

- \*All cases arising under the Constitution, federal laws, and treaties
- \*All cases affecting ambassadors; other public ministries, and consuls
- \*All cases of Admiralty and maritime jurisdiction;
- \*Controversies to which the U.S. is a party; and
- \*Controversies between two or more states, a state and the citizen of another states citizens of different states and citizens of the same state claiming lands under grants of different states.

(In addition, the Chief Justice of the Supreme Court has the exclusive authority to preside at the Senate Trial of an impeached president).

The Constitution only established a Supreme Court and granted to Congress the power to establish lower federal courts. (Article III Section 1). Thus Congress possesses the power to abolish all Federal Courts except the Supreme Court. Congress can also limit the appellate jurisdiction of the Supreme Court itself (see Article III Section 2). And, of course, Congress can also impeach federal judges, who are to serve only during times of good behavior. The limited powers of the federal Judiciary and the checks that Congress has over it make it the weakest of the three branches of government.

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Under our system of government, the federal government may not execute any non-enumerated power, no matter how desirable, unless the power in question is first granted to the Federal Government through the amendment process (Article V). To do so without a constitutional amendment is usurpation. States may exercise numerous powers not listed above, although the particulars vary from one state to the next depending on the state constitution.