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**Powers of Congress How is power
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government? - Belinda Stutzman

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After the airstrikes, House Speaker Nancy Pelosi (D-CA) said defending American troops "must always be our top priority." But the Speaker noted that Congress required "additional briefings" about the ...

Inside Congress' fight over presidential 'war powers'

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Congress's Permission To Hold A
Constitutional Convention?

Furious arguments, abrupt decision changes, perpetual dismay and "anarchy and chaos" defined the final days of the Trump administration, according to The Wall Street Journal's senior White House ...

'Anarchy and chaos': Michael Bender book describes turmoil in Trump White House

In its first public hearing with witnesses, President Biden's reform commission largely stayed away from the idea of expanding the court.

Experts Debate Reducing the Supreme Court's Power to Strike Down Laws

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In a fiery address Tuesday, President Biden called on Republican lawmakers to protect voting rights and counter laws that place restrictions on the ballot.

Biden calls on GOP to protect voting rights 'for God's sake' in fiery address
The Poor People's Campaign pressed Congress on Monday to take action on voting rights, a \$15 minimum wage and ending the Senate filibuster. The advocacy group, led by Bishop William Barber and the Rev.

Poor People's Campaign looks to puts pressure on Congress
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ABOUT LAST NIGHT: “Senate Democrats on Tuesday reached an early agreement to pursue a sweeping

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Power Up: Senate Democrats reach \$3.5 trillion budget agreement. Will it stick?

The European Union’s top court ruled Thursday that Poland’s way of disciplining high judges is contrary to EU law, further strain. It was the latest development in a six-year dispute and the second ...

EU court: Poland's disciplining of judges breaches EU law

Two top Democrats on the House oversight panel sent a letter to the chief executive of private contractor

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Cyber Ninjas seeking communications, documents and other material.

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House panel launches investigation of GOP-commissioned election review in Arizona

Nigeria's lawmakers are on the cusp of clearing an oil industry overhaul that has eluded the nation for two decades. Final passage of a package of measures is expected as early as Wednesday due to ...

Factbox: Nigeria's oil overhaul faces last battles over fuel, northern drilling
Police say they were protecting sensitive information from falling into the hands of rioters. A defense attorney argues the officers destroyed key evidence in her client's drug case.

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As the Third Precinct burned, Minneapolis police officers in another precinct destroyed case files Mexico will propose that state-run power utility the Comision Federal de Electricidad (CFE) will supply 54% of the market under a planned reform of the sector, President Andres Manuel Lopez Obrador ...

UPDATE 1-Mexican president wants state to supply 54% of power market Supporters of the recent prime minister, K.P. Sharma Oli, said they would not accept the ruling. But nearly two dozen members of his own party wanted him out.

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A leading scholar of Congress and the Constitution analyzes Congress's surprisingly potent set of tools in the system of checks and balances.

Congress is widely supposed to be the least effective branch of the federal government. But as Josh Chafetz shows in this boldly original analysis, Congress in fact has numerous powerful tools at its disposal in its conflicts with the other branches.

These tools include the power of the purse, the contempt power, freedom of speech and debate, and more.

Drawing extensively on the historical development of Anglo-American legislatures from the seventeenth century to the present, Chafetz concludes that these tools are all means by which Congress and its members battle for public support.

When Congress uses them to engage

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successfully with the public, it increases its power vis-à-vis the other branches; when it does not, it loses power. This groundbreaking take on the separation of powers will be of interest to both legal scholars and political scientists.

Cover -- Half Title -- Title -- Copyright -- Dedication -- Contents -- Acknowledgments -- Introduction -- PART ONE: SEPARATION-OF-POWERS MULTIPLICITY -- Prelude -- 1 Political Institutions in the Public Sphere -- 2 The Role of Congress -- PART TWO: CONGRESSIONAL HARD POWERS -- 3 The Power of the Purse -- 4 The Personnel Power -- 5 Contempt of Congress -- PART THREE: CONGRESSIONAL SOFT POWERS -- 6 The Freedom of Speech or Debate -- 7 Internal

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Discipline -- 8 Cameral Rules --
Conclusion: Toward a Normative
Evaluation -- Notes -- Index -- A -- B --
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-- V -- W -- Y -- Z

Jay's treaty is the name of the treaty between Great Britain and the U.S., concluded by John Jay on Nov. 19, 1794, ratified June 24, 1795, and containing provisions for the surrender to the U.S. of the military posts, the settlement of the Eastern boundary, and the payment of claims by the Americans, among the other provisions.

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Recent Supreme Court rulings have called into question federal Clean Water Act coverage for certain wetlands and streams. Legislation recently introduced in the House of Representatives would amend the Act to restate and clarify Congress intent to regulate the waters of the United States to the fullest extent of its legislative power. The Environmental Law Institute has issued a new white

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paper that identifies which constitutional powers Congress can rely on to protect the Nations waters, and explains in straightforward language what the Supreme Court has said about these powers. The Supreme Court rulings in question (Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers, 2001, and Rapanos v. United States, 2006) were limited to interpreting Congressional intent in 1972, when Congress used the terms "navigable waters" and "waters of the United States" to assert federal jurisdiction under the Act. The Court has never decided the underlying constitutional question: what is the scope of Congresss constitutional authority to protect the Nations waters? ELIs legal analysis is intended to inform this debate.

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Congress's contempt power is the means by which Congress responds to certain acts that in its view obstruct the legislative process. Contempt may be used either to coerce compliance, to punish the contemnor, and/or to remove the obstruction. Although arguably any action that directly obstructs the effort of Congress to exercise its constitutional powers may constitute a contempt, in recent times the contempt power has most often been employed in response to non-compliance with a duly issued congressional subpoena-whether in the form of a refusal to appear before a committee for purposes of providing testimony, or a refusal to produce requested documents. Congress has

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three formal methods by which it can combat non-compliance with a duly issued subpoena. Each of these methods invokes the authority of a separate branch of government. First, the long dormant inherent contempt power permits Congress to rely on its own constitutional authority to detain and imprison a contemnor until the individual complies with congressional demands. Second, the criminal contempt statute permits Congress to certify a contempt citation to the executive branch for the criminal prosecution of the contemnor. Finally, Congress may rely on the judicial branch to enforce a congressional subpoena. Under this procedure, Congress may seek a civil judgment from a federal court declaring that the individual in question is legally obligated to comply with the

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congressional subpoena. A number of obstacles face Congress in any attempt to enforce a subpoena issued against an executive branch official.

Although the courts have reaffirmed Congress's constitutional authority to issue and enforce subpoenas, efforts to punish an executive branch official for non-compliance with a subpoena through criminal contempt will likely prove unavailing in many, if not most, circumstances. Where the official refuses to disclose information pursuant to the President's decision that such information is protected under executive privilege, past practice suggests that the Department of Justice (DOJ) will not pursue a prosecution for criminal contempt. In addition, although it appears that Congress may be able to enforce its own subpoenas through a declaratory

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civil action, relying on this mechanism to enforce a subpoena directed at an executive official may prove an inadequate means of protecting congressional prerogatives due to the time required to achieve a final, enforceable ruling in the case.

Although subject to practical limitations, Congress retains the ability to exercise its own constitutionally based authorities to enforce a subpoena through inherent contempt. This report examines the source of the contempt power, reviews the historical development of the early case law, outlines the statutory and common law basis for Congress's contempt power, and analyzes the procedures associated with inherent contempt, criminal contempt, and the civil enforcement of subpoenas. The report also includes a detailed discussion of

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two recent information access disputes that led to the approval of contempt citations in the House against then-White House Chief of Staff Joshua Bolten and former White House Counsel Harriet Miers, as well as Attorney General Eric Holder. Finally, the report discusses both non-constitutional and constitutionally based limitations on the contempt power.

The U.S. Constitution establishes a system of dual sovereignty between the states and the federal government, with each state having its own government, endowed with all the functions essential to separate and independent existence. Although the Supremacy Clause of the Constitution designates "the Laws of the United States" as "the supreme Law of the

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Land," other provisions of the Constitution-as well as legal principles undergirding those provisions-nonetheless prohibit the national government from enacting certain types of laws that impinge upon state sovereignty. The various principles that delineate the proper boundaries between the powers of the federal and state governments are collectively known as "federalism." Federalism-based restrictions that the Constitution imposes on the national government's ability to enact legislation may inform Congress's work in any number of areas of law in which the states and the federal government dually operate. There are two central ways in which the Constitution imposes federalism-based limitations on Congress's powers. First, Congress's powers are restricted by and to the terms of

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express grants of power in the Constitution, which thereby establish internal constraints on the federal government's authority. The Constitution explicitly grants Congress a limited set of carefully defined enumerated powers, while reserving most other legislative powers to the states. As a result, Congress may not enact any legislation that exceeds the scope of its limited enumerated powers. That said, Congress's enumerated powers nevertheless do authorize the federal government to enact legislation that may significantly influence the scope of power exercised by the states. For instance, subject to certain restrictions, Congress may utilize its taxing and spending powers to encourage states to undertake certain types of actions that Congress might otherwise lack the

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Constitutional authority to undertake on its own. Similarly, the Supreme Court has interpreted the Constitution's Commerce Clause to afford Congress substantial (but not unlimited) authority to regulate certain purely intrastate economic activities that substantially affect interstate commerce in the aggregate. Congress may also enact certain types of legislation in order to implement international treaties. Additionally, pursuant to a collection of constitutional amendments ratified shortly after the Civil War, Congress may directly regulate the states in limited respects in order to prevent states from depriving persons of certain procedural and substantive rights. Finally, the Necessary and Proper Clause augments Congress's enumerated powers by empowering the federal government to enact laws

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that are "necessary and proper" to execute its express powers. In addition to the internal constraints on Congress's authority, the Constitution also imposes external limitations on Congress's powers vis-à-vis the states—that is, affirmative prohibitions on certain types of federal actions found elsewhere in the text or structure of the Constitution. The Supreme Court has recognized, for instance, that the national government may not commandeer the states' authority for its own purposes by forcing a state's legislature or executive to implement federal commands. Nor may Congress apply undue pressure to coerce states into taking actions they are otherwise disinclined to take. Furthermore, the principle of state sovereign immunity—which limits the circumstances in which a state may be forced to defend

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itself against a lawsuit against its will-
imposes significant constraints on
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Congress's ability to subject states to
suit. Finally, the Supreme Court has
recognized limits to the extent to which
Congress may subject some states to
more onerous regulatory burdens than
other states.

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