

# Section 1: Constitutional Powers

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- I. Constitutional Provisions
  - A. The “necessary and proper” clause has been used to expand the power of Congress
  - The Supreme Court has issued conflicting rulings on the “elastic” clause
  - *McCulloch v. Maryland* case upholds the doctrine of “implied powers” (see p. 157)
- The powers of Congress are limited by
  - The Bill of Rights
  - The Constitution (expressed, implied & inherent powers)
- Congress can't
  - Suspend the writ of habeas corpus (let a court decide if someone has been legally detained)
  - Pass bills of attainder (no trial)
  - Pass ex post facto laws (make something illegal after the fact)

# Reteaching Activity Development Of Congressional Powers Key

**Brien Hallett**



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