

Lesson 26: *The Powers of Congress II*

(Lesson Time 41:46)

[for Sunday, July 12, 2015]

Reading: *The Making of America*, pages 380-395

Chapter 15: The Powers of Congress II

Pre-lesson questions for homework study and review: [*Supplemental* notes are bracketed]
[287 Constitution Provisions “principles” in text.]

1. WHY WAS IT CRITICAL TO AUTHORIZE THE NATIONAL GOVERNMENT TO PAY ITS DEBTS?
(PAGES 380-81)

Provision 77

Congress to pay debts with taxes.

- o First use of tax money
 - o Large Rev War debt [79Million – A LOT THEN!]
2. WHAT WAS THE SIGNIFICANCE OF GIVING THE FEDERAL GOVERNMENT THE POWER TO SPEND MONEY FOR THE COMMON DEFENSE OF THE NATION? (381-86)
 - o Revive public confidence
 - o States cannot pay
 3. ACCORDING TO THE FOUNDERS, WHAT DOES THE TERM "GENERAL WELFARE" MEAN? (387)

Provision 78

Spend taxes for Common Defense.

- o A main reason to unionize [as in ‘union’ of states]
 - o If declare war, must fund war.
4. EXPLAIN HOW ALEXANDER HAMILTON'S POLICIES DEPARTED FROM THE ORIGINAL MEANING OF "GENERAL WELFARE." (388)

Provision 79

Spend for enumerated powers but only for general welfare.

- o Jefferson: limitation of power (quote)
 - o Hamilton: cannot spend for local (quote)
 - o New Hamilton: spend for anything
5. GIVE SOME EXAMPLES OF HOW THE SUPREME COURT ALLOWED THE FEDERAL GOVERNMENT TO EXCEED ITS SPENDING AUTHORITY BEFORE 1936. (388)
[1 Construction of internal improvements (e.g. railroads) Congress empowered itself to do so.
 2. Authority to charter and purchase stock in federal land banks ... justified by war powers and fiscal operations deem necessary.
 3. States and citizens denied the right to challenge the appropriation of federal funds in unconstitutional ways.
 4. In 1896 “common defence[sic]” and “general welfare” became justifications of government acquisitions of lands for national parks.]
 6. DESCRIBE THE BUTLER CASE OF 1936 AND HOW THE COURT LITERALLY CHANGED ITS INTERPRETATION OF "GENERAL WELFARE." (388-89)

- o Supreme Court agreed with Jefferson until 1936 in Butler Case (p.388)
 - Congress can spend for any good cause
 - Social Security
 - Withholding to force compliance

7. CITE TWO LANDMARK DECISIONS BY THE SUPREME COURT THAT WERE BASED ON THE BUTLER CASE. (389)

[Two Landmark Decisions after the Butler Case, 1938, 1947]

[*Social Security Act* (1938)– justified by the reasoning of the ‘general welfare’ idea reversely interpreted from the founders.

Oklahoma v. Civil Service Commission – (1947) Conditional “grants in aid” to states were sustained by the Supreme Court, and thus when offered, the federal government withheld the aid when one of the commissioners was found guilty of political actions while so employed. The result was OK was denied highway funds the federal government promised.]

8. WHAT WARNING DID JAMES MADISON GIVE REGARDING THE INTERPRETATION OF THE "GENERAL WELFARE" CLAUSE? (390)

- o Madison’s warning (quote): (FIGURE 1)

9. GIVE EXAMPLES OF ATTEMPTS BY GOVERNMENT OFFICIALS TO RESTRICT FEDERAL SPENDING TO THE LIMITS IMPOSED BY THE CONSTITUTION. (390-92)

[Cumberland Road Veto (by Pres. Monroe)

River & Harbor Bills(Pres’s: Tyler, Polk, Pierce, Grant, Arthur, and Cleveland), 2 or 3 more in text!]

10. HOW DOES THE CONSTITUTION PROTECT THE PEOPLE AGAINST DISCRIMINATORY TAXATION? (392)

Provision 8o

All taxes to be uniform.

- o Meant to apply equally to everyone
- o Supreme Court says geographical uniformity!
 - allows graduated income tax!

11. HOW DID THOMAS JEFFERSON FEEL ABOUT THE CONSTITUTIONAL PROVISION ALLOWING CONGRESS TO CREATE A NATIONAL DEBT? (392-95)

Provision 81

Congress may borrow money. [most states forbid this!]

- o Jefferson said this was a mistake - suggested an amendment (quote)
- o Only 3 groups benefit from debt
 - 1 banks
 - 2 recipients of gov spending
 - 3 politicians credited with generosity
- o Leads to oppressive taxation (quote)

“If Congress can apply money indefinitely to the general welfare, and are the sole and supreme judges of the general welfare, they may take the care of religion into their own hands; they may take into their own hands the education of children, establishing in like manner schools throughout the Union; they may undertake the regulation of all roads, other than post roads. In short, everything from the highest object of State legislation, down to the most minute object of policy, would be thrown under the power of Congress; for every object I have mentioned would admit the application of money, and might be called, if Congress pleased, provisions for the general welfare.”⁸²

Figure 1 -James Madison WARNS on “general welfare” potential abuses

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Quiz - Lesson 26

1. WHAT IS THE FIRST THING THE FOUNDERS MENTIONED SHOULD BE PAID WITH
FEDERAL TAXES? _____
2. HOW MUCH NATIONAL DEFENSE IS NECESSARY? _____
3. WHAT DID THE FOUNDERS MEAN BY "GENERAL WELFARE"?

4. AFTER HAMILTON BECAME SECRETARY OF TREASURY, HOW DID HE INTERPRET "GENERAL
WELFARE"?

5. THE SUPREME COURT MOSTLY HELD TO THE FOUNDERS INTENT OF "GENERAL WELFARE"
UNTIL WHAT YEAR? _____.

6. JUSTICE ROBERTS IN THE _____ CASE SAID THE CONGRESS IS NOT
_____ IN THEIR SPENDING AUTHORITY IN THE CONSTITUTION.
7. MADISON PREDICTED IF THE FEDERAL GOVERNMENT EVER BROKE OUT OF ITS
CONSTRAINTS IN SPENDING, IT WOULD TAKE OVER SEVERAL AREAS. NAME ONE.

8. WHAT IS THE CONSTITUTIONAL REQUIREMENT CONCERNING ALL FEDERAL TAXES
THROUGHOUT THE UNITED STATES?

9. HOW DOES THE SUPREME COURT INTERPRET "UNIFORMITY" OF TAXATION?

10. JEFFERSON EXPRESSED THE WISH THAT THE FEDERAL GOVERNMENT NOT HAVE THE
POWER TO _____.
11. WHAT IS A BETTER WAY TO GET EMERGENCY MONEY QUICKLY IF NEEDED, ACCORDING TO
JEFFERSON? _____