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Chapter 1 : Commerce Clause | Wex Legal Dictionary / Encyclopedia | LII / Legal Information Institute

I would like to thank my opponent for creating a debate on if government should have any authority to legislate morality. As Pro, I hold that, should government exixt, the government should have some power, but not absolute power, to legislate morality.

Argentina[edit] The Constitution of Argentina provides in its Preamble that one of its purposes is to "promote the general welfare". A comparative, international analysis of the meaning of this phrase in the Argentine constitution is provided by an report from the Supreme Court of Argentina: The Court recognized that the United States utilized the clause only as a source of authority for federal taxation and spending, not for general legislation, but recognized differences in the two constitutions. Within its territorial jurisdiction and subject to the provisions of this Constitution and national laws, the organic act of autonomous regions shall provide for legislative powers over. Such other matters as may be authorized by law for the promotion of the general welfare of the people of the region. The President may enter into agreements with foreign-owned corporations involving either technical or financial assistance for large-scale exploration, development, and utilization of minerals, petroleum, and other mineral oils according to the general terms and conditions provided by law, based on real contributions to the economic growth and general welfare of the country. The State shall pursue a trade policy that serves the general welfare and utilizes all forms and arrangements of exchange on the basis of equality and reciprocity. The advertising industry is impressed with public interest, and shall be regulated by law for the protection of consumers and the promotion of the general welfare. Supreme Court has held the mention of the clause in the Preamble to the U. Constitution "has never been regarded as the source of any substantive power conferred on the Government of the United States or on any of its Departments. Constitution are an atypical use of a general welfare clause, and are not considered grants of a general legislative power to the federal government. They [Congress] are not to lay taxes ad libitum for any purpose they please; but only to pay the debts or provide for the welfare of the Union. In like manner, they are not to do anything they please to provide for the general welfare, but only to lay taxes for that purpose. Congress is not empowered to tax for those purposes which are within the exclusive province of the States. General Welfare Clause arises from two distinct disagreements. The first concerns whether the General Welfare Clause grants an independent spending power or is a restriction upon the taxing power. The second disagreement pertains to what exactly is meant by the phrase "general welfare. No stronger proof could be given of the distress under which these writers labor for objections, than their stooping to such a misconstruction. Had no other enumeration or definition of the powers of the Congress been found in the Constitution, than the general expressions just cited, the authors of the objection might have had some color for it; though it would have been difficult to find a reason for so awkward a form of describing an authority to legislate in all possible cases. This narrow view was later overturned in United States v. Consequently, the Supreme Court held the power to tax and spend is an independent power and that the General Welfare Clause gives Congress power it might not derive anywhere else. However, the Court did limit the power to spending for matters affecting only the national welfare. Shortly after Butler, in Helvering v. Even more recently, in South Dakota v. Dole [25] the Court held Congress possessed power to indirectly influence the states into adopting national standards by withholding, to a limited extent, federal funds. To date, the Hamiltonian view of the General Welfare Clause predominates in case law. Individual states[edit] The state of Alabama has had six constitutions. The Preamble of the Alabama Constitution notes one purpose of the document to be to "promote the general welfare," [26] but this language is omitted from the Alabama Constitution. Article VII of the Constitution of Alaska , titled "Health, Education, and Welfare", directs the legislature to "provide for the promotion and protection of public health" and "provide for public welfare". Article IV of the Constitution of Massachusetts provides authority for the state to make laws "as they shall judge to be for the good and welfare of this commonwealth. Eight states had already ratified prior to the publication of the specific paper in which Madison made this argument in Federalist No. Before this time, The Federalist had only been published irregularly outside of New York, which itself ratified after Virginia. While The Federalist is considered an

important contemporary account of the views and intentions of the founders, its essays are considered to have had little effect on the actual passage of the constitution. See Lupu, Ira C. Constitutional Commentary p.

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Chapter 2 : Solution-Examine the value of dicta to the judicial

The authority to legislate for the protection of the health, morals, safety, and welfare of the people. In the United States, most police pwer is reserved to the states. Concurrent Powers.

How a Law Becomes a Law According to the Library of Congress, approximately 40, state and federal laws are ratified annually. For this reason, it is important to have an understanding of the manner in which a law is enacted. Imagine that your supervising attorney has approached you to research this topic. Write a two to three page paper in which you: Identify the source s from which the authority to legislate is derived. Provide a rationale for your response. Examine the value of dicta to the judicial decisions. Provide two 2 examples that illustrate the potential effect of dicta on judicial decisions. Use at least two 2 quality references. Wikipedia and other Websites do not qualify as academic resources. Your assignment must follow these formatting requirements: Be typed, double spaced, using Times New Roman font size 12 , with one-inch margins on all sides; citations and references must follow APA or school-specific format. Check with your professor for any additional instructions. The cover page and the reference page are not included in the required assignment page length. The specific course learning outcomes associated with this assignment are: Describe the publication and codification of statutory law, and the publication of case laws and judicial opinions. Research information using primary and secondary sources. Develop effective research strategies, and conduct effective and efficient research using conventional sources, the Internet, and computer-assisted legal research. Use technology and information resources to research issues in legal research and writing. Write clearly and concisely about legal research and writing using proper writing mechanics. Here are some pointers you can follow: Provide your rationale for your response. Here, think about the branches of government and legislative branch. Where does the branch gain authority to legislate? What are the resources relied upon for that authority? Use your research, and integrate the rExamine the value of dicta to the judicial decisions. First you should make sure you have defined and explained dicta. Then, address how dicta relates to judicial decisions. Next answer whether or not there is any value of dicta present in the decision - what is the value? Set the foundation by explaining the concept in the first part of the question. Then show what dicta is by providing 2 examples, then, assess its effect on the judicial opinion - does the dicta highlight, explain, the factors considered in the holding further, or is it a distraction, is the dicta merely red herrings. Be sure to explain and discuss your examples. Wikipedia and other Websites do not qualify as academic resourcesesources to explain and support the positions taken. Properly cite to the work.

Chapter 3 : Online Debate: Should the government have any authority to legislate morality? | calendrierdel

Write a two to three () page paper in which you: Identify the source(s) from which the authority to legislate is derived. Determine whether or not Congress has unreasonably and unlawfully expanded upon an identified source's authority to legislate.

Jurisdiction[edit] The authority of federal administrative agencies stems from their organic statutes , and must be consistent with constitutional constraints and legislative intent. Rulemaking[edit] Federal administrative agencies, when granted the power to do so in a statutory grant of authority from Congress, may promulgate rules that have the effect of substantive law. Agencies "legislate" through rulemaking â€”the power to promulgate or issue regulations. Administrative law statutes governing rulemaking[edit] Section of the Administrative Procedure Act gives the following definitions: Rulemaking is "an agency process for formulating, amending, or repealing a rule. The Administrative Procedure Act , 5 U. Executive Order , which was issued in , requires agencies other than independent agencies to submit proposed rules for reviews by OIRA if the rule meets certain criteria. The regulation must lie within a grant of power from Congress, and that delegation must in turn be constitutional courts almost never invalidate a regulation on this ground. Some agencies have power to promulgate both substantive rules as well as procedural rules ; some like the IRS, EEOC, and Patent and Trademark Office may promulgate only procedural rules. When Congress grants that authority retroactively, courts carefully scrutinize the case, and sometimes bless the regulation, and sometimes invalidate it. The regulation must be promulgated with observance of the procedures of required by the statutes set forth in the previous section. Among these procedures, one of the most important is the requirement that an agency set forth factual findings sufficient to support a rational basis or by procedures otherwise inadequate to meet the statutes listed above. Georgetown University Hospital , U. Campbell , U. Agencies must abide by their own rules and regulations. Shaughnessy , U. Courts must defer to administrative agency interpretations of the authority granted to them by Congress 1 where the intent of Congress was ambiguous and 2 where the interpretation was reasonable or permissible. Natural Resources Defense Council, Inc. Chevron is probably the most frequently cited case in American administrative law. Formal rulemaking , which is rulemaking for which the organic statute requires that rules be "made on the record after agency opportunity for hearing" that is, a trial-type hearing that is taken down by a transcriptionist into the record and for which the APA prescribes particular procedures. The phrase "on the record" is required to trigger requirements for formal rulemaking; simply requiring that rules be made "after a hearing" does not trigger the requirements of formal rulemaking. Informal rulemaking , also known as "notice-and-comment rulemaking," which is rulemaking for which no procedural requirements are prescribed in the organic statute , and for which the APA requires only notice and comment. Hybrid rulemaking , which is rulemaking for which particular procedural requirements beyond notice and comment, but not rising to the level of formal rulemaking. Negotiated rulemaking under 5 U. Publication rulemaking , or "nonlegislative rulemaking," typically for procedural rules, interpretative rules, or matters relating to agency management or personnel, that an agency may promulgate by publication in the Federal Register. A class called "guidance" includes all rules not promulgated by legislative procedure, such as guidance, guidelines, agency staff manuals, staff instructions, opinion letters, interpretive memoranda, policy statements, guidance manuals for the public, circulars, bulletins, advisories, press releases stating agency position, and the like. The class of "guidance" is almost, but not exactly, coextensive with the union of the sets of interpretative rules, general statements of policy, and housekeeping rules. Someone has to have authority to adopt some interpretation, and do so with a minimum of procedural delay. So the law grants every agency the authority to promulgate interpretative rules, and to do so with minimal procedural fuss. If an interpretation satisfies a long list of criteria, then the interpretation is binding on parties before the agency, courts, and the agency itself, under Chevron U. Robbins for agency interpretations of regulations [7]. The inquiries under Chevron and Auer are slightly different. But the analytical similarities overshadow the differences. For this short article, we will gloss over the differences, and treat Chevron and Auer together. We consider that the rulings, interpretations and opinions of the [agency], while not controlling upon the courts by

reason of their authority, do constitute a body of experience and informed judgment to which courts and litigants may properly resort for guidance. The weight of such a judgment in a particular case will depend upon the thoroughness evident in its consideration, the validity of its reasoning, its consistency with earlier and later pronouncements, and all those factors which give it power to persuade, if lacking power to control. The law permits parties before the agency to argue alternative interpretations, and under the law, agencies are supposed to respond to the arguments, and not foreclose alternatives suggested by parties. But as a pracitcal matter, agencies seldom give anything more than short shrift consideration to alternatives. On judicial review, the practical reality is that a court is most likely to agree with the agency, under Skidmore deference. Formal Interpretations of Statutes or Regulations[edit] Some agency interpretations are binding on parties and the courts, under Chevron deference [10]: When an agency interprets its own organic statute for Chevron or a regulation that it promulgated under Auer , and the interpretation meets all the following prerequisites, only then does the agency receive the high deference of Chevron or Auer. In addition to the three classical steps, an agency must observe additional procedural formalities: Silences without a Congressional rulemaking charge are just silences, leaving the underlying default in place. An agency may promulgate interpretative rules outside the scope of its rule making authority. Where an agency can only issue legislative rules pursuant to an express grant of authority from Congress, an agency may and is encouraged to issue advisory interpretations to guide the public. The decision maker must ensure that there is indeed an ambiguity that is not resolved by any binding law, but if the ambiguity exists, the decision maker simply interprets as best he or she may. Nonetheless, the agency cannot expect the interpretation to be binding in court; because it does not have the force of law, parties can challenge the interpretation. Agencies use them to express agency preferences, but with no binding effect. Policy statements have no binding effect. The Executive Office of the President stepped in to stop bootleg rulemaking, and forbade this practice. The distinction between these types of rules has been called "one of the most confusing in administrative law". Adjudication[edit] Section of the Administrative Procedure Act gives the following definitions: First, the Due Process clause of the 5th Amendment or 14th Amendment can require that a hearing be held if the interest that is being adjudicated is sufficiently important or if, without a hearing, there is a strong chance that the petitioner will be erroneously denied that interest. Conclusion[edit] The adjudication will typically be completed with a written report containing findings of fact and conclusions of law , both at the state and federal level. Federal tribunals in the United States Determining whether rulemaking or adjudication is appropriate[edit] Agency actions are divided into two broad categories discussed above, rulemaking and adjudication. For agency decisions that have broad impact on a number of parties, including parties not specifically before the agency, the agency must use the procedures of rulemaking see the bullet list in "Administrative law statutes governing rulemaking" above. Because actions by rulemaking affect many parties, rulemaking procedures are designed to ensure public participation, and are therefore more cumbersome, except that the agency is permitted to seek comment by publication of notice, without soliciting the views of specific parties. For decisions that, on first glance, affect only a small number of parties that actually appear before the agency see the section on "Adjudication" above , the agency may use procedures that are generally simpler, but that require the agency specifically solicit input from the directly affected parties. Adjudication decisions may become precedent that binds future parties, so the transition zone between the regime for rulemaking and the regime for adjudication is very hazy. The classical test for the dividing line is seen in the contrast between two cases decided a few years apart, both involving taxes levied by the city of Denver Colorado. In , in Londoner v. City and County of Denver , a tax levied on residents of a particular street was held to be an adjudication, and the Supreme Court ordered the city to do a "do over," because the residents of the street were not given sufficient opportunity to be heard. Then, in , in Bi-Metallic Investment Co. Factors tending to make an act adjudicative in nature: Involving a small number of people Individuals involved are specially affected by the act Decision based on the facts of an individual case, rather than policy concerns For most agencies, the choice of whether to promulgate rules or proceed by common law adjudicative decisions rests in the informed discretion of agencies. Agencies may also announce new policies in the course of such adjudications. Patent and Trademark Office, 35 U. Circuit , which hears many administrative law cases, has been found less deferential than other

courts.

Chapter 4 : Article I: The Legislative Branchâ€"The Enumerated Powers (Section 8) - National Constitution

The authority to legislate for the protection of the health, morals, safety, and welfare of the people. In the United States, most police power is reserved to the states. Concurrent Power.

Child welfare services include various home-based services to strengthen and improve family functioning, other supportive services to maintain children in their own homes, financial support and services for children while they are in foster care, services to reunite children with their families if possible, and adoption assistance or other permanency planning services for children if family reunification is not feasible. This program provides seven major services on behalf of children: To provide these services to children, requirements are put upon the states and participants alike. State requirements include automated registries of child support orders along with a centralized automated state collection and disbursement unit. Likewise, applicants and recipients are required to cooperate in establishing paternity or obtaining support payments or risk penalties for noncompliance. Collection methods used by CSE agencies include income withholding, intercepts of federal and state income tax refunds, intercepts of unemployment compensation, liens against property, security bonds, and reporting child support obligations to credit bureaus. Moreover, all jurisdictions have civil or criminal contempt-of-court procedures and criminal non-support laws. All states adopted the Uniform Interstate Family Support Act UIFSA under which state courts basically treat valid child support orders entered in another state as having been entered in their own state the state which has jurisdiction over the person required to pay the support for enforcement purposes. Further, only one state has continuing jurisdiction to modify 98 P. The Deficit Reduction Act of P. Interstate Family Support Act, 9 pt. United States, 24 F. This requires all other states to recognize the order and to refrain from modifying it unless the first state has lost jurisdiction. UIFSA only governs jurisdiction to hear interstate child support proceedings. Thus, the forwarding of a UIFSA proceeding to a state that would not normally have jurisdiction over custody issues does not subject the petitioner to custody claims the respondent might make. However, this was frequently not the case, because in many instances a second state would assert its own jurisdiction to modify the original decree or enter a new decree which in its view supersedes the original one. Rather, non-custodial parents would take the child to another state, and that state, by virtue of its jurisdiction over the party seeking the modification, would enter a new decree changing the custody arrangement because circumstances changed since the entering of the original decree. Prefatory Note, 9 pt. Thus, the doctrine of res judicata, which holds that upon a finally adjudication a matter cannot be reopened or collaterally attacked in the original state or elsewhere, fails to apply in child custody decrees. However, it must be noted that the PKPA does not confer jurisdiction on the federal courts. This act merely delineates which jurisdiction may modify child support and custody orders. As such, the PKPA is inapplicable to instate disputes and only relevant in interstate disputes when the jurisdictions have conflicting laws. As such, parents are bound by state court decisions regarding custody, visitation and support. Even when domestic relations laws are drafted with great specificity, they fail to yield comparable results in seemingly comparable cases. Each domestic relations case presents a unique fact pattern which gives judges and hearing examiners wide discretion in determining an equitable ruling in each case. For this reason, reported domestic relations cases have little precedential value except when cited for general policy considerations. These resolutions lack any legally binding force or effect, but are introduced in the hope that if Congress goes on record as favoring a certain policy, the individual states will be encouraged to adopt legislation advancing that policy. The appeal results in a written decision reprinted in various court reporting services. This resolution passed the House of Representatives on April 22, , and passed the Senate on September 29, Consequently, some states have enacted specific grandparent visitation statutes, while others include grandparents within a broader third-party visitation statute. The content of these visitation laws varies greatly. A few states allow grandparent Cong. Code Chapter 48, article 10 ; Wisconsin Wis. And the Congress may by general laws prescribe the manner in which such Acts, Records, and Proceedings shall be proved, and the effect thereof. Therefore, they are not entitled to full faith and credit. April 4, finding Illinois grandparent visitation law facially invalid because it places a fit parent on equal footing with the parent

seeking visitation ; State ex rel. Act to accord full faith and credit to child custody and support orders. Questions concerning the validity of an out-of-state marriage are generally resolved without reference to the Full Faith and Credit Clause. As previously discussed, marriages are not regarded as judgments. As such, eleven states have passed legislation prohibiting recognition of out-of-state same-sex marriage. Legal Issues, by Alison M. Both cases arose out of the following scenario: They lived there for six weeks to satisfy the Nevada durational residency requirement for divorce, at which time they obtained divorces upon substituted service i. North Carolina then began prosecution under its bigamous cohabitation statute. In Williams I, the Supreme Court held that in granting the divorce, Nevada was justified in assuming that the parties were bona fide Nevada domiciliaries a jurisdictional requirement. Thus, the divorce was valid and warranted recognition as such by the other states including North Carolina. However, in Williams II, the Court held that a divorce decree issued in one state could be collaterally impeached in another by proof that the court which tendered the decree lacked jurisdiction. In this particular case, the fact that the new Mr. As such, the divorce was void because the issuing court lacked proper jurisdiction. The bill was referred to the House Committee on the Judiciary on July 9, and was referred to the Subcommittee on the Constitution on September 4, No further action has been taken on this bill. North Carolina, U. While the situation has minimized with domestic divorce decrees, a comparable situation now exists regarding certain foreign divorce decrees e. The rule of comity, which generally provides for recognition of foreign decrees issued by courts of competent jurisdiction, governs. However, the jurisdictional tests applied are usually those of the United States, rather than the divorcing country. As such, a divorce obtained in a foreign country will be invalid in the United States if neither spouse was domiciled in that country, even if domicile is not required for jurisdiction under its law. New York is the only state which recognizes bilateral foreign divorces where both parties participate even where its own jurisdictional requirements are not satisfied. Justice Frankfurter, in a concurring opinion in Williams I, noted that Congress had the authority under the Full Faith and Credit Clause to require national recognition of divorce decrees, but had not yet chosen to exercise such authority: This rule of law was not created by the federal courts. It comes from the Constitution and the Act of May 26, , c. Congress has not exercised its power under the Full Faith and Credit Clause to meet the special problems raised by divorce decrees. There will be time enough to consider the scope of its power in this regard when Congress chooses to exercise it. In response to this dicta, Senator Pat McCarran introduced bills in the 80th through the 83rd Congresses which, if enacted would have required all states to recognize divorce decrees where: The only exceptions included fraud of the successful party which misled the defeated party. However, several Caribbean countries continue this practice. Senate, in and , but neither became law and no such measure is presently pending. Three of the enactments pertain to family law concerns. To date, the major legislative initiative in this area is 28 U. Retroactive modification is prohibited, and prospective modification is authorized if the court finds that circumstances exist which justify a change. Any protection order issued by one state or tribe shall be treated and enforced as if it were an order of the enforcing state. The act extends to permanent, temporary, and ex parte protection orders. Full faith and credit is afforded during the period of time in which the order remains valid in the issuing state. Protection orders are only S. Analysis and Interpretation Under this language, a state court retains jurisdiction over a child for six months after the child leaves the state, as long as the custodial parent continues to reside in that state. Congress directed sister states to give full faith and credit to child custody, child support, and protection orders from other states. In effect, Congress required each state to give the child custody, child support, and protection orders of other states the same faith and credit it gives its own such orders. The Baehr court held that while there is no fundamental right for same-sex couples to marry, the state statute restricting marriage to opposite-sex couples established a sex-based classification subject to strict scrutiny for the purposes of an equal protection challenge. The court held that the statute amounted to sex discrimination when analyzed under this standard. The plaintiffs in Baker were three same-sex couples in.

Chapter 5 : General welfare clause - Wikipedia

Constitutional History of the American Revolution, Volume III: The Authority to Legislate (v. 3) by John Phillip Reid (Author).

Con Over the past several years the government has taken an obscene role in legislating morality. There are many facets in this argument, yet I think we should limit them to only a bare few. The governing bodies of many nations worldwide have taken a stance on the validity of marriage. It is a hot debate that is laced with religious dogma, pseudoscience, and public debates on morality. The original definition of marriage is an intimate or close union. Legally speaking, marriage affords certain government benefits such as, but not limited to: None of those benefits would change if conferred upon a homosexual or heterosexual union. The existence of "sin taxes. There are numerous consumption or luxury taxes in place that penalize citizens for wanting to obtain finery. It is something that is accepted at this point, yet the government wanted to increase revenue and orchestrated sin taxes. Those would be taxes on tobacco and alcohol. They fund things like schools and community outreach. Something that on the surface looks to be noble. If we delve deeper though, it becomes apparent that this is an unbalanced notion. There are several programs that lend aid and even profit to individuals that have children and use for community programs. They are not paying for their usage, instead relying on individuals that participate in "immoral behaviour". The regulation of adult enterprise. Each time a business that caters to adults opens, providing that it is dealing with sexual taboos, it is met with an onslaught of protesters and red tape. These are only three examples of legislation that is primarily geared towards the morality of the populous. Report this Argument Pro I would like to thank my opponent for creating a debate on if government should have any authority to legislate morality. As Pro, I hold that, should government exixt, the government should have some power, but not absolute power, to legislate morality. As Con, my opponent is arguing that government should not have any authoirty to legislate morality. Because I am taking the stance that they should only have some power, there is no need to defend any etreme cases; I only need to show that some cases are legit. I will argue that the following three examples are some cases where the government should have the authority to legislate. It is also viewed that the government should take measures to limit the instances of these actions through legislation with crime and punishment. I will keep the arguement basic at this point and allow my opponent to express why they belive that these should not be legislated by the government. Thank you, Con I would like to thank my opponent for her thought provoking rebuttal. I would like to start by acquiescing that in the absence of some rare or extreme cases; rape, murder, and theft are all considered highly immoral acts. That being said, it is my role as the Con to pick apart the argument. James Madison said, "It will be of little avail to the people that the laws are made by men of their own choice if the laws be so voluminous that they cannot be read, or so incoherent that they cannot be understood; if they Law is defined to be a rule of action; but how can that be a rule, which is little known, and less fixed? As Thomas Jefferson put it in his First Inaugural Address, the law should "restrain men from injuring one another" but "leave them otherwise free to regulate their own pursuits. He is defining crime as an act that injures, or seriously impedes rights. If we take James Madison as an expert of law, he is hailed as the father of the Constitution and drafted the Bill of Rights then we see that, although theft, murder, and rape are immoral, they are criminal because they are victim based. Now the debate has evolved into whether or not crimes are moral, obviously they are not. This still leaves the question of whether the government should have the ability to pass laws based on morality alone, with or without the virtue of a victim or a violation of justice or injury. I still stand firm on the notion that all laws that get passed should be written ethically, but have criminal intent at their core. The three examples from round one gay marriage, "sin taxes, and abolition of adult enterprises specifically when treated differently from other businesses that hold similar licenses , are all examples of legislated morality with little or no intrinsic value of the spirit of the law behind them. If we allow laws to be passed solely on the standing of morality, then it will not be long before all of the new laws are slanted toward the values and credos of the lawmakers, not of the populace as a whole. Morals are a personal code of what is right and wrong; the catalyst being personal. What is right for some is rarely right for others and never right

for all. In the United States we have a representative government and it is important that we represent as many as possible. This is most succinctly achieved by relegating lawmaking into areas of criminal violations and preventing it from drifting into values, beliefs, or morals. Report this Argument Pro I would like to thank my opponent for their argument. I will expand this round upon how everything my opponent has argued for is nothing but an extension of morals. All we need to do to see that my opponent is still arguing for moral legislation is to expand his answers with "why? It is legislated because it is "victim based" or victimizes others. But that begs the question, why should the government care if something victimizes another person? Just because one is victimized, why should it be illegal? Because most believe that victimizing someone is wrong, which is a moral statement. This just expands that the law is ultimately based on morals, sometimes you just have to dig a little. Without "right" and "wrong" as morals determine there is no ought or should, and so there is no law and there is nothing that law should do unless my opponent is suggesting the laws be only for the benefit of the law makers regardless of morals. I thank my opponent as we move into the final round for closing statements. Report this Argument Con I would like to thank my opponent for their argument. Several good points were raised in this debate and I will keep my conclusion short. My opponent is arguing that laws that are victim based are also morally based, but I think that point is also crippling to the argument. Many things are morally wrong, but not criminally wrong. It is not a coincidence that it is called a criminal code. A moral code is personal and governs a very small group. If we were to have each morality passed into law, we would have a system that was both confusing and over run, partially due to the vast and varying morals, and partly due to the many conflicting morals. I would never attempt to debate that crimes are morally based, but I would argue that it is not a good reason to pass a law that is solely moral. Laws may seem solely moral, but they exist to protect citizens from victimization, not to regulate what people do for themselves, by themselves. I would like to thank my opponent in advance for her posting. Report this Argument Pro My opponent did not dispute that legislation against victimization is a moral legislation, nor did my opponent argue that we should not legislate against such things. As such, my opponent has agreed that the government should have some authority to legislate some morality. The resolution has been affirmed.

Chapter 6 : Delegation of Legislative Power

Date: October 16, Contact: Only Congress Has The Authority To Legislate Net Neutrality. Since the Federal Communications Commission's (FCC) decision to enact the Restoring Internet Freedom Order, liberating the Internet from Depression-era utility regulations that slowed network innovation and investment, some states have pursued a patchwork approach concerning the.

Section 8 contains the enumerated powers of the federal government delegated to Congress. The following was prepared by the Office of the Secretary of the Senate with the assistance of the Library of Congress, providing the original text of each clause of the Constitution with an accompanying explanation of its meaning and how that meaning has changed over time. Powers of Congress Section 8, Clause 1: This section was supplemented by the 16th amendment, which permitted Congress to levy an income tax. Article I, Section 8, Clause 2: Borrowing Power Text Explanation To borrow Money on the credit of the United States; Congress can borrow money through the issuance of bonds and other means. When it borrows money, the United States creates a binding obligation to repay the debt and cannot repudiate it. Article I, Section 8, Clause 3: Interstate commerce covers all movement of people and things across state lines, and every form of communication and transportation. The commerce clause has permitted a wide variety of federal laws, from the regulation of business to outlawing of racial segregation. Article I, Section 8, Clause 4: Naturalization and Bankruptcies Text Explanation To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States; Acts of Congress define the requirements by which immigrants can become citizens. Only the federal government, not the states, can determine who becomes a citizen. Bankruptcy laws make provisions for individuals or corporations that fail to pay their debts. Article I, Section 8, Clauses 5 and 6: Money Text Explanation To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures; These clauses permit Congress to coin money and to issue paper currency. Post Office Text Explanation To establish Post Offices and post Roads; The postal powers embrace all measures necessary to establish the system and to insure the safe and speedy transit and prompt delivery of the mails. Congress may also punish those who use the mails for unlawful purposes. Article I, Section 8, Clause 8: Copyrights and Patents Text Explanation 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; Copyright and patent protection of authors and inventors are authorized by this clause, although it uses neither word. Article I, Section 8, Clause 9: Article I, Section 8, Clause Maritime Crimes Text Explanation To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations; Every sovereign nation possesses these powers, and Congress has acted under this authority from the beginning. Article I, Section 8, Clauses 11, 12, 13, Congress declares war, while the president wages war. However, presidents have committed U. The Militia Text Explanation To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions; Under these provisions, the right of the states to maintain a militia, including what is now the National Guard, is always subordinate to the power of Congress. In Congress first gave the president authority to call out the militia to suppress insurrections. Presidents employed this power to enforce federal law during desegregation disputes during the s, and later during the civil disturbances in various cities during the s 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; Article I, Section 8, Clause Congress has now delegated that power to a locally elected government, subject to federal oversight. Necessary and Proper Clause Text Explanation 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. This clause also authorizes Congress to enact legislation necessary to carry out the powers of the other branches, for example to organize and reorganize the executive branch. Does the Constitution Require Birthright Citizenship?

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Chapter 7 : The Authority to Legislate on Vimeo

not prohibited, are reserved to the states, or to the people. States have police power, the authority to legislate for the protection of the health, morals, safety, and welfare of the people. Enable states to pass laws governing such activities.

Chapter 8 : Family Law: Congress' Authority to Legislate on Domestic Relations Questions

Universal Basic Income - Top 3 Pros and Cons Does the US Congress Have Authority to Legislate Felon Enfranchisement in Federal Elections? Felon Voting Homepage.

Chapter 9 : United States administrative law - Wikipedia

States in this group "find delegations of legislative power to be acceptable so long as recipients of the power have adequate procedural safeguards in place. Resources Alaska: Division of Legal and Research Services, Delegation of authority to a gaming commission, March