

# Con Law Big Picture

## Step Two: Has the Challenged Party Exceeded Its Powers?

Challenged Party Will Be the Defendant, Except When a Constitutional Defense is Raised Against Plaintiff

### President Federal Executive



#### Constitutional Limits:

##### Domestic Powers

APPOINTS & REMOVES OFFICERS  
PARDON & VETO POWER  
POWER BALANCED WITH CONGRESS

##### External Affairs

MILITARY & FOREIGN AFFAIRS  
TREATIES & EXEC. AGREEMENTS  
EXEC. PRIVILEGE & IMMUNITY

##### Subject to Impeachment

MAJOR. VOTE IN HOUSE TO IMPEACH,  
2/3 VOTE IN SENATE TO REMOVE

### Congress Federal Legislature



#### Constitutional Limits:

##### Enumerated Powers:

- TAX & SPEND
- WAR DEC.
- PROPERTY
- BANKRUPTCY
- POSTAL
- MONEY
- COMMERCE
- WEIGHTS
- MEASURES
- CITIZENSHIP
- ADMIRALTY
- INVESTIGATORY
- MILITARY COURTS
- PATENT/COPYRIGHT

##### Necessary & Proper Clause

ONLY SUPPLEMENTS OTHER POWERS

##### Administrative Agencies

DELEGATION OF LAW-MAKING TO EXECUTIVE

### State Gov't Any Branch, or City



#### Limits in Relation to Fed:

##### Express Limitation

SOME FED. POWER DENIED TO STATES:  
TREATIES, COINING MONEY, IMPORTS, ETC.

##### Exclusive State Powers

10th AMEND. SAYS STATES HAVE  
ALL POWERS NOT DENIED BY CONST.

##### Supremacy Clause

CONFLICT OR PREEMPTION: FED WINS

##### Privileges & Immunities

CAN'T DENY RIGHTS OF OUT-OF-STATERS

##### Dormant Commerce Clause

CAN'T DISCRIM. OR BUDEN INTERST. COMM.

### Private Party Person or Corp.



#### Constitutional Limit:

##### 13th Amend: No Slavery

APPLIES TO PRIVATE PARTIES  
NO STATE ACTOR REQUIREMENT