

# Constitutional Powers of the Three Federal Branches: Scope, Limits, and Overlap

Evolution and changes through 2026

# Constitutional Framework

- Article I: Congress — legislative power, taxing, spending, commerce
- Article II: President — execute laws, commander-in-chief, foreign affairs
- Article III: Courts — judicial power, interpret law and Constitution
- Core structure: separation of powers + checks and balances

# Congress: Core Powers

- Make federal law; bicameral passage + presentment (Art. I)
- Taxation and appropriation (Art. I, §8, §9)
- Regulate commerce among the states (Commerce Clause)
- Declare war; advise/consent on appointments/treaties

# President: Core Powers

- Faithfully execute federal laws (Art. II)
- Commander-in-Chief of the armed forces
- Conduct foreign relations and negotiate treaties (with Senate)
- Appoint officials (with Senate advice/consent); grant pardons

# Judiciary: Core Powers

- Interpret Constitution and federal law; resolve disputes
- Judicial review of statutes and executive acts (Marbury v. Madison, 1803)
- Federal jurisdiction limits: cases/controversies, standing, mootness

# Formal Limits on Congress

- Powers limited to enumerated grants; Necessary & Proper constrained by scope (U.S. Const. art. I)
- Bicameralism and presentment required for valid legislation
- Judicial review can invalidate statutes exceeding constitutional authority

# Formal Limits on the Executive

- Must follow statutes enacted by Congress (Youngstown Sheet & Tube Co. v. Sawyer, 1952)
- Limited by constitutional protections and judicial remedies
- Congressional control via funding, oversight, and impeachment

# Formal Limits on the Judiciary

- Limited to actual cases/controversies; standing required (e.g., *Lujan v. Defenders of Wildlife*, 1992)
- Congress can set jurisdictional rules within constitutional bounds
- No advisory opinions; remedies constrained by doctrines (mootness, ripeness)

# Key Doctrines & Landmark Cases

- Judicial review established (Marbury v. Madison, 1803)
- Executive limits in domestic crises (Youngstown, 1952)
- Legislative veto invalidated (INS v. Chadha, 1983)
- Agency deference doctrine (Chevron U.S.A. v. NRDC, 1984; narrowed in recent years)

# Overlap Areas Between Branches

- Appointments: President nominates; Senate confirms; courts adjudicate disputes
- Treaties & foreign policy: Exec negotiates; Senate ratifies; Congress funds/implements
- War & force: Commander-in-chief vs. Congress's declaration and funding powers
- Law enforcement: Executive enforces, Congress sets law, courts review

# Administrative State & Delegation

- Congress delegates implementation to agencies for technical policy
- Agencies issue rules, adjudicate certain disputes, enforce statutes
- Checks: statutory limits, congressional oversight, judicial review (Chevron; major-questions)

# Historical Evolution

- Early Republic: court establishes review (Marbury)
- 19th c.: Congressional predominance on many matters
- 20th c.: Rise of executive power and administrative state (New Deal onward)
- Late 20th–21st c.: Judicial rebalancing and heightened interbranch disputes

## Changes in the Last Decade (2016–2026)

- Increased executive unilateral actions: orders, emergencies, national-security directives
- Supreme Court tightened limits on agency power (major-questions doctrine; *West Virginia v. EPA*, 2022)
- Chevron deference curtailed/narrowed by Court rulings (2020s cases)
- Heightened subpoena/oversight conflicts between Congress and the Executive

# Recent Key Decisions

- West Virginia v. EPA (2022) — major-questions constraint on agency regulatory reach
- Loper Bright and related 2023–2024 rulings — limits on Chevron-style deference
- Cases on standing/jurisdiction affecting who can sue and when (various 2010s–2020s)

# Contemporary Overlap Case Studies

- Public health mandates: federal agencies vs. states; court limits on national mandates (post-COVID litigation)
- Immigration enforcement: executive discretion, statutory constraints, judicial review (ongoing)
- Tech/platform regulation: interaction among Congress legislation, executive pressure, and court First Amendment review

# Practical Implications & Takeaways

- Powers are distinct but interdependent; overlap is intentional and frequent
- Limits arise from Constitution, statutes, political checks, and court review
- Last decade: courts assertively policing administrative power; executives using unilateral tools more
- Expect continued political and legal contests over allocation of federal power

# Do Your Homework

- Consult trusted sources (expert analysts, independent journalists, established nonpartisan news outlets, news aggregators (e.g., Ground News))
- Ignore vested interests
- Look for DISconfirming instances (Black Swan)
- Read, read, read!

# Selected Citations / Further Reading

- *Marbury v. Madison*, 5 U.S. (1 Cranch) 137 (1803)
- *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579 (1952)
- *INS v. Chadha*, 462 U.S. 919 (1983)
- *Chevron U.S.A. v. NRDC*, 467 U.S. 837 (1984) — and recent narrowing cases (2020s)
- *West Virginia v. EPA*, 597 U.S. \_\_\_\_ (2022)
- *Loper Bright Enterprises v. Raimondo*, 598 U.S. \_\_\_\_ (2023)

Questions?

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