

Sec. 9—Powers Denied to Congress

Cl. 1—Importation of Slaves

Special Acts Concerning Claims

The Necessary and Proper Clause enables Congress to pass special laws to require other departments of the government to prosecute or adjudicate particular claims, whether asserted by the government itself or by private persons. In 1924,¹⁷⁶⁸ Congress adopted a Joint Resolution directing the President to cause suit to be instituted for the cancellation of certain oil leases alleged to have been obtained from the government by fraud and to prosecute such other actions and proceedings, civil and criminal, as were warranted by the facts. This resolution also authorized the appointment of special counsel to have charge of such litigation. Private acts providing for a review of an order for compensation under the Longshore and Harbor Workers' Compensation Act,¹⁷⁶⁹ or conferring jurisdiction upon the Court of Claims, after it had denied recovery, to hear and determine certain claims of a contractor against the government, have been held constitutional.¹⁷⁷⁰

Maritime Law

Congress may implement the admiralty and maritime jurisdiction conferred upon the federal courts by revising and amending the maritime law that existed at the time the Constitution was adopted, but in so doing, it cannot go beyond the reach of that jurisdiction.¹⁷⁷¹ This power cannot be delegated to the states; hence, acts of Congress that purported to make state workers' compensation laws applicable to maritime cases were held unconstitutional.¹⁷⁷²

SECTION 9. Clause 1. The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

IN GENERAL

This sanction for the importation of slaves by the states for twenty years after the adoption of the Constitution, when considered with

¹⁷⁶⁸ 43 Stat. 5 (1924). See *Sinclair v. United States*, 279 U.S. 263 (1929).

¹⁷⁶⁹ *Paramino Co. v. Marshall*, 309 U.S. 370 (1940).

¹⁷⁷⁰ *Pope v. United States*, 323 U.S. 1 (1944).

¹⁷⁷¹ *Detroit Trust Co. v. The Thomas Barlum*, 293 U.S. 21 (1934).

¹⁷⁷² *Knickerbocker Ice Co. v. Stewart*, 253 U.S. 149 (1920); *Washington v. Dawson & Co.*, 264 U.S. 219 (1924).