

Powers of Government

Enumerated/Expressed/Delegated Powers- These are the powers granted to the Federal Government of the US. They are clearly “expressed” in Article 1 Section 8 of the Constitution.

Reserved Powers- These are powers that are NOT specifically granted to the Federal Government, thus they are “reserved” to/for the states. They are not clearly listed and they include some powers that the Federal Government holds as well.

Concurrent Powers- These are powers that both the Federal Government and the state governments have.

For clarity and examples see Venn Diagram on back

Implied Powers- these are the powers that are NOT described or listed in the Constitution anywhere. They exist as an interpretation of 2 clauses; the *General Welfare clause* and the *Necessary and Proper clause*. The idea here is that the Federal Government not only has the powers that are clearly delegated to it but also the powers that are needed to execute the delegated powers and to secure the people’s rights. Think of them this way, if I gave you a directive to build a house, it is *implied* that I have also given you the authority to buy the wood, nails, wires, pipes, etc. necessary to build the house as well as hire the workers, architect, engineers, etc.

Necessary and Proper/Elastic Clause- also found in Article 1 Section of the Constitution and reads as follows; “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 any Department or Officer thereof.” This is also called the elastic clause because it allows Congress to *stretch* its powers into areas not clearly defined by the Constitution.

Federal System

