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

Powers of National Government
- Levy tariffs and taxes
- Regulate trade (interstate and foreign)
- Coin money
- Maintain armed forces
- Declare war
- Establish post offices
- Establish courts

Concurrent Powers
- Maintain law and order
- Levy taxes
- Borrow money
- Take land for public use
- Provide for public welfare

Powers of State Government
- Tax citizens
- Control public education
- Punish criminals
- Protect public health and safety
- Conduct elections
- Establish local governments
- Make marriage laws