

## Sample Answers: Comparing Powers in the U.S. Constitution Organizer

Directions: After reading the handout “Power to the States!”, explain each type of power in the boxes. Then answer the short response question below:

| Type of Power/<br>Location:   | Who holds this power?                | Explain this power in your own words:   | Examples:   |
|---|--------------------------------------|---|---|
| <b>Expressed</b><br>(enumerated, delegated)<br><br>Article I<br>Section 8 | <b>National Government</b>           | Powers specifically granted to the national government in the Constitution                                    | Coin money, Declare war, Raise armies, Conduct foreign affairs, Rules of Naturalization, Regulate interstate and foreign commerce, Govern US territories and admit new states |
| <b>Implied</b><br>(inherent)<br><br>Article I<br>Section 8                | <b>National Government</b>           | Powers not spelled out in the Constitution, but powers necessary to carry out the expressed or implied powers | Manage Federal funds, create cabinet positions, create federal agencies/departments   |
| <b>Concurrent</b><br><br>Article I<br>10th Amendment                      | <b>State and National Government</b> | Powers shared by the state and national government  | Tax, Lawmaking, Law enforcement, Eminent Domain, Establish courts, Borrow money, Define crime and set punishments, Claim private property for public use                      |
| <b>Reserved</b><br><br>10th Amendment                                     | <b>State Government</b>              | Powers only the states can exercise   | Conduct elections, Establish local government, Regulate intrastate commerce, set up and run public schools, Licensing requirements for professions, Regulate business         |

### Article I, Section 8, Clause 1 [General Welfare Clause]

*The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States; . . .*

### Article I, Section 8, Clause 18 [Necessary and Proper Clause]

*[The Congress shall have Power . . . ] 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 in any Department or Officer thereof.*

**What role do the two expressed powers above play in granting Congress implied powers?**

Answers vary: The broader language of these enumerated powers create a pathway to the implied powers.