The Relationship of Powers Held by the National Government and by the State

The role of the national government is characterized by the types of powers granted to it and denied to it under the Constitution and the U.S. federal system.

**TYPE OF POWER & CHARACTERISTICS**

**Expressed/Enumerated Powers**

Those powers given to the national government that are specifically spelled out in the Constitution.

**Implied Powers**

Those powers that are not expressly stated in the Constitution, but are reasonably implied by the powers that are expressly stated.

**Inherent Powers**

Those powers that belong to the U.S. government because it is a national government of a sovereign state.

**Powers Denied to the National Government**

Denied powers fall into three categories:

**Powers expressly denied in the Constitution**

Some powers are specifically denied to the national government in explicit language.

**Powers denied because the Constitution is silent on the matter**

Some powers are denied to the national government because the framers did not expressly give it such power; therefore, the national government cannot assume that it has the power.

**Powers denied because of the structure of a federal system**

Some powers are denied the national government because, within a federal system, the central and state governments are granted certain exclusive powers. Therefore, the national government can’t implement any law that undermines the powers of the state governments.

**DOCUMENTATION & EXAMPLES**

**Expressed/Enumerated Powers**

Article I, Section 8, U.S. Constitution, is a list of all the specific powers granted to Congress, such as “Congress shall have power to declare war.”

**Implied Powers**

Article I, Section 8, Clause 18, U.S. Constitution: The “necessary and proper clause” or “elastic clause” allows Congress to make all laws needed to carry out the powers stated in Clauses 1-17. For instance, Congress has passed many laws relating to the expressed power of regulating foreign and interstate commerce, such as making it a federal crime to move stolen goods across state lines.

**Inherent Powers**

Sovereign states have the right to regulate immigration, as well as the power to acquire territory by legal means.

**Powers Denied to the National Government**

Article I, Section 9, Clause 5, U.S. Constitution: Congress cannot impose a tax on exported goods from any state.

The Constitution says nothing about setting up a public school system, therefore the national government cannot take on that responsibility. Public schools are run by their local communities.

The national government cannot impose a tax on the functions of the state government because this could result in states being taxed out of existence.