

Expressed and Implied Powers

Article I, Section 8 of the US Constitution specifically outlines the powers granted to Congress. These powers are called “expressed powers” because they are specifically stated in the Constitution. There are also many significant things Congress does that are not specifically outlined in the Constitution. Congress takes these actions because time and the courts have agreed that Congress also has “implied powers,” powers that are related to the expressed powers but not specifically listed.

Activity 1

The following powers are some of the expressed and implied powers granted to Congress. Under each listed expressed power, write the implied power(s) from the list below and a brief explanation of the relationship you see between them.

Implied Powers:

Illegalize mail fraud – institute a draft – regulate the sale of certain things (drugs or gasoline) - establish a minimum wage – punish tax evaders - regulate/control immigration – ban discrimination in public and work places – control what can be mailed (alcohol, weapons) - conduct oversight hearings of executive actions - establish the Federal Reserve System (an independent agency that controls the money supply)

Expressed Powers

1. Regulate a Post Office (Article I, Section 8 [7])
2. Regulate commerce (business) (Article I, Section 8 [3])
3. Raise an Army and Navy (Article I, Section 8 [12-14])
4. Lay taxes (Article I, Section 8 [1])
5. Borrow money (Article I, Section 8 [2])
6. Establish naturalization laws (Article I, Section 8 [4])
7. Appropriate funds and pass laws (Article I, Section 8 [1, 18])