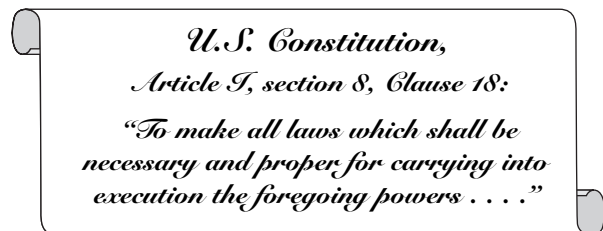


## Legislative Powers: Expressed and Implied

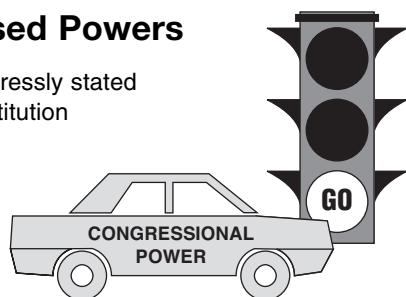


The Necessary and Proper Clause, also called the "Elastic Clause," is the constitutional basis for "implied powers."

Overview: Congress has some powers that are expressly outlined in the Constitution, and others, called implied powers, that are not stated outright but that Congress may assume in order to carry out its expressed powers. This does not give Congress free rein. The implied powers must be "reasonably" drawn from expressed powers.

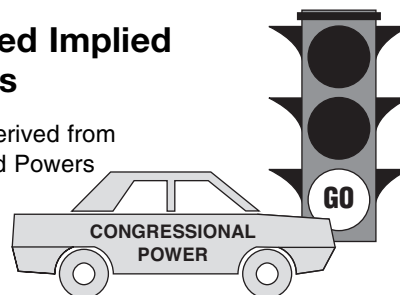
### Expressed Powers

Powers expressly stated in the Constitution



### Selected Implied Powers

Powers derived from Expressed Powers



### Sovereign Powers

- Power to declare war
- Power to raise and support armed forces
- Power to regulate the naturalization of citizens
- Power to approve treaties with foreign nations
- Power to acquire, manage, and dispose of federal territories

In 1947, through its expressed power to raise armies, Congress created the Air Force.

### Financial Powers

- Power to borrow money
- Power to impose and collect taxes
- Power to establish bankruptcy laws
- Power to "coin" money and set its value

Alexander Hamilton, the first secretary of the treasury, urged Congress to create a national bank. He argued that the powers to create such a bank were implied by Congress's expressed financial powers.

In 1862, Congress established the Internal Revenue Service to collect taxes and punish tax evaders.

### Commerce Powers

- Power to regulate trade:
  - with foreign nations
  - between states
  - with Indian nations

In 1995, the World Trade Organization is created as a successor to the General Agreement on Tariffs and Trade.

### Judicial Powers

- Power to create all federal courts below the Supreme Court
- Power to organize and compose a federal judiciary
- Power to define federal crimes and establish punishment for such crimes

Congress expanded the judicial system through its expressed power to create all federal courts lower than the Supreme Court. In 2003, a comprehensive network of courts exists, including 12 Courts of Appeals and 94 federal district courts.