

SS.7.C.3.4

Identify the relationship and division of power between the federal and state governments.

SS.7.C.3.4 Benchmark Clarification 4: Students will analyze the issues related to the Tenth Amendment of the U.S. Constitution.

The **Tenth Amendment** to the Constitution was added as the last Amendment in the **Bill of Rights**. The Tenth Amendment says: “The powers not delegated to the United States by the Constitution, nor prohibited to it by the States, are reserved to the States respectively, or to the people”.

Because the writers of the Constitution were concerned about giving too much power to the national government, they decided to list the specific powers for Congress (**enumerated/delegated powers**). When the **necessary and proper clause** was added to the Constitution, it was so broad that it allowed Congress also to have many powers that were not listed but were “necessary and proper” for Congress to use its enumerated/delegated powers.

The Tenth Amendment does not list any specific powers. Instead, it broadly says that all powers not given to the national government are reserved for the states and the people. This leaves the meaning of **reserved powers** open to interpretation in the states.

It is important to keep in mind that even though the Tenth Amendment reserves powers for the states, no state is allowed to make laws or take actions that violate the Constitution. In the Constitution, this is called the **Supremacy Clause**. It means that the Constitution is the “Supreme Law of the Land.”

Bill of Rights - the first ten amendments of the U.S. Constitution

enumerated or delegated powers - the powers specifically named and assigned to the federal government or prohibited to be exercised by the states under the U.S. Constitution

necessary and proper clause - the power of Congress to make laws that they need to carry out their enumerated powers

reserved powers - powers that are not granted to the federal government that belong to (are reserved to) the states and the people, see Tenth Amendment

Supremacy clause - the clause that states that the U.S. Constitution is the supreme law of the land, and that national laws are supreme over state laws, found in Article VI (six)

Tenth Amendment - the final amendment in the Bill of Rights, it states: “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”



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