

Name _____

The Elastic Clause— Stretching the Powers of Congress

The elastic clause is found in Section VIII, Clause 18, which gives Congress the ability “to make all laws which shall be necessary and proper” for carrying out its powers. The Constitution could not have listed everything Congress needs to do to run a nation, so it outlined Congress’s powers in broad terms and left the details for later.

Alexander Hamilton, the first Secretary of the Treasury, used the elastic clause to propose the Bank of the United States. Congress has the power to collect taxes and to borrow money, but the Constitution does not mention a power to create a banking system. However, Hamilton persuaded Congress that a national bank was necessary for organizing the collection of taxes and issuing securities for money it borrows. Congress created a national bank because it was “necessary and proper” to help them carry out their other powers.

Below are several examples of things Congress has done under the power of the elastic clause. In each case, the law or action was based on expanding one of the basic powers. Determine which original power was expanded and write that power in the space provided. Some powers may be used more than once.

1. In the 1950s, the federal government provided money for building a large system of highways across the United States.

Power: _____

2. Congress passed the Interstate Commerce Act in 1887, the Elkins Act in 1903 and the Hepburn Act of 1906 to stop the worst abuses that interstate railroads were inflicting upon their customers through the prices they charged.

Power: _____

3. The Sherman Anti-Trust Act of 1890 tried to regulate business monopolies that stopped trade by taking over large portions of a business or industry.

Power: _____

4. During the Great Depression, Congress passed the Social Security Act of 1935. Two of its ideas were unemployment insurance for those out of work and payments to older citizens of \$10 to \$85 per month.

Power: _____

5. After the Soviet Union put the first man-made satellite in orbit around the Earth in 1957, Congress passed the National Defense and Education Act. The Act provided money for needy students to study sciences and language in college.

Power: _____