

Handout E: An Old Whig (1787)

My object is to consider that undefined, unbounded and immense power which is comprised in the following clause: “And, to make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this constitution in the government of the United States; or in any department or offices [officer] thereof.” Under such a clause as this can any thing be said to be reserved and kept back from Congress? ...[B]esides the powers already mentioned, other powers may be assumed hereafter as contained by implication in this constitution. The Congress shall judge of what is necessary and proper in all these cases and in all other cases — in short in all cases whatsoever.

Where then is the restraint? How are Congress bound down to the powers expressly given? What is reserved or can be reserved?

1. **State in your own words the main concerns of the author of this passage.**