

# THE ENUMERATED POWERS OF CONGRESS

1. General Welfare
2. Borrowing
3. Commerce
4. Uniform Laws
5. Standards
6. Counterfeiters
7. Post Offices
8. Intellectual Property
9. Courts
10. Maritime Crimes
11. War Powers
12. Army
13. Navy
14. Land and Naval Forces Rules
15. Calling Militias
16. Organizing Militias
17. Encalve Clause

Section 8,  
Article I

1. Lay and collect taxes
2. Borrow money on credit of the US
3. US v. Lopez
4. Naturalization
5. Coin money
6. Punish counterfeiting
7. Protect the mails
8. Promote science and useful arts
9. Constitute tribunals inferior to Supreme Court
10. Punish piracies on the high seas
11. Power to declare war
12. Raise and support armies
13. Maintain/provide a navy
14. Regulation of land/naval forces
15. Power to call militias
16. Organize militias
17. Congressional power to exercise exclusive legislation over a district

CLAUSES



EXAMPLES

## 18. NECESSARY AND PROPER CLAUSE

This clause grants congressional power to make laws "necessary and proper" for carrying out the powers vested in the federal government. It allows congress to act where the Constitution doesn't give the authority to act.

"Elastic Clause"

Although each Enumerated Power of Congress is important, they vary in degree of importance. The **Necessary and Proper Clause (18)** is the most important because it allows Congress to carry out its enumerated powers and create laws that are necessary. **General Welfare (1)** is next because it gives Congress the authority to tax and spend money. **Commerce (3)** provides Congress the ability to regulate interstate/foreign commerce to keep relations well. **Borrowing (2)** is important because it gives the US the advantage of borrowing money to use in important situations. **Standards (5)** gives Congress the authority to coin money and regulate its value. **War Powers (11)** is important because it gives Congress the ability to declare war in times of distress. **Uniform Laws (4)** establishes naturalization and bankruptcy laws to keep the nation at peace. **Army (12)** allows the US to raise and support an Army/Navy to protect its citizens. **Courts (9)** allow Congress the ability to establish lower courts that handle specific legal disputes. **Navy (13)** allows the US to maintain a Navy. **Post Offices (7)** protects the mails and establishes roads and post offices, **Counterfeiters (6)** punishes counterfeiters and prevents fraud. **Maritime Crimes (10)** prevents piracies from occurring by punishing anything piracy related. **Intellectual Property (8)** grants citizens patents/copyrights to protect their works. **Organizing Militias (16)** allows for the organization, arming, and disciplining of the militias. **Calling Militias (15)** allows for the calling forth of the militias to execute the Laws of the Union. **Land and Naval Forces Rules (14)** makes rules for the government and regulation of land and naval forces (allows for protection of the nation), Finally, the **Enclave Clause (17)** allows Congress to exercise exclusive legislation in all cases whatsoever in a specific radius.

Most  
Important



Least  
Important

The main debate surrounding the "Necessary and Proper Clause" centers on the interpretation of the word **necessary**. Jefferson argued that powers explicitly stated in the Constitution should be followed. However, Hamilton argued that the government should use a loose interpretation. The 18<sup>th</sup> Clause allows Congress to enact laws that may not be explicitly stated in the Constitution. For this reason, many are led to believe Hamilton's interpretation. The debate continues, however, because there are many different interpretations of the word "necessary."

