



**Part 4 Quiz (Adults) - The Necessary and Proper Clause**      **Name:** \_\_\_\_\_

- 1) a) If you authorize your mechanic shop to change out your brake pads – and to only do that one thing – is it all right for him to also take off your wheel? b) Explain
- 2) How does this analogy apply to the necessary and proper clause?
- 3) If your mechanic claims that in order for you to be happy it is necessary and proper that he cut a sunroof in your car and that you authorized it, how would you respond?
- 4) What is the rule that should be used to determine whether a law is necessary and proper?
- 5) The words from the necessary and proper clause, “for carrying into execution the foregoing powers” are referring to what powers?
- 6) Why is the phrase “for carrying into execution the foregoing powers” so critical to the principle of self-government?
- 7) a) Is an implied power: i) directly given and listed, or ii) indirectly suggested. b) Are there any powers granted to Congress that aren’t specifically listed in Article I, Section 8? c) Explain
- 8) Explain how the federal government is justified in building a mint when the power to do so was not specifically given in Article I, Section 8?
- 9) a) Why is the necessary and proper clause often referred to as the elastic clause? b) What is the danger in such a nickname?
- 10) Write from memory the words of the necessary and proper clause
- 11) If it’s necessary to have money set aside for retirement and it’s proper that people have insurance: a) Why *shouldn’t* the government do so? b) Why *can’t* the government do so?
- 12) Article I, Section 8 can be viewed as a sandwich. a) Identify the name and reference of the clauses of the top and bottom pieces of bread b) Identify the reference of the clauses of the meat. c) Explain what the meat is.

1) a) Yes b) In order to change your brake pads (which you have authorized him to do in the contract) it is necessary and proper to take off your wheel 2) The mechanic shop (the federal government or the Congress) can only do those things (make laws) which are necessary and proper in order to carry out the specific thing (the power) listed in the contract (the Constitution) that the car owner (the people or the states) have authorized to be done 3) I only authorized you to do those things which were necessary and proper in order to make the repairs listed on the contract which was to change out my brake pads and putting a sunroof in my car has nothing to do with changing out my brake pads 4) A law is necessary and proper only if it is needed in order to carry out a specific power given to the federal government as listed in Article I, Section 8 of the Constitution. 5) Article I, Section 8, Clauses 2-17 6) Because it limits Congress to only do those things that can be directly tied to Article I, Section 8 powers which we, the people, specifically authorized them to do. We authorize the government to act for us. They don't authorize themselves to decide what they will do for us. 7) a) !! Indirectly suggested b) Yes c) There are powers Congress has that aren't found in the list but those unlisted powers have to be necessary and proper in order to carry out the specifically listed powers 8) Although building a mint isn't a directly listed power, coining money is (Art. I, Sec. 8, Cl. 5) so when the people directly authorized Congress to coin money they indirectly authorized Congress to build a mint. 9) a) It can be stretched to give powers not specifically listed in the Constitution b) sometimes the stretching of meaning gives powers not related to those powers listed in the Constitution 10) The Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers. 11) a) The only way for government to provide insurance and retirement for people is to forcefully take money from some (through taxes) and give it to others. b) The power to provide insurance and retirement are not listed in the Constitution as powers the people/states gave to the federal government 12) a) top – general welfare clause (Art. I, Sec. 8, Cl. 1); bottom – necessary and proper clause (Art. I, Sec. 8, Cl. 18) b) meat – Art. I, Sec. 8, Clauses 2-17 c) The specific powers that both the general welfare clause and the necessary and proper clause refer to