

Where in the u.s.
constitution is the
necessary and proper
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Necessary and Proper Clause- US Constitution Necessary and Proper Clause- US Constitution The necessary and proper clause is also known as the Elastic Clause or the Coefficient Clause. It is a provision of the United States constitution in Article one (1), section eight (8), clause eighteen (18). It is termed elastic due to its openness to various interpretations. The interpretation of this clause was controversial especially in the younger years of the American Nation. Some had the argument that this clause expanded the powers of the Congress while others argued that it contracted the powers (Hames & Ekern, 2005).

The term “ necessary and proper” was brought up in the year 1926 by Louis Brandeis, an associate justice of the Supreme Court. It became the only option available and was inherently acknowledged by the courts.

This clause gives the American Congress the power “ to make all laws which shall be necessary and proper for carrying into execution the foregoing powers” (US constitution). Section eight enumerates seventeen laws, which the government is responsible to fulfill. The eighteenth clause gives the government authority to make any law that would be necessary and would enhance the execution of the seventeen laws. Since the makers of the constitution could not write down all the powers that Congress possesses, the clause gives an allowance to make any law that would be advantageous to the nation (Hames & Ekern, 2005).

Reference

Hames, J. B. & Ekern, Y. (2005). Constitutional law: Principles and practice. Clifton Park, NY: Thomas Delmar Publishing

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