**Jefferson vs. Hamilton:***The Constitutionality of a National Bank* Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Necessary and Proper (“Elastic”) Clause of the U.S. Constitution:**

*“The Congress shall have Power ... 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 Officer thereof.”*

|  |  |
| --- | --- |
| **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Powers** | **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Powers** |
| Powers that are **listed** (to *enumerate* means to number) in the Constitution as powers that are *expressly delegated* to the federal government | Powers that are “necessary and proper” in order for the government to be able to exercise the enumerated powers |
| **Emphasized by *\_\_\_\_\_\_\_\_\_\_\_\_\_* constructionists** | **Emphasized by *\_\_\_\_\_\_\_\_\_\_\_\_\_* constructionists** |

**Jefferson vs. Hamilton Primary Source:** *Opinions of Jefferson and Hamilton on the National Bank*

|  |  |
| --- | --- |
| **What are three (3) arguments that Jefferson makes against the bank’s constitutionality?** | **How does Hamilton respond to  Jefferson’s arguments?** |
| 1) | 1) |
| 2) | 2) |
| 3) | 3) |

How do Jefferson and Hamilton differ in their interpretation of the Elastic (Necessary and Proper) Clause of the Constitution? Make specific references to the texts in order to support your conclusion.

|  |  |
| --- | --- |
| **Jefferson** | **Hamilton** |
|  |  |

With which of these writers do you tend to agree regarding the bank’s constitutionality?

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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Which writer did you find to be more *logical*? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Which writer did you find to be more *persuasive*? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Jefferson vs. Hamilton:***The Constitutionality of a National Bank* Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Necessary and Proper (“Elastic”) Clause of the U.S. Constitution:**

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|  |  |
| --- | --- |
| **\_\_\_Enumerated\_\_\_ Powers** | **\_\_\_\_\_Implied\_\_\_\_\_ Powers** |
| Powers that are **listed** (to *enumerate* means to number) in the Constitution as powers that are *expressly delegated* to the federal government | Powers that are “necessary and proper” in order for the government to be able to exercise the enumerated powers |
| **Emphasized by \_\_\_strict\_\_\_ constructionists** | **Emphasized by \_\_\_loose\_\_\_ constructionists** |

**Jefferson vs. Hamilton Primary Source:** *Opinions of Jefferson and Hamilton on the National Bank*

|  |  |
| --- | --- |
| **What are three (3) arguments that Jefferson makes against the bank’s constitutionality?** | **How does Hamilton respond to  Jefferson’s arguments?** |
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|  |  |
| --- | --- |
| **Jefferson** | **Hamilton** |
|  |  |

With which of these writers do you tend to agree regarding the bank’s constitutionality?

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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