

'Necessary and Proper'

In *McCulloch v. Maryland*, the U.S. Supreme Court ruled that Congress had the authority to charter a national bank based on the “necessary and proper” clause of the Constitution. In later years, this “implied power” enabled Congress to pass laws in many different areas.

Imagine that you are a group of constitutional scholars. As a group, do the following:

1. Read and discuss Article I, Section 8, of the Constitution and the 10th Amendment of the Bill of Rights.
2. Decide which of the proposals listed below Congress has the authority under Article I, Section 8, to establish or regulate. (You are not deciding whether any of these proposals are a good or bad idea. Your job, as constitutional scholars, is to advise whether or not they are constitutional and why.)
3. Be prepared to report your decisions and reasons for each of them.

Proposals

1. a national sales tax
2. a national property tax
3. a ban on the sale of cigarettes
4. a schedule of fares for all airlines
5. a system of rationing gasoline
6. a national lottery
7. a nationally funded healthcare program
8. a national curriculum for all public schools
9. a ban on the sale of handguns
10. a military draft for men and women