

Strict Vs Loose Constructionism

Constructionism: The manner in which the Constitution is interpreted

Strict (Bork)

- Reads the Constitution literally
- Elastic Clause interpretation:
 - “necessary and proper” are both essential elements
- politically, tend to be conservative
- tend to practice judicial restraint
- tend to support greater power to the states and state’s rights
- Historical example:
Jefferson and the Bank of the U.S.

Loose (Tribe)

- Reads the Constitution with more flexibility
- Elastic Clause interpretation:
 - more loosely applied with a reliance on implied and assumed powers
- politically, tend to be liberal
- tend to practice judicial activism
- tend to support greater power to the federal government
- Historical example:
 - Hamilton and the Bank of the U.S.