

Spring History & Heritage -- #5 (April 29)

The following historical entries, in either Q&A or summary form as is our custom, convey the teacher's descriptions & explanations of course readings as indicated.

Interstate Highway System --- (*Christian Almanac*; Grant/Wilbur; April 11)

This 20th-century mass transportation grid, says author George Grant, has turned the transcontinental U.S. into “a single navigable geographic entity”? Begun in 1958, the system is suggestive of the organizational prowess of imperial Rome, given its aim of linking all American cities and regions—from border to border & sea to sea. Critics, however, have dubbed it the “geography of nowhere,” an artificial imposition of bland uniformity and drab sameness onto gloriously diverse landscapes.

St. Peter's Basilica --- (*Christian Almanac*; Grant/Wilbur; April 11)

This Roman Church structure was first raised under Constantine in the early 4th-century (300s AD) on the spot where tradition says a mighty apostle was buried? Pope Julius II, in the early 1500s, resolved to rebuild it from the ground up, employing the greatest artists & architects in a project that took 120 years to complete (1506--1626). Curiously, another pope (Leo X) tried to cover construction costs by means of an indulgence for faithful donors that Martin Luther found objectionable in 1517.

Sola Fide --- (*Tabletalk*; J.V. Fesko; Nov. 2012)

The 16th-century Protestants used **this Latin motto** to exalt “faith alone” as the virtue by which saved sinners received Christ, the righteous ground of their justification? Moreover this faith, most Reformers agreed, was the Spirit-wrought gift of God to all for whom Christ died, and thus no cause for boasting on the part of faithful Christians. The Roman Catholicism of that day, formally at the Council of Trent (1545-1563), repudiated Protestantism's “faith alone” formula in favor of a synthesis of faith & works.

Necessary & Proper Clause - (*Founding Fathers' Guide*; McClanahan; pp. 78-83)

This constitutional clause (Art. I, Sec. 8, Cl. 18) was cited by treasury secretary Alexander Hamilton in 1791 to justify U.S. incorporation of a central banking system? Hamilton's so-called “loose construction” of the Constitution perceived in the clause provision for implicit powers of Congress, to go along with the explicit ones. Although most of the Founders begged to differ with him, Hamilton's construction prevailed in Chief Justice John Marshall's *McCullough v. Maryland* ruling (1819).

Legislative Branch --- (*Founding Fathers' Guide*; McClanahan; pp. 78-83)

The Constitution's “Necessary and Proper Clause” (Art. I, Sec. 8, Cl. 18) addresses itself to the calling and duties of **this branch (or body) of the U.S. government?** What the clause endorses is making all laws deemed “necessary and proper” for carrying out the enumerated powers vested in the general government by the document. Opponents of the Constitution argued that the clause would be exploited to expand, without end, U.S. powers at the expense of the States (& the people).

Hamilton & Madison on the Necessary and Proper Clause
(*Founding Fathers' Guide to the Constitution*; McClanahan; pp. 78-83)

Hamilton and Madison, in *The Federalist Papers*, defended the “Necessary and Proper Clause” from its many critics. Hamilton thought its inclusion or exclusion in the Constitution made no real difference. The very act of specifying in writing certain governmental powers, he reasoned, necessitated other implied powers to carry the former out in a practical and effective way. Thus the contentious clause was “only a declaratory of truth. . .”

Likewise, Madison embraced the indispensability of the “Necessary and Proper” provision, suggesting “the whole Constitution would be a dead letter” without it. Further, he argued that inclusion of the clause made U.S. powers not more elastic, but less. Presumably, Madison meant that being unambiguous and forthright about the need for additional laws & acts of Congress to advance its enumerated powers helped to bind the former to the latter. Thus there would be less abuse, less legislation in no way related to the letter of the Constitution (the enumerated powers), or so he believed.

Shedding Light on the Necessary and Proper Clause --- (McClanahan; pp. 78-83)

Hamilton & Madison notwithstanding, the majority of proponents of the Constitution (so-called Federalists) insisted the “Necessary and Proper Clause” added no new powers—implied, elastic, or otherwise—to Congress’s enumerated ones. And they made quite a point of it in many State Ratifying Conventions.

McClanahan observes that in Pennsylvania, “James Wilson. . .could not fathom how opponents of the Constitution viewed the ‘Necessary and Proper Clause’ as an indefinite grant of power. The clause, he suggested, ‘gives no more or other powers’ than those enumerated in Article I, Section 8. ‘It is saying no more than that the powers we have already particularly given, shall be effectually carried into execution.’ Edmund Randolph reassured his colleagues at the Virginia Ratifying Convention that the clause ‘did not in the least increase the powers of Congress.’ Randolph additionally said that if Congress should exceed the powers delegated to it in the Constitution, it would be an ‘absolute usurpation,’ and ‘the influence of the state governments will nip it in the bud of hope.’”

Likewise, North Carolina’s Archibald Maclaine said, “If Congress should make a law beyond the powers and the spirit of the Constitution, should we not say to Congress, ‘You have no authority to make this law. There are limits beyond which you cannot go. You cannot exceed the power prescribed by the Constitution. You are amenable to us for your conduct. This act is unconstitutional. We will disregard it, and punish you for the attempt.’”

Finally, McClanahan draws our attention to the fact that “Randolph and Maclaine viewed the people of the States as the final arbiter in a dispute between the general and State governments.”