

Three Clauses the Supreme Court Perverts to *Get Around* the Enumerated Powers

By Publius Huldah

The “interstate commerce” clause (Art. I, §8, cl. 3)

[Webster’s 1828 Dictionary](#) says “commerce” is the buying and selling of goods.

In [Federalist No. 22](#) (4th para) and [Federalist No. 42](#) (9th & 10th paras), Hamilton and Madison explain the primary purpose of the clause: To prohibit the States from imposing taxes & tolls on merchandize as it is transported through the States for purposes of buying and selling.

The “general welfare” clause (Preamble & Art. I, §8, cl. 1)

Webster’s 1828 Dictionary defines “welfare” as:

“2. Exemption from any unusual evil or calamity; the enjoyment of peace and prosperity, or the ordinary blessings of society and civil government; applied to states.”

It has nothing to do with handouts, public relief, or the feds doing whatever **they** think is a good idea.

In [Federalist No. 41](#) (last 4 paras), Madison points out that Art. I, § 8, employs “general terms” which are “immediately” followed by the “enumeration of particular powers” which “explain and qualify”, by a “recital of particulars”, the “general phrase”. It is “error” to focus on “general expressions” and disregard “the specifications which ascertain and limit their import”; thus, to argue that the general expression provides an unlimited power is “an absurdity”.

So yes! The powers of Congress over the Country at Large really are limited primarily to those few listed at Art. I, §8, clauses 3-16.

Our Framers understood that “general Welfare”, i.e., the enjoyment of peace and prosperity, and the enjoyment of the ordinary blessings of society and civil government, was possible *only* with a federal government of strictly limited powers. [Let that sink in.]

The “necessary and proper” clause (Art. I, §8, last clause)

This clause delegates to Congress power to pass all laws necessary and proper to execute its *declared* powers ([Federalist No. 29](#), 4th para); “the constitutional operation of the intended government would be precisely the same if [this clause] were entirely obliterated as if [it] were repeated in every article”; a power to do something must be a power to pass all laws necessary and proper for the *execution* of that power, and *thus the clause is “perfectly harmless”, a “tautology or redundancy”* ([Federalist No. 33](#), 2nd & 3rd paras). Madison writes to the same effect in ([Federalist No. 44](#), under his discussion of the SIXTH class of powers).

So the clause permits *the execution* of powers already delegated and enumerated in the Constitution. No additional substantive powers are granted by the clause.

Learn the enumerated powers delegated to [Congress](#) & to [the President](#). With our Votes & Nullification of unconstitutional acts, let’s enforce the Constitution we already have. *Don’t let others change or replace it!* PH