

Chapter 7

The Amendment

The power of Governor Rhodes' message in 2028 had been its simplicity.

“The framers were intelligent men,” he explained. “They understood the need to limit the authority of the government they were creating. The specific powers they granted to Congress are described in a section of the Constitution known as the ‘enumerated powers’.”

Rhodes' followers were not put off by his academic demeanor. They'd grown weary of disinformation from both the left and right. They'd come for truth and to that end were willing to endure some pain.

“These great men accomplished their goal in the first seventeen clauses of that section. Taxation, defense, patents, the post office; items thought essential by the founders. Had they stopped there, the limits of federal power would have been clearly bounded. Unfortunately, like most of us, the framers didn't have the good sense to stop when they were done. An eighteenth clause was added. For obvious reasons, this has come to be known as the ‘necessary and proper’ clause.”

Rhodes recited, “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.”

Rhodes had now come to the point. “All other powers?” He stared out at his audience for a few long moments. “All other powers? Did the founders have a bad night at the tavern? After enumerating specific powers in the first seventeen clauses, these men undid all their good work with this sloppy eighteenth clause. What is ‘necessary’? What is ‘proper’? Over the years, Congress and the

courts have given us the answer, and that answer is— anything and everything.”

Rhodes stood erect with his hands in his pockets. He paused to let the words sink in, and then went on.

“The necessary and proper clause was tested in 1790 when Hamilton proposed the creation of a national bank. Jefferson opposed the idea on the grounds that the Constitution granted no such power to Congress, and that the formation of a bank was not necessary to the functioning of the government.” Now Rhodes removed his glasses and set them on top of the lectern. “I don’t have to tell you that Hamilton got his bank. From that moment on, the enumerated powers meant nothing. Congress could pass any law it deemed ‘necessary and proper’.”

Rhodes rested a hand on each side of the lectern and leaned forward. “We are individuals in this room. We hold divergent beliefs. I don’t want you to believe what I believe. I just want your beliefs to be honored. When Congress makes a law, that’s the law in every state of our nation. Some people may like that law, but others will find their freedom and happiness restricted. This’s exactly why the framers limited the powers they granted to Congress. They wanted states to make laws that suited the citizens of those states.

“Imagine,” Rhodes continued, “fifty states representing fifty different ways of living. Imagine the freedom to settle in a place where people believe as you do. Let us now reclaim the power that is rightfully ours. The ‘necessary and proper’ clause of our constitution has thwarted liberty for far too long. It has served as an excuse for Congress to make laws going far beyond anything the framers imagined. My fellow Americans, if I am elected president, I pledge to you that I will introduce legislation to amend our constitution. I will work tirelessly until three-quarters of the states have ratified that amendment. We must eliminate the necessary and proper clause. We must return legislative control to the states. The future is in our hands.”

Rhodes final words could not be heard for the cheering.