

Necessary and Proper

By: Ian Kirkwood

In drafting the Constitution and the Bill of Rights, the founding fathers used language that, for some reason, seems ambiguous to modern Americans. Maybe the syntax is too advanced or old fashioned, the words unclear, I don't know. But I do know that if one observes even a brief summary of the lives of these "fathers" of ours, then their intentions become very clear. George Washington was a potato farmer who, according to legend, couldn't tell a lie. Thomas Jefferson eccentrically lived atop a hill that he loved and had rooms in his custom house, Monticello, devoted to things like Native Americans and scientific invention. John Hancock signed his name first and largest when he scribbled a clear signature across the declaration of independence. These were men who knew what they wanted. These were men of honor.

Being men who had integrity, the founding fathers wrote the constitution and the Bill of Rights in plain language. The first ten amendments grant Americans specific rights: free speech, right to bear arms, freedom of assembly, etc. But the part they left open to interpretation, the Constitution's much debated Elastic Clause, is giving America the most trouble today. Because when the honorable authors created a clause that granted the president Rights not enumerated in the constitution itself, they believed that future presidents would act with honor. This is not so.

My understanding of the "necessary and proper" clause is as follows: the current president is allowed to do anything he wants, so long as he doesn't negate any of the rules explicitly stated in the constitution. So yes, purchasing Louisiana and chartering the Bank of the United States are both good examples of when it was used lawfully (although maybe not wisely for the ill-fated second one). In modern times, this has caused absolute chaos.

The first thing that comes to mind when discussing the application of the elastic clause in today's society is Obamacare, otherwise, professionally known as the Healthcare Reform act. Similar to the charter of the aforementioned Bank of the United States, the Healthcare Reform Act involves the government forcing itself into yet another industry because it can do better than

everyone else because it can cut corners because it's the government. Think that's wordy? The 2,000+ page bill was rushed through congress before anyone could bat an eyelash or read it in its entirety, and unfortunately sparknotes hadn't summarized it yet. And, initially, it passed.

But the difference between this "Obamacare" (a nickname derived from Barack Obama and his constant pushing for this bill) and the Bank of the United States is that the Healthcare Reform Act demands that United States Citizens purchase Healthcare. That violates a basic civil liberty: according to the Commerce Clause, Congress has the right to mandate commerce between States, foreign nations, and "Indian tribes" *only*. No bureau of the government has a constitutional right to mandate what the *citizens* of the country can or can't buy.

Here comes in the kicker of the Necessary and Proper Clause: corrupt officials can twist the words to make it sound like this National Healthcare plan is acceptable. In its entirety, the article states:

Clause 18: 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 the Constitution in the Government of the United States, or in any Department or Officer thereof.

The wording is quite vague; but as I said before, the founding fathers assumed that presidents in the future would be working in the best interest of the country.

According to CNN, 16.3% of the population was uninsured last year. That leaves over 83% of the country living with insurance. Meaning that the majority of people in the United States have healthcare, and I'm willing to bet that 50% of the country has managed to figure out how to pay for this healthcare. Over ten years, the Congressional Budget Office estimates that this plan will cost 1.76 trillion dollars.

So the question arises: Why are the American citizens being forced to pay almost 2 trillion dollars, while the current regime is spending in deficit, to provide cheap healthcare for 49 million people, which isn't even 20% of the population? None of the people *paying* for this system will actually see the *benefit* of it themselves.

This is entirely ignoring the quality of insurance this people will be receiving, including the horror stories that Americans have heard from our ever-prestigious neighbor-allies, the UK (where women are sometimes forced into labor *on the waiting room floor*, and then still refused medicine or treatment for their babies until their place in line comes up), or the fact that the Doctor's office will become the next RMV.

The Healthcare Reform Act is not "necessary and proper" for the common man of the United States. It is inherently designed for people who cannot afford Health insurance, a fraction of the aforementioned 16%, who can only go up in the quality of their treatment. It is an honorable viewpoint to fight for the needy, but it is corrupt and unconstitutional to demand money from the successful Americans of both the upper and middle classes in order to fund a taxing almsgiving program for people who have many, many more problems than just Health Insurance.

Only speculation could tell the country the real motives behind passing this Healthcare law. Could it be pressure from Europe to conform? Or how about the first step toward implementation of a Socialist Regime? Maybe Obama wants to become our first dictator. Who knows? Regardless of the reason why it began, this bill will end for the reason that it is unconstitutional, through both the application of the Necessary and Proper Clause and the Commerce Clause.

The founding fathers of this country knew what it felt like to live under oppression, and put safety mechanisms in the charter of this country, the U.S. Constitution, in order to make sure that the people were protected as long as this country existed. Recently, Florida Supreme Court Justice Roger Vinson, ruled that the Bill was unconstitutional. As the 2012 elections crawl closer, the American public must only sit back and relax, in order to find the outcome of the future of this act.