

Materials:

- Computers or tablets with internet access (external keyboard best with tablets)
- iCivics Teacher account
- iCivics student usernames & passwords

Student Handouts:

- Starter & Reflection: Reading and Activities (2 pages; class set)
- Glossary (3 pages; class set)
- Document Guide (4 pages; class set)

Time Needed: 1-2 class periods

Objectives: Students will be able to...

- Use evidence from informational texts to support analysis and answer questions.
- Identify each type of source and its purpose.
- Draw on several sources and consider questions that allow for multiple avenues of exploration.
- Describe how Alexander Hamilton convinced President Washington to support the creation of a national bank.

<input type="checkbox"/> ASSIGN	the DBQuest module to your class(es) on your My iCivics page.
<input type="checkbox"/> ANTICIPATE	by asking students to share what they know about what a bank does. Why might a person, company, or even country need one?
<input type="checkbox"/> SHARE	the Starter Activity, which provides an overview of Hamilton's role and interest in setting up a national bank. Assign it to students to read in advance or read as a class.
<input type="checkbox"/> DISTRIBUTE	the Glossary and Document Guide if you plan to use them. Prepare students for a heavy reading lift, as the language and writing style of the late 18 th century is quite dense.
<input type="checkbox"/> TELL	students to use Guided or Freeform mode based on your judgment. Tell the entire class or quietly let students know as everyone is logging in. <i>Note: We suggest students use Guided mode for this module.</i>
<input type="checkbox"/> DIRECT	students to log into the iCivics website and launch the DBQuest assignment from their My iCivics page.
<input type="checkbox"/> CIRCULATE	to assist students, using the Guiding Prompts in the teacher guide as support (Guided Mode Support pp. 1-3).
<input type="checkbox"/> CHECK	students' progress each day and intervene as needed.
<input type="checkbox"/> CLOSE	by assigning the Reflection Activity after the class has completed DBQuest. Poll students to see which way they were persuaded and which arguments for or against were most powerful and why.

Note: Due to the nature and style of writing from this period, this particular DBQuest module is geared more towards advanced readers and courses, like AP U.S. Government and AP U.S. History. Guided Mode is advised for all students.

**DBQUEST TEACHING
BASICS & FAQs****Q. 1: How can I make the most out of the DBQuest experience with my class?**

A: Remember: The DBQuest is not a game—it's a tool. Make use of the supplemental printed materials and circulate the room while students are working. This way, you can be available to prompt students who have questions and make sure students are doing their best work in the free-response parts of the tool. Reinforce the DBQuest experience by using the support materials to facilitate discussions about the documents to help students further engage with the sources.

Q. 2: What's the difference between Guided and Freeform Mode?

A: The DBQuest offers two different modes to encourage personalized learning:

- **Guided Mode** supports students with additional scaffolding through pre-selected evidence options and just-in-time feedback. This helps students who are new to primary source analysis and to using the DBQuest.
- **Freeform Mode** allows students to select any piece of evidence from a source and does not give feedback on their selections. This allows for more creative engagement with the primary sources for students who have greater experience with this kind of analysis.

Q. 3: How long will it take my students to complete the DBQuest?

A: There are three documents in the tool, and each document within the DBQuest should take between 7 and 10 minutes. However, students may progress at a faster or slower pace.

- **For students who finish early:** Challenge them to think of three more questions they would like to ask each of the sources. Have students investigate and create a list of 3-5 additional documents that could help address the Big Question by providing additional evidence.
- **For students who need more time:** Students with Internet access outside school can log in and resume work remotely from home or from a library. Otherwise, you may need to help students find another place where they can access the Internet and finish the DBQuest.

Q. 4: How can I monitor my students' progress?

A: On the DBQuest landing page, click "View Report" to see the class progress while they are working on the DBQuest. Once they are finished, you can print or download their work.

Q. 5: How can I print or download my students' completed work?

A: Reports are available through your My iCivics account or the DBQuest landing page. DBQuest allows you to print individual student work or the work of the entire class. If you view/print the whole class, the completed work for all your students will appear in a single .txt file. This file will be large, so we suggest you copy and paste the contents of the .txt file into a text editing program like Word where you can add page breaks and other formatting. Also, we highly recommend that you wait until all students have finished before you print.

Q. 6: Can a student re-do part or all of the DBQuest? How do I receive their revised work?

A: When students open DBQuest, they can choose to start a new session or continue an incomplete session. Inside DBQuest, students can choose to re-do the work on an individual document only after they have completed that document. You will have access to the students' updated version through the My iCivics assignment, but to avoid generating another whole-class text file, have the student save their work and share it with you in a digital format.

Starter Activity Reading

As the first Secretary of the Treasury, Alexander Hamilton helped establish America's financial systems. He outlined a three-part plan to stabilize **America's credit** by assuming the **country's debts** from the American Revolution, establishing a national bank, and raising government **revenue** by **taxing** luxuries like liquor.

In a series of compromises and deals, Congress agreed to the first part of the plan, assuming war debt, but the establishment of a national bank did not sit well with some members of Congress. One of Hamilton's main opponents, Thomas Jefferson, thought banks "fleece the poor, oppress farmers, and induce a taste for luxury that would subvert republican simplicity" while John Adams called bankers "swindlers and thieves."

Others, like Congressman James Madison, argued that establishing a national bank was unconstitutional because it was not an **enumerated**, or listed, power given to the federal government. In response, Hamilton argued that the bank was "necessary and proper" since it would help Congress with collecting taxes, regulating trade, and establishing a military, among other things. He believed that if a bank helped the government do these things, then it could be an "implied" power.

This battle over the national bank was the nation's first constitutional crisis: Could Congress take on a power not expressly listed in the Constitution?

Vocab to Bank On:

America's credit: (n.) the amount of money a country is able to borrow

country's debts: (n.) the amount of money a country owes

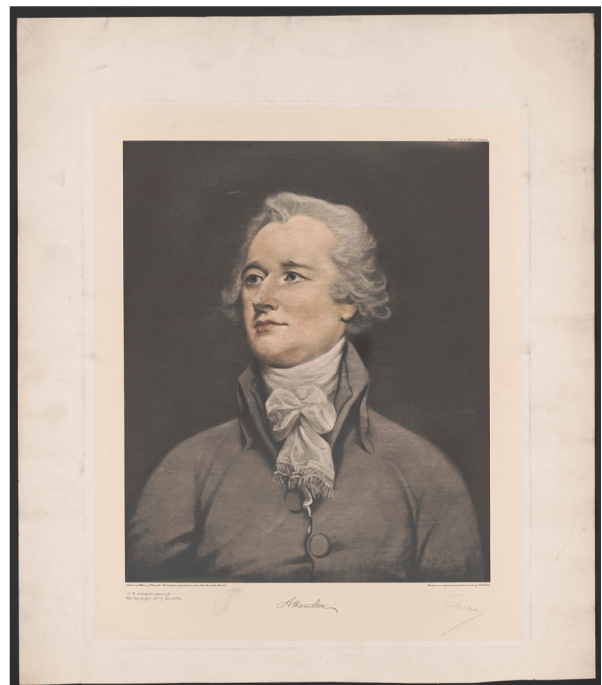
revenue: (n.) money the government receives from the people through taxes

taxing: (v.) when a portion of an item's price has to be paid to the government



Source: loc.gov

Treasury building with Hamilton statue



Source: loc.gov

Alexander Hamilton

Starter Activity: Before the DBQuest

Hamilton's plan to establish a national bank was beyond the Constitution's listing of federal powers. It was not an enumerated, or expressed power. Hamilton argued that Congress did have some related powers that were listed and relied on the "Necessary and Proper Clause" to help make his case. Also called the "Elastic Clause," it can be used to "stretch" the powers of the federal government, while other times it can be used to "contract" or curb the powers of the federal government.

Which enumerated powers did Hamilton use to promote his idea of a national bank? Check all that you think apply and then write Hamilton's argument below.

☐

The power to tax

☐

The power to regulate trade

☐

The power to issue patents

☐

The power to establish post offices

☐

The power to raise an army

Check boxes for the powers to tax, regulate trade, and raise an army.

Hamilton's Argument: (Use the checked powers above AND the terms **implied power**, **U.S. Constitution**, and **national bank**)

Answers will vary. Suggestion: "If the federal government has the power to tax, regulate trade, and raise an army; then a national bank would make all of these powers easier. The power to make a national bank is implied by the U.S. Constitution."

Reflection Activity: After the DBQuest

****SPOILER ALERT**** Washington decided to side with Hamilton's arguments for the national bank. On February 25, 1791, Washington signed the bank bill into law.

Knowing what you now know about the bank and the Constitutional issues surrounding its creation, if you were president, would you sign or veto the bill? Explain why, using evidence from the sources provided in the DBQuest.

Answers will vary.

Guided Mode = Extra Support

For this DBQuest, Guided Mode is recommended for all students. Even in Guided Mode, students need to think critically and make decisions about text and evidence:

- The evidence is **not** designed to directly answer the questions. Students should use the “notes” they collect from the sources to help them use supporting evidence to answer the questions in their own words.
- There may be more pieces of acceptable evidence in the text than there are boxes available to put evidence, so students need to think critically and choose which excerpts work best for them.
- If students have trouble choosing among acceptable pieces of evidence, remind them they can always look at the source again when it's time to answer the question in their own words.

Let Our Guiding Prompts Help You Help Them

The tables below include **guiding prompts** to help you direct students to the best evidence. Use them to prompt students who are stuck on a particular question within a source.

DOCUMENT 1: REPORT ON A NATIONAL BANK (ALEXANDER HAMILTON, 13 DECEMBER 1790)	
SUPPORT QUESTIONS	USE THESE GUIDING PROMPTS
Why did Hamilton submit his report on the bank?	<ul style="list-style-type: none"> ▶ Who asked Hamilton to submit a report? ▶ What did Hamilton think banks could do well that led him to create a plan for one? <p>Suggested evidence:</p> <ul style="list-style-type: none"> • <i>...In obedience to the order of the House of Representatives of the ninth day of August last, requiring the Secretary of the Treasury to prepare and report on this day</i> • <i>a National Bank is an Institution of primary importance to the prosperous administration of the Finances, and would be of the greatest utility in the operations connected with the support of the Public Credit</i>
What history does Hamilton highlight to support his idea for a bank?	<ul style="list-style-type: none"> ▶ What other countries does Hamilton say have had successful banks? ▶ How long does Hamilton say banks have been in use successfully? <p>Suggested evidence:</p> <ul style="list-style-type: none"> • <i>public Banks have found admission and patronage among the principal and most enlightened commercial nations. They have successively obtained in Italy, Germany, Holland, England and France, as well as in the United States.</i> • <i>after an experience of centuries, there exists not a question about their utility in the countries in which they have been so long established. Theorists and men of business unite in the acknowledgment of it.</i> • <i>Government has been repeatedly under the greatest obligations to them, in dangerous and distressing emergencies. That of the United States, as well in some of the most critical conjunctures of the late war, as since the peace, has received assistance from those established among us, with which it could not have dispensed.</i>

DOCUMENT 1 CONTINUED: REPORT ON A NATIONAL BANK (HAMILTON, 13 DECEMBER 1790)

SUPPORT QUESTIONS	USE THESE GUIDING PROMPTS
What advantages did Hamilton see in having a bank?	<p>▶ What three things does Hamilton think a bank can do to make things easier for the government?</p> <p>Suggested evidence:</p> <ul style="list-style-type: none"> • <i>The augmentation of the active or productive capital of a country</i> • <i>Greater facility to the Government in obtaining pecuniary aids, especially in sudden emergencies</i> • <i>The facilitating of the payment of taxes</i>

DOCUMENT 2: LETTER TO GEORGE WASHINGTON FROM JAMES MADISON (21 FEBRUARY 1791)

SUPPORT QUESTIONS	USE THESE GUIDING PROMPTS
Why did Madison send this document to Washington?	<p>▶ Who requested that Madison write to him?</p> <p>▶ Why did this person ask Madison to write to him?</p> <p>Suggested evidence:</p> <ul style="list-style-type: none"> • <i>Copy of a paper made out & sent to the President at his request</i> • <i>in case his judgment should finally decide agst the Bill for incorporating a National Bank</i>
On what Constitutional grounds did Madison encourage Washington to object to the bank?	<p>▶ What constitutional reason does Madison give Washington for objecting to the bank?</p> <p>▶ What did Madison think about powers not written in the constitution (like the bank)?</p> <p>Suggested evidence:</p> <ul style="list-style-type: none"> • <i>powers not delegated by the Constitution cannot be rightfully exercised; because the power proposed by the Bill to be received is not expressly delegated</i> • <i>because I cannot satisfy myself that it results from any express power by fair and safe rules of implication</i>
What other reasons did Madison suggest Washington might object?	<p>▶ If Washington wouldn't object to the constitutionality of the bank, what other things did Madison think he could object to?</p> <p>▶ Madison thought the sale of bank shares was unfair. Why?</p> <p>Suggested evidence:</p> <ul style="list-style-type: none"> • <i>between the public and the Institution in favor of the institution</i> • <i>it is in all cases the duty of the Government to dispense its benefits to individuals with as impartial a hand as the public interest will permit; and the Bill is in this respect unequal to individuals holding different denominations of public Stock and willing to become subscribers</i> • <i>amounts to an exclusion of those remote from the Government, in favor of those near enough to take advantage of the opportunity</i>

**DOCUMENT 3: REPORT ON THE CONSTITUTIONALITY OF A NATIONAL BANK
(ALEXANDER HAMILTON, 21 FEBRUARY 1791)**

SUPPORT QUESTIONS	USE THESE GUIDING PROMPTS
What does Hamilton think of the Secretary of State and the Attorney General's opinion on the bank bill?	<ul style="list-style-type: none"> ▶ What does Hamilton think will happen to the authority of the U.S. if the president follows the advice of the Secretary of State and Attorney General? <p>Suggested evidence:</p> <ul style="list-style-type: none"> • <i>that principles of construction like those espoused by the Secretary of State and the Attorney General would be fatal to the just & indispensable authority of the United States</i>
What concerns does Hamilton have about how Jefferson interprets the word "necessary" in the Constitution?	<ul style="list-style-type: none"> ▶ What definition does Hamilton think needs to "be exploded?" ▶ According to Hamilton, why is Jefferson's use of the word "necessary" wrong? <p>Suggested evidence:</p> <ul style="list-style-type: none"> • <i>To understand the word as the Secretary of State does, would be to depart from its obvious & popular sense, and to give it a restrictive operation; an idea never before entertained.</i> • <i>...There are few measures of any government, which would stand so severe a test.</i>
What constitutional criteria does Hamilton think makes the bank acceptable as an implied power?	<ul style="list-style-type: none"> ▶ What doctrine does Hamilton believe the "necessary and proper" clause allows? ▶ How does Hamilton use the "necessary and proper" clause? <p>Suggested evidence:</p> <ul style="list-style-type: none"> • <i>clause in question...gives an explicit sanction to the doctrine of implied powers</i> • <i>For such is the plain import of the declaration, that it may pass all laws necessary & proper to carry into execution those powers</i> • <i>If the end be clearly comprehended within any of the specified powers, & if the measure have an obvious relation to that end, and is not forbidden by any particular provision of the constitution—it may safely be deemed to come within the compass of the national authority.</i>



Starter Activity Reading

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Others, like Congressman James Madison, argued that establishing a national bank was unconstitutional because it was not an **enumerated**, or listed, power given to the federal government. In response, Hamilton argued that the bank was "necessary and proper" since it would help Congress with collecting taxes, regulating trade and establishing a military, among other things. He believed that if a bank helped the government do these things, then it could be an "implied" power.

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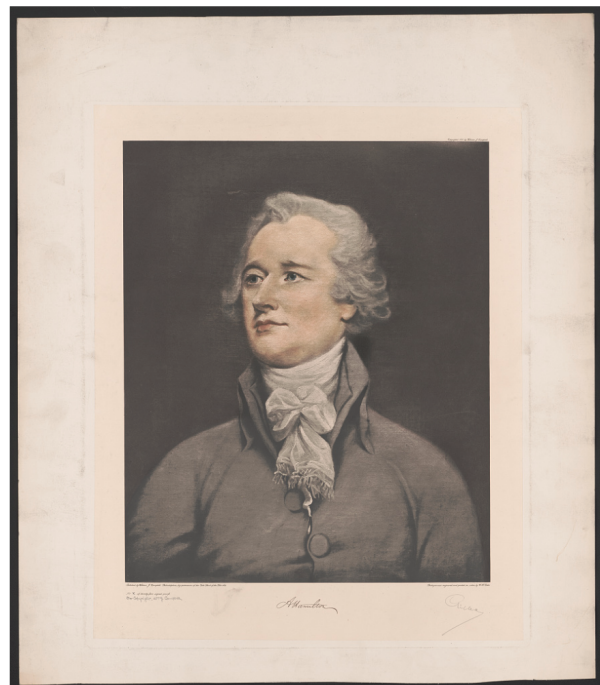
revenue: (n.) money the government receives from the people through taxes

taxing: (v.) when a portion of an item's price has to be paid to the government



Source: loc.gov

Treasury building with Hamilton statue



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Alexander Hamilton

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The power to establish post offices

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Hamilton's Argument: (Use the checked powers above AND the terms **implied power**, **U.S. Constitution**, and **national bank**)

Reflection Activity: After the DBQuest

****SPOILER ALERT**** Washington decided to side with Hamilton's arguments for the national bank. On February 25, 1791, Washington signed the bank bill into law.

Knowing what you now know about the bank and the Constitutional issues surrounding its creation, if you were president, would you sign or veto the bill? Explain why, using evidence from the sources provided in the DBQuest.

GLOSSARY

administration - (n.) the act of managing

admission - (n.) access, entry

advantageous - (adj.) of likely benefit

affirmed - (v.) stated publicly

agst - (prep.) abbreviation for against

applicable - (adj.) relevant

attainment - (n.) reaching

augmentation - (n.) the amount by which something is increased

capital - (n.) money used to start a business or invest

circulated - (v.) broadcasted

circulation - (n.) currency

commercial nations - (n.) countries that engage in trade

compass - (n.) a limited space

compelled - (v.) forced

comprehensive - (adj.) complete

conjunctures - (n.) combination of events

constitutionality - (adj.) allowed by the constitution

contrary - (adj.) against

conviction - (n.) strong belief or opinion

criterion - (n.) factors used to judge or decide

delegated - (v.) authorized

denominations - (n.) units

depositor - (n.) a person who places or has money in a bank

deposits - (n.) sums of money in a bank account

devising - (v.) forming, designing

dispense - (v.) give or provide

dispose - (v.) get rid of

dissipating - (v.) disappearing

doctrine of implied powers - (n.) powers Congress exercises that the Constitution does not explicitly define, but are necessary and proper to execute them

ends of such power - (expression) final result of government's ability or right to do something

enlightened - (adj.) sensible and modern in dealing with things

entertain - (v.) consider

enumerated - (v.) listed, named

equivalent - (n.) same

erecting - (v.) building or creating

erroneous - (adj.) incorrect

espoused - (v.) support or promote

excerpt - (n.) a short piece of writing taken from a larger piece

exclusion - (n.) the deliberate or intentional process of not using or allowing something or someone



execution - (n.) style with which something is carried out

exercise - (v.) put into effect

expediency - (n.) convenience

explicit - (adj.) open and clear

expressly - (adv.) with specific intent

facilitating - (v.) assisting

facility - (n.) ability

force of the term - (n.) power of the word

foregoing - (adj.) already stated

former - (adj.) first in a set

immoral - (adj.) wrong, bad

impartial - (adj.) fair

implication - (n.) consequence

implied (adj.) suggested

imposing - (v.) using authority to force acceptance

incorporating - (v.) creating a corporation or other organization, like a bank

indebted - (adj.) grateful to

indispensible - (adj.) Hamilton's spelling for "indispensable," meaning absolutely essential

induced - (v.) caused

industry - (n.) organized economic activity concerned with manufacturing or construction

inferred - (v.) implied

inherent - (adj.) natural or central to

instrument - (n.) device or tool

intimation - (n.) suggestion

intirely - (adj.) Hamilton's spelling for "entirely," meaning completely



jealousies - (n.) envy and resentment

late war - (n.) the American revolutionary war

latter - (adj.) second, or last, item in a set

liberal latitude - (n.) freedom to choose

means - (n.) method or process of doing something

medium - (n.) currency

merits - (n.) inherent rights and wrongs of a matter

necessary - (adj.) essential

nugatory - (adj.) not valid

obedience - (n.) willingness to obey

objection - (n.) a statement or feeling of dislike or opposition

obligations - (n.) duties

originated - (v.) began

paramount - (adj.) first

partake - (v.) take part in

patronage - (n.) support

pecuniary aids - (n.) financial help

perfect union - (n.) complete agreement

perused - (v.) read or studied

plenary - (adj.) full and complete

precluded - (v.) prevented

prejudices - (n.) unreasonable dislike of a group of people or things

GLOSSARY

principal - (adj.) leading or first in importance

prohibited - (v.) not allowed

proposition - (n.) an idea to consider or discuss

proprietor - (n.) owner of a business

prosperous - (adj.) rich and successful

provision - (n.) arrangement or preparation

public credit - (n.) the reputation of, or confidence in, the ability of a government to fulfill its debts

quer. - (n.) abbreviation for "a query," meaning a question

renounced - (v.) decided and declared publicly that one no longer believes something

requisite - (adj.) necessary for a purpose

reserved - (adj.) set aside for use by a particular person or group

restrictive - (adj.) holding back, preventing

signal - (adj.) important, significant

sovereign - (adj.) independent, self-governing

species - (n.) type

speculation - (n.) investment involving high risk and high reward

spheres - (n.) particular areas of interest or activity

station - (n.) position

stipulations (n.) conditions

subscribers - (n.) people who support something financially

theorists - (n.) people who develop an idea or set of ideas to explain something

undisputed - (adj.) without a doubt

utility - (n.) usefulness

vested - (adj.) fixed, absolute

withdraw - (v.) take out money from a bank



REPORT ON A NATIONAL BANK (EXCERPT) | Alexander Hamilton, December 13, 1790

...In obedience to the order of the House of Representatives of the ninth day of August last, requiring the Secretary of the Treasury to prepare and report on this day such further provision as may, in his opinion, be necessary for establishing the public Credit

The said Secretary further respectfully reports

That from a conviction...that a National Bank is an Institution of primary importance to the prosperous administration of the Finances, and would be of the greatest utility in the operations connected with the support of the Public Credit, his attention has been drawn to devising the plan of such an institution...

It is a fact well understood, that public Banks have found admission and patronage among the principal and most enlightened commercial nations. They have successively obtained in Italy, Germany, Holland, England and France, as well as in the United States. And it is a circumstance, which cannot but have considerable weight, in a candid estimate of their tendency, that after an experience of centuries, there exists not a question about their utility in the countries in which they have been so long established. Theorists and men of business unite in the acknowledgment of it.

Trade and industry, wherever they have been tried, have been indebted to them for important aid. And Government has been repeatedly under the greatest obligations to them, in dangerous and distressing emergencies. That of the United States, as well in some of the most critical conjunctures of the late war, as since the peace, has received assistance from those established among us, with which it could not have dispensed.

With this two fold evidence before us, it might be expected, that there would be a perfect union of opinions in their favour. Yet doubts have been entertained; jealousies and prejudices have circulated: and though the experiment is every day dissipating them, within the spheres in which effects are best known; yet there are still persons by whom they have not been intirely renounced....

The following are among the principal advantages of a Bank.

First. The augmentation of the active or productive capital of a country... It is evident, for instance, that the money, which a merchant keeps in his chest, waiting for a favourable opportunity to employ it, produces nothing 'till that opportunity arrives. But if instead of locking it up in this manner, he either deposits it in a Bank, or invests it in the Stock of a Bank, it yields a profit, during the interval; in which he partakes, or not, according to the choice he may have made of being a depositor or a proprietor; and when any advantageous speculation offers, in order to be able to embrace it, he has only to withdraw his money, if a depositor, or if a proprietor to obtain a loan from the Bank, or to dispose of his Stock...

Secondly. Greater facility to the Government in obtaining pecuniary aids, especially in sudden emergencies. This is another and an undisputed advantage of public banks: one, which as already remarked, has been realised in signal instances, among ourselves. The reason is obvious: The capitals of a great number of individuals are, by this operation, collected to a point, and placed under one direction....

Thirdly. The facilitating of the payment of taxes....

LETTER TO GEORGE WASHINGTON FROM JAMES MADISON | February 21, 1791

Feby 21. 1791.

Copy of a paper made out & sent to the President at his request, to be ready in case his judgment should finally decide agst the Bill for incorporating a National Bank, the Bill being there before him.

Gentlemen of the Senate

Having carefully examined and maturely considered the Bill entitled, "An Act [] I am compelled by the conviction of my judgment and the duty of my Station to return the Bill to the House in which it originated with the following objections:

(if to the Constitutionality.)

I object to the Bill because it is an essential principle of the Government that powers not delegated by the Constitution cannot be rightfully exercised; because the power proposed by the Bill to be received is not expressly delegated; and because I cannot satisfy myself that it results from any express power by fair and safe rules of implication.

(if to the merits alone or in addition.)

I object to the Bill because it appears to be between the public and the Institution in favor of the institution; imposing no conditions on the latter equivalent to the stipulations assumed by the former. (quer. if this be within the intimation of the President.) I object to the Bill because it is in all cases the duty of the Government to dispense its benefits to individuals with as impartial a hand as the public interest will permit; and the Bill is in this respect unequal to individuals holding different denominations of public Stock and willing to become subscribers. This objection lies with particular force against the early day appointed for opening subscriptions, which if these should be filled as quickly as may happen, amounts to an exclusion of those remote from the Government, in favor of those near enough to take advantage of the opportunity.

REPORT ON THE CONSTITUTIONALITY OF A NATIONAL BANK (EXCERPT)

Alexander Hamilton to George Washington, February 23, 1791

The Secretary of the Treasury having perused with attention the papers containing the opinions of the Secretary of State and Attorney General concerning the constitutionality of the bill for establishing a National Bank proceeds according to the order of the President to submit the reasons which have induced him to entertain a different opinion....

that principles of construction like those espoused by the Secretary of State and the Attorney General would be fatal to the just & indispensable authority of the United States...

...Now it appears to the Secretary of the Treasury, that this general principle is inherent in the very definition of Government and essential to every step of the progress to be made by that of the United States; namely—that every power vested in a Government is in its nature sovereign, and includes by force of the term, a right to employ all the means requisite, and fairly applicable to the attainment of the ends of such power; and which are not precluded by restrictions & exceptions specified in the constitution; or not immoral, or not contrary to the essential ends of political society....

...as far as concerns the reasonings of the Secretary of State & the Attorney General, ...

....The first of these arguments is, that the foundation of the constitution is laid on this ground “that all powers not delegated to the United States by the Constitution nor prohibited to it by the States are reserved to the States or to the people”, whence it is meant to be inferred, that congress can in no case exercise any power not included in those enumerated in the constitution. And it is affirmed that the power of erecting a corporation is not included in any of the enumerated powers....

...It is not denied, that there are implied, as well as express powers, and that the former are as effectually delegated as the latter....

...Then it follows, that as a power of erecting a corporation may as well be implied as any other thing; it may as well be employed as an instrument or mean of carrying into execution any of the specified powers, as any other instrument or mean whatever. The only question must be, in this as in every other case, whether the mean to be employed, or in this instance the corporation to be erected, has a natural relation to any of the acknowledged objects or lawful ends of the government....

...the Secretary of State maintains, that no means are to be considered as necessary, but those without which the grant of the power would be nugatory....

...It is essential to the being of the National government, that so erroneous a conception of the meaning of the word necessary, should be exploded....

This source is continued on the next page.

REPORT ON THE CONSTITUTIONALITY OF A NATIONAL BANK (EXCERPT, CONTINUED)

...The whole turn of the clause containing it, indicates, that it was the intent of the convention, by that clause to give a liberal latitude to the exercise of the specified powers. The expressions have peculiar comprehensiveness. They are—"to make all laws, necessary & proper for carrying into execution the foregoing powers & all other powers vested by the constitution in the government of the United States, or in any department or officer thereof." To understand the word as the Secretary of State does, would be to depart from its obvious & popular sense, and to give it a restrictive operation; an idea never before entertained. It would be to give it the same force as if the word absolutely or indispensably had been prefixed to it...

...There are few measures of any government, which would stand so severe a test....

...The degree in which a measure is necessary, can never be a test of the legal right to adopt it. That must ever be a matter of opinion; and can only be a test of expediency. The relation between the measure and the end, between the nature of the mean employed towards the execution of a power and the object of that power, must be the criterion of constitutionality not the more or less of necessity or utility....

...the clause in question...gives an explicit sanction to the doctrine of implied powers, and is equivalent to an admission of the proposition, that the government, as to its specified powers and objects, has plenary & sovereign authority, in some cases paramount to that of the States, in others coordinate with it. For such is the plain import of the declaration, that it may pass all laws necessary & proper to carry into execution those powers....

...It does not affirm that the National government is sovereign in all respects, but that it is sovereign to a certain extent: that is, to the extent of the objects of its specified powers.

It leaves therefore a criterion of what is constitutional, and of what is not so. This criterion is the end to which the measure relates as a mean. If the end be clearly comprehended within any of the specified powers, & if the measure have an obvious relation to that end, and is not forbidden by any particular provision of the constitution—it may safely be deemed to come within the compass of the national authority....

SOURCE CITATIONS

Document 1: Hamilton, Alexander. Alexander Hamilton Papers: Speeches and Writings File, -1804; 1790; Dec. 13, "Second Report on the Further Provision Necessary for Establishing Public Credit Report on a National Bank". 1790. Manuscript/Mixed Material. <https://www.loc.gov/item/mss246120174/> (accessed June 18, 2020).

Document 2: "To George Washington from James Madison, 21 February 1791," Founders Online, National Archives, <https://founders.archives.gov/documents/Washington/05-07-02-0232>. [Original source: The Papers of George Washington, Presidential Series, vol. 7, 1 December 1790–21 March 1791, ed. Jack D. Warren, Jr. Charlottesville: University Press of Virginia, 1998, pp. 395–397.]

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