

As part of Article I, Congress is granted the power to make all laws necessary and proper as part of its given specific and implied powers; they were also given authority over approving Supreme Court nominations. A controversial but relevant and important topic that Congress will soon have to take action upon is the appointment of a Supreme Court Judge to succeed Justice Anthony Kennedy, specifically whether or not they will approve the appointment of Brett Kavanaugh. The two issues that arise with how Congress will be dealing with this are concerns over the politicization of Brett Kavanaugh and the question of postponing the hearings as investigation into the Trump Administration continues, the latter of which has become a serious news story as some in media, such as USA Today, speculate on motives behind Trump's nomination of Kavanaugh in relation to the Mueller Investigation. As part of fulfilling their responsibility, as Hamilton wrote of the necessary and proper clause in Federalist Paper 33, to ensure that government functions properly, Congress must look to the will of the people, the will of the President, and the existing laws. There is a great divide; significant numbers of the general populace are wary of Brett Kavanaugh as a Supreme Court nominee, while others, such as Roger D. Klein, argue he is well suited for the job. Also, other members of government have called into question the legality of the 2016 election and the Trump Administration. Moving forward and approving Brett Kavanaugh would potentially be seen as going not only against the will of the people but moving forward with the wishes of a President whose administration may be mired in issues with the law. This could be seen as an abuse of power. In abusing their power, Congress would not be ensuring the proper functioning of government and would have overstepped their limitations even with the Necessary and Proper Clause in place. Despite this, I would contend that this remains in accordance with the ideas found in the Federalist Papers. Both Madison and Hamilton argued in Federalist Papers 44 and 33 respectively that it is the people who are ultimately responsible for the behaviors of government. The tools exist in the form of elections and the 2nd Amendment to force a change in government if it is believed that they have abused their power. If Congress actually makes a serious mistake, it is the people's responsibility to finally vote upon changes to their representatives to in turn affect change in the operation of government, returning it to proper functioning.

## Works Cited

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Original Instructions:

## **Final Project: Congressional Power Project**

For the Congressional Power Project, please complete the following activities:

1. Read Article 1 of the U.S. Constitution and pay attention to the powers granted to Congress.
2. Read Federalist Papers #33 and #44.
3. Research a current topic that Congress is taking action upon today.
4. Write a one page editorial judging whether our current Congress is in agreement with the ideas found in the Federalist Papers.
5. Provide citation of the sources used to research your current topic.