



## Excerpt from James Madison's Veto Message: March 3, 1817

To the House of Representatives of the United States:

Having considered the bill this day presented to me, entitled “An act to set apart and pledge certain funds for internal improvements,” and which sets apart and pledges funds “for constructing roads and canals, and improving the navigation of water-courses in order to facilitate, promote, and give security to internal commerce among the several States, and to render more easy and less expensive the means and provisions for the common defense;” I am constrained, by the... difficulty I feel in reconciling the bill with the Constitution of the United States, to return it with that objection...

The legislative powers vested in Congress are specified and enumerated in the 8th section of the first article of the Constitution; and it does not appear that the power proposed to be exercised by the bill is among the enumerated powers; or that it falls, by any just interpretation, within the power to make laws necessary and proper for carrying into execution those or other powers vested by the Constitution in the government of the United States.

“The power to regulate commerce among the several States,” cannot include a power to construct roads and canals...

To refer the power in question to the clause “to provide for the common defense and general welfare,” would be contrary to the established and consistent rules of interpretation... Such a view of the constitution would have the effect of giving to Congress a general power of legislation, instead of the defined and limited one; the terms “common defense and general welfare” embracing every object and act within the purview of a legislative trust. It would have the effect of subjecting both the Constitution and laws of the several States, in all cases not specifically exempted, to be superseded by laws of Congress; it being expressly declared “that the Constitution of the United States, and laws made in pursuance thereof, shall be the supreme law of the land, and the judges of every State shall be bound thereby, any thing in the constitution or laws of any State to the contrary notwithstanding.” Such a view of the Constitution, finally, would have the effect of excluding the judicial authority of the United States from its participation in guarding the boundary between the legislative powers of the general and the State governments...

A restriction of the power “to provide for the common defense and general welfare,” to cases which are to be provided for by the expenditure of money, would still leave within the legislative power of Congress, all the great and most important measures of government; money being the ordinary and necessary means of carrying them into execution.

If a general power to construct roads and canals, and to improve... navigation ...be not possessed by Congress, the assent of the States in the mode provided in the bill cannot confer the power. The only cases in which the consent... of particular States can extend the power of Congress, are those specified and provided for in the Constitution.

I am not unaware of the great importance of roads and canals, and the improved navigation of water-courses... But... hope that its beneficial objects may be attained by... the same wisdom and virtue in the nation which established the Constitution in its actual form, and providently marked out, in the instrument itself, a safe and practicable mode of improving it...

JAMES MADISON.

March 3, 1817