

# Key Constitutional Clauses on Intelligence

This handout highlights provisions of the U.S. Constitution that relate to secrecy, intelligence, and national defense. These clauses, though written in the 18th century, remain relevant to how intelligence is funded, managed, and overseen today.

**Article I, Section 8 (Powers of Congress):** Congress has the power to provide for the common defense and make all laws ‘necessary and proper’—a foundation for intelligence activities.

**Article I, Section 9 (Statement and Account Clause):** ‘A regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time, excepting such Parts as may in their Judgment require Secrecy.’ This is the constitutional basis for secret budgets.

**Article II, Section 2 (Executive Power):** The President is Commander-in-Chief, makes treaties (with Senate consent), and appoints ambassadors—all roles requiring intelligence support.

**Federalist Papers (No. 70, Hamilton):** Argued that energy in the executive—characterized by secrecy, decisiveness, and dispatch—was essential for national defense and foreign affairs.

The Constitution does not explicitly mention intelligence agencies, but it created a flexible framework that has allowed intelligence to evolve from Washington’s spies to today’s modern intelligence community.