

The Making of America

Webinar Part III

GOVERNMENT THROUGH CAREFULLY DELEGATED POWERS



In Parts I and II we learned the development of good constitutional ideas in the minds of the Founders. Now in Part III we undertake the study some of the more profound provisions of the magnificent document we call the Constitution of the United States. We will point out original intent and it will be very apparent how far we have strayed by the examples we give. This is the point that participants begin to ask themselves how we could have gotten so far off base!

The four webinar sections include selected pages from the *Making of America Seminar Guide*. You may download each of the four parts separately or the entire *Seminar Guide* at www.nccs.net/seminars.

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The Miracle at Philadelphia

Introduction

When the Founding Fathers assembled in Philadelphia on May 25, 1787, it was a _____ experience. The entire American experiment was falling to pieces:

- A. The _____ that existed during the Revolutionary War had disappeared.
- B. There was a deep _____, with runaway inflation and rioting in some places.
- C. The states were _____ over boundaries in the west and fishing rights in the east.
- D. The states actually treated one another as _____ countries, charging customs on imports and exports.
- E. Spain was threatening to seize territory along the _____.
- F. England would not remove her _____ from the northern border of the United States.
- G. Such _____ had developed among the states that New England was threatening to secede from the Union!
- H. It was obvious the Articles of Confederation were a _____ and the central government was completely incapable of dealing with all these crises.

The whole civilized world was watching to see if the men assembled in Philadelphia could save the dis-United States.

It was almost a _____ that the Constitutional Convention ever took place.

- A. None of the states seemed to want it. From all appearances, they each seemed prepared to go their separate ways.
- B. In 1783, after Washington learned that the army was planning to seize power and try to make him king, he wrote to every state pleading with them to hold a convention at the earliest possible date. _____ came of it.
- C. On March 28, 1785, Washington invited delegates from his own state of Virginia to meet with delegates from Maryland and work out a settlement of

I

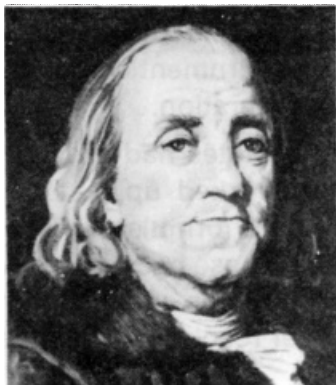
their quarrel over trade and fishing rights. It was so successful that Congress was urged to hold a _____ conference for all the states.

- D. The trade conference was held at Annapolis in September 1786. A good spirit prevailed among the delegates, but since only _____ states were represented, there was not a quorum to do business. Nevertheless, the delegates decided to ask Congress to call a general convention so that the states could work out all their problems, both economic and political.
- E. Congress finally scheduled a convention to meet on May 14, 1787.

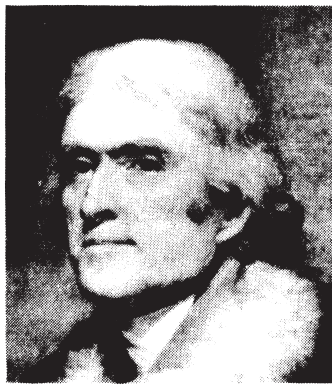
II

The Constitutional Convention became the most important convocation of political leaders in the history of the world.

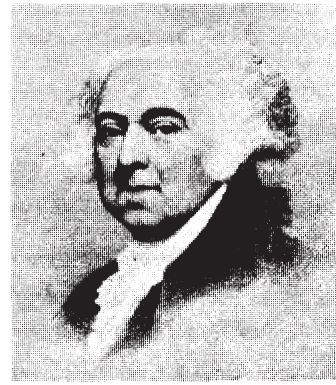
- A. It was fortunate that each of the states sent some of its most outstanding leaders to the convention.
- B. Altogether, 73 delegates were appointed to attend the convention. Unfortunately, however, many of the states provided no expense money for their representatives, and as a result, only _____ actually participated. Many of these, including James Madison, had to borrow money to attend.
- C. The only state that did not send any representatives was Rhode Island. Its leaders said they wanted to remain independent of the other states and had no intention of consenting to a stronger central government. The other states began calling her "_____ Island." Thirteen businessmen from Rhode Island wrote a letter to the convention apologizing for the behavior of their leaders.
- D. Because of personal circumstances, George Washington was almost unable to attend. His brother had recently died, his mother and sister were seriously ill, and Washington was in such pain from rheumatism that he could not sleep at night. Nonetheless, his friends persuaded him to attend, since otherwise the convention would have failed.
- E. Benjamin Franklin was _____ years old and had difficulty attending, even though Philadelphia was his home. Four trustees from the local prison carried him in a sedan chair to and from the convention each day.



Benjamin Franklin



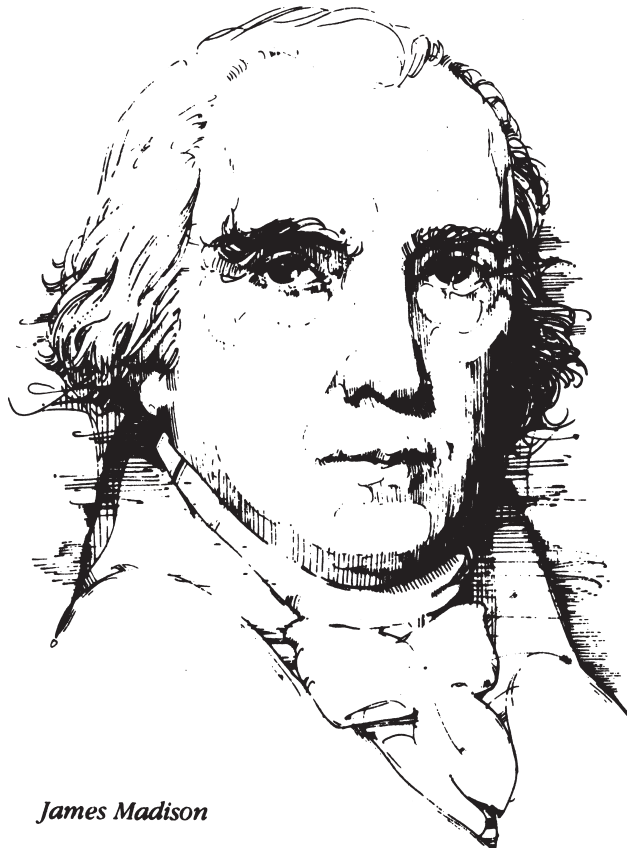
Thomas Jefferson



John Adams

F. Two men who made some of the greatest contributions to the convention were unable to attend:

1. _____ was serving as the American minister to England. Nevertheless, he had written a treatise entitled *A Defense of the Constitutions of Government of the United States*, and this document was widely read by delegates to the convention.
 2. _____ was also absent serving as the American minister to France. However, he had sent more than a hundred carefully selected books to James Madison, and Madison made himself a walking encyclopedia on the history and political philosophy of governments of the past. Jefferson corresponded with him on what he considered to be the essential elements of a good constitution. Therefore, a month before the convention, Madison wrote a summary of the weaknesses of the Articles of Confederation entitled "The Vices of the Political System of the United States." He then outlined the kind of constitution he thought would remedy the situation. No one came to the convention better prepared than James Madison.
- G. James Madison was _____ years younger than Thomas Jefferson. He was short and slight of stature and in his early years had been quite sickly. He attended Princeton, where he came under the intensive discipline of John Witherspoon, who later signed the Declaration of Independence.



James Madison

Madison had worked closely with Jefferson in Virginia, helping him develop his massive legislative reform and pushing some of it through after Jefferson left for France. Madison served in Congress from 1780 to 1783 and was considered the most _____ political leader in the national assembly.

It was fortunate that Madison was present to provide the principal leadership at the Constitutional Convention, where he represented the advanced views of both himself and Jefferson.

III

The opening of the convention had to be postponed because the delegates from only two states had arrived by May 14, 1787. This turned out to be a great _____.

1. When the Virginia delegation saw that there would be a delay, the members immediately began holding early-morning planning sessions where _____ outlined the results of his research. He recommended a structure of government completely different from that of the Articles of Confederation.
2. By the time a quorum (or majority) of the state delegations arrived in Philadelphia, the Virginia delegation had formulated _____ resolutions describing some of the things they thought the new system of government should contain. These became known as Virginia's "Fifteen Resolves," which constituted the basic agenda for the convention when it finally assembled. Other resolutions were added as the convention got under way.

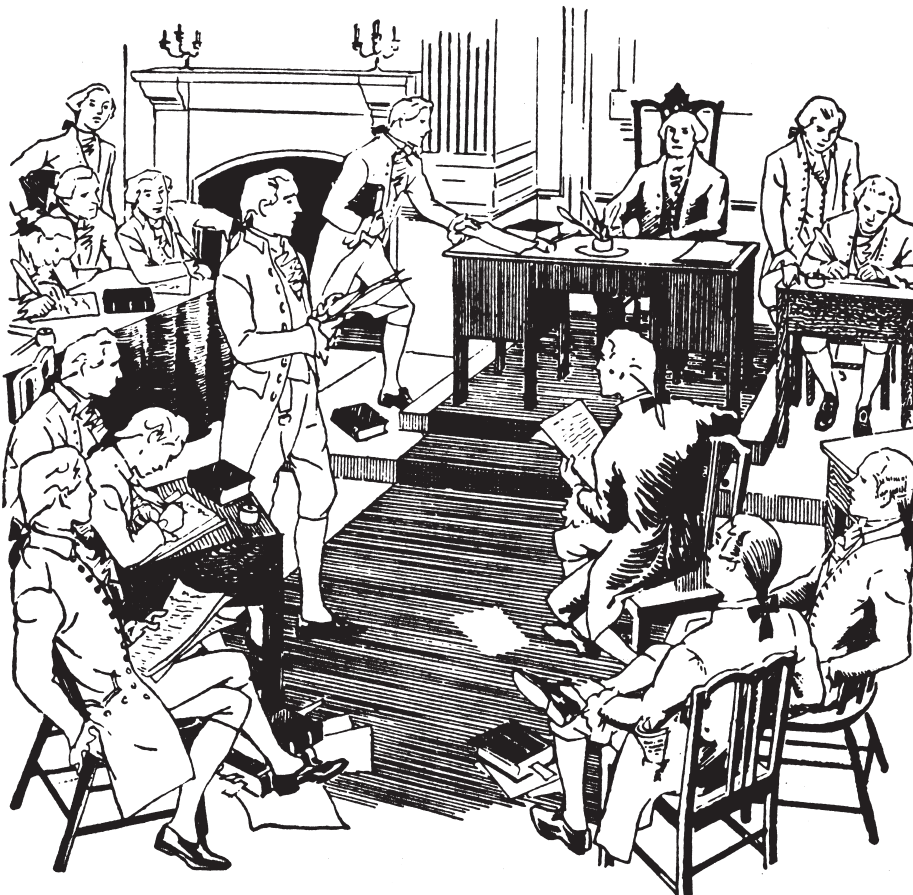
IV

The Constitutional Convention officially opened on Friday, May 25, 1787. By this time the delegations from seven states had arrived. Others came along in due time until all the states were represented except _____.

Independence Hall, Philadelphia



- A. The first order of business was to elect a president of the convention. _____ was elected unanimously.
- B. A secretary named Major William Jackson of South Carolina had been employed, but he was not really competent. It was _____ who was the real secretary and historian. He sat in front and took copious notes on everything that was said. After each session, Madison would work far into the night filling in details. He occasionally made himself ill from fatigue and overwork trying to capture every detail of the convention. These notes were kept secret for _____ years, but they were finally published by an act of Congress in 1843. They constitute the most authoritative record available on the convention.
- C. The convention followed a procedure that greatly facilitated informal debate of each issue. For purposes of discussion, the convention would resolve itself into a "Committee of the _____," consisting of all the convention delegates. This would permit them to reach temporary decisions not counted as the official position of the convention. This is why we find Washington stepping down from the chair several times during the convention and having Nathaniel Gorham of Massachusetts take his place as chairman of the Committee of the Whole. Once they had reached an agreement, they would turn themselves back into a convention and vote formally on the question.



*Edmund Randolph*

Before the convention was over, the members had reached general agreement on all the major issues except three:

1. How soon the national government should begin to regulate or abolish _____.
2. Whether votes in Congress should be according to individual states or the _____ of the states.
3. Whether the federal government should have authority to regulate interstate _____.

Since these are the only real compromises in the Constitution, it is a mistake for textbooks to describe the Constitution as a "conglomerate of compromises." On all other issues the Founders "talked it out" until they had reached general agreement or near consensus.

- D.** It was Tuesday, May 29, after the delegations from nine states had arrived and all the preliminaries had been arranged, that Governor Edmund Randolph of Virginia arose and introduced the 15 _____ or "resolves" which the Virginia delegation had prepared in advance. These became the agenda for the convention from that point on.
- E.** Since no country in the world had ever been structured the way the Virginia Resolves suggested, every single point had to be carefully analyzed and debated.
1. It should be kept in mind that Congress had told the delegates that they were meeting for the "sole and express purpose of _____ the Articles of Confederation." However, there was a general feeling that a completely different kind of constitutional structure was needed.
 2. The delegates knew that whatever they proposed would have to be approved by _____ and the states, so they felt justified in proposing a completely new constitution rather than putting patches on the defective Articles of Confederation.
 3. It took the convention _____ months to reach final agreement on the many prickly issues raised by the Virginia Resolves and write them into a formal constitution.

V

Highlights of the Constitutional Convention:

- A.** From May 30 to June 13, the convention discussed the 15 Virginia Resolves one at a time. They first determined points of general agreement and postponed until a later date the questions involving extensive debate.
- B.** On June 14, William Paterson of New Jersey asked to have the day free for the preparation of a new plan that the _____ states wished to present the following day.
- C.** The New Jersey Plan was laid before the convention on Friday, June 15. Before presenting this plan, Paterson said that the smaller states wanted to

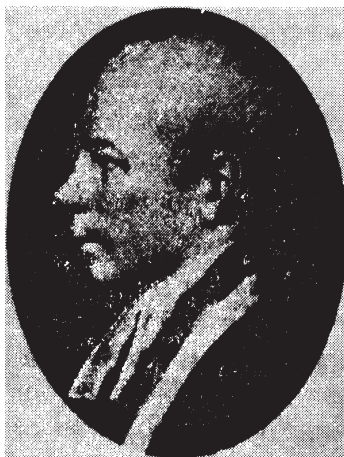
scrap the Virginia Resolves and go back to patching up the original Articles of Confederation.

- D.** The following day, James Wilson of Pennsylvania compared the Virginia Plan and the New Jersey Plan point by point:

	Virginia Plan	New Jersey Plan
Legislature	Two branches	Single body
Source of legislative power	The people	The states
Executive	One	More than one
Legislative action	By a majority	By a small minority
Extent of legislative power	All national concerns	Limited objects
Remove executive	By impeachment	Upon application of majority of states

- E.** While the convention was contemplating the two different plans, Alexander _____ arose and presented an entirely different plan of his own. He said it was too dangerous to tread untried waters. It would be best to go back to the British pattern. According to his recommendations:

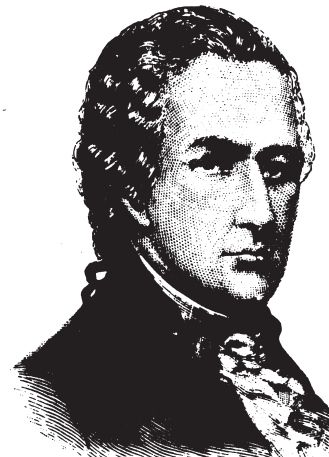
1. A single executive would be chosen for _____ by electors from the states. He wanted the president to have an absolute veto over any legislation, similar to the veto power of the king of England.
2. Senators would also be chosen for _____, as was the case in the English House of Lords.



William Paterson



James Wilson



Alexander Hamilton

3. Members of the House of Representatives would be chosen by the people for a term of _____ years.

4. Governors of the states would be appointed by the _____ government, just as the king of England had appointed colonial governors before the Revolutionary War.

Hamilton's plan was "approved by all and supported by _____." It was not even discussed, let alone voted upon.

F. On June 19, a moving speech was given by James _____, in which he said that the convention must come up with a "Constitution for the Ages," and that only the Virginia Plan would stand the test of time. Immediately afterward, the New Jersey Plan was voted down and Hamilton's plan was also abandoned. Hamilton even abandoned it himself and returned to New York soon afterward. However, he came back before the convention adjourned.

G. After June 19, the convention tried to probe some of the more prickly questions which had previously been postponed. The next five weeks (through July 26) are known as the _____ period of the convention.

H. Just trying to decide how the President should be elected required more than _____ ballots between July 10 and 16. It was during this dark period that Washington wrote:

"I almost despair of seeing a favorable issue to the proceedings of the Convention, and do therefore repent having had any agency in the business." (John C. Fitzpatrick, ed., *The Writings of George Washington*, 39 vols., Washington: United States Government Printing Office, 1931-44, 29:409.)

Observers said he looked as grim as when he was at Valley Forge.

It was during the quarreling and heated debating on June 28 that 81-year-old Benjamin Franklin made his famous plea for prayer.

On July 10 the two remaining delegates from New York, Lansing and Yates, left the convention and never returned.

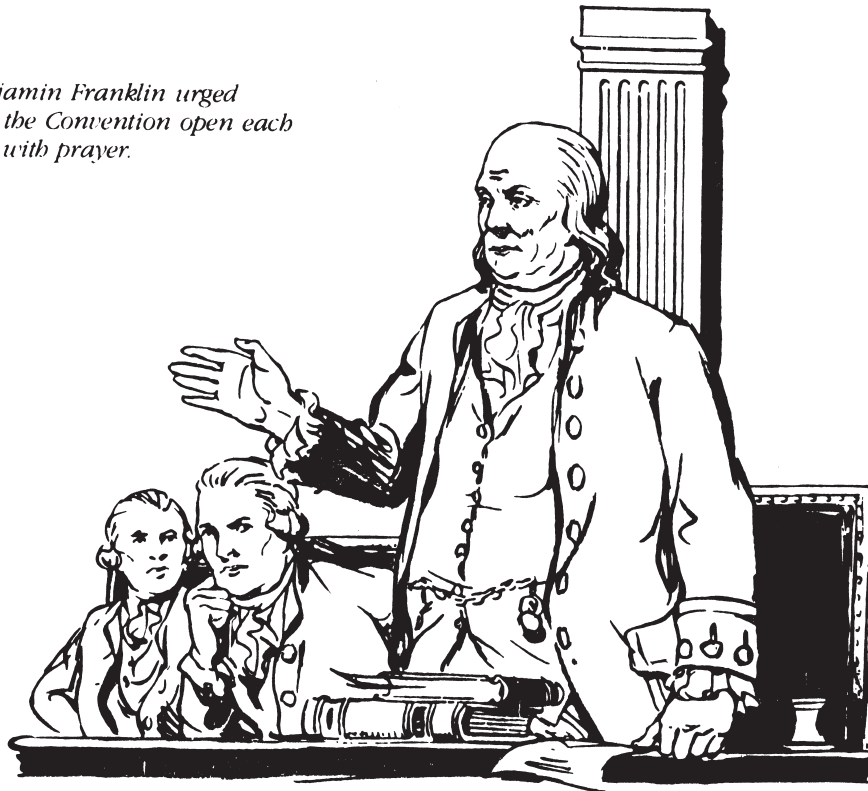
I. A breakthrough came on July 16, when the delegates were at last able to agree on a formula for allocating _____ in Congress.

1. The small states had been determined to have _____ vote for each state as provided in the Articles of Confederation.

2. The larger states had insisted that representation should be according to _____. Delegates from Georgia argued that this would give the big state of Virginia 16 times more representatives than Georgia. Madison argued back that if each state had one vote, then a person from Georgia would have 16 times more representation than a citizen of Virginia.

3. Both sides finally agreed to accept the suggestion of Roger Sherman of

*Benjamin Franklin urged
that the Convention open each
day with prayer.*



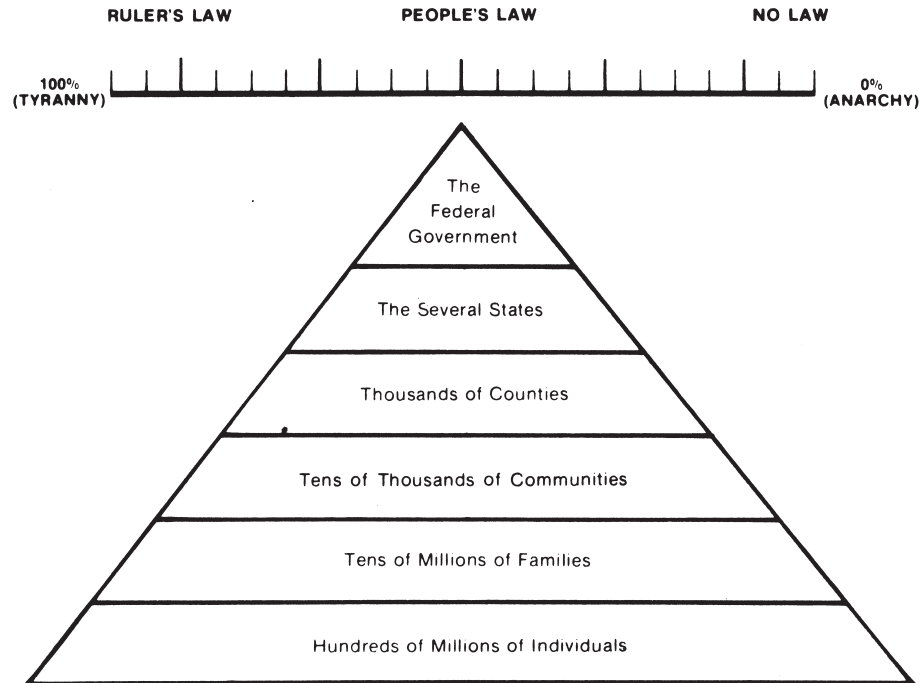
Connecticut that each state have _____ representation in the Senate but that seats in the House of Representatives should be apportioned to the states according to population. This suggestion was made three separate times during the heated debates before it was finally accepted.

- J. Finally, by July 26, the principal issues had been sufficiently settled to put the Constitution into rough form. A Committee on _____ was therefore appointed, with instruction to have its report completed by August 6.
- K. From August 6 to September 8, the convention hammered out many more important details which needed refining. By this time, _____ of the 55 delegates had departed and gone home. Hamilton, Yates, and Lansing of New York were among those who left. Later Hamilton returned, but he could not vote because his state did not have the required number of delegates for a vote.
- L. On September 8, the amended rough draft from the Committee on Detail was turned over to a special Committee on _____ for the final rewrite. Most of the rewrite was done in four days by a highly skilled lawyer and writer who was a delegate from Pennsylvania. His name was Gouverneur _____.

VI

Unveiling the Founders' great new success formula for freedom and prosperity.

- A. The power base was structured exactly as it had been visualized from reading the history of ancient Israel and the Anglo-Saxons. It was fixed firmly in the balanced _____ of the political spectrum.



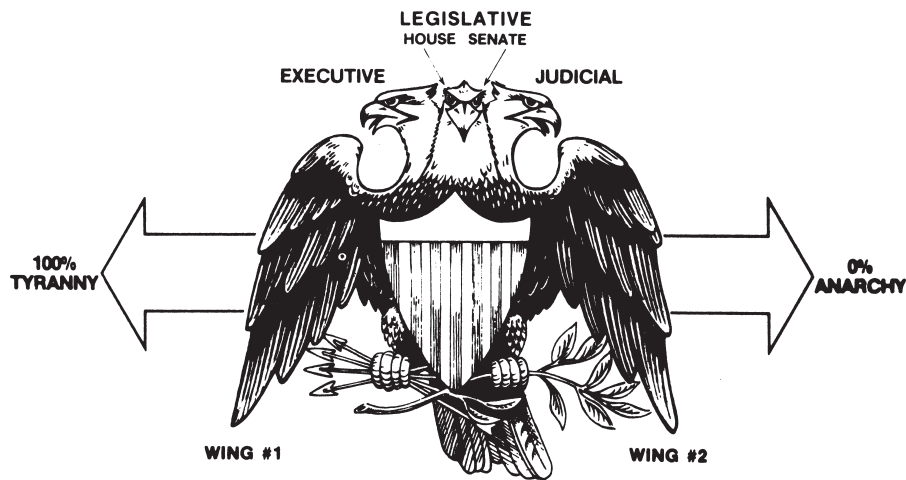
Assign to each level what it DOES BEST.

- B. The separation of powers was both _____ and _____. The vertical separation of powers clearly divided the responsibilities and political authority between the states and the federal government. The purpose of the Constitution was to coordinate, NOT consolidate, these two great systems of government (state and federal).

This gives particular significance to the words of James Madison when he emphasized the inescapable necessity of the people maintaining control over their affairs. He wrote:

The powers delegated by the proposed Constitution to the federal government are _____ and defined. Those which are to remain in the state governments are _____ and indefinite. The former will be exercised principally on external objects as war, peace, negotiation, and foreign commerce; with which last the power of taxation will, for the most part, be connected. The powers reserved to the several states will extend to all the objects which, in the ordinary course of affairs, concern the lives, liberties and prosperity of the state. (*Federalist Papers*, No. 45.)

- C. The Founders provided a _____ separation of powers among the three major branches of government—the legislature, the executive, and the judiciary. This was later copied by all of the states. It was like creating a three-headed eagle with a common neck, so that each department would be independent but could not function without the support of the other two. In other words, it was separation of power with checks to keep everything in balance, as the following illustration demonstrates:



- D. Each of the two wings is essential to keep the American eagle in the balanced _____ of the political spectrum.
1. Wing No. 1 might be referred to as the problem-solving wing or the wing of compassion. Those who function through this dimension of the system are sensitive to the unfulfilled needs of the people. They dream of elaborate plans to solve these problems.
 2. Wing No. 2 has the responsibility of conserving the nation's resources and the people's freedom. Its function is to analyze the programs of Wing No. 1 with two questions. First, can we afford it? Second, what will it do to the rights and individual freedom of the people?
 3. If either of these wings fails to perform its job, the American eagle will drift toward anarchy or tyranny. For example, if Wing No. 1 becomes infatuated with the idea of solving all the problems of the nation regardless of the cost, and Wing No. 2 fails to bring its power into play to sober the problem-solvers with a more realistic approach, the eagle will spin off toward the left, which is tyranny. On the other hand, if Wing No. 1 fails to see the problems that need solving and Wing No. 2 refuses to solve problems in an effort to save money, or to preserve the status quo, then the machinery of government loses its credibility and the eagle drifts toward the right, where the people decide to take matters into their own

hands. This can eventually disintegrate into anarchy, with a deep credibility gap developing between the people and their government.

4. However, if both of these wings fulfill their assigned functions, the American eagle can fly straighter and higher than any civilization in the history of the world. This is what the Founders envisioned as they finally concluded the Constitutional Convention.

VII

On Monday, September 17, 1787, _____ out of the original 55 delegates solemnly met in the east room of Independence Hall for the signing.

- A. Because a few delegates still had some significant reservations, Franklin asked that the Constitution be signed by the majority of each delegation so they could say it was by “unanimous consent” of all the “states” represented. This was done. Three delegates did not sign:

1. Elbridge Gerry of Massachusetts
2. George Mason of Virginia
3. Governor Edmund Randolph of Virginia

Their main objection was that the Constitution did not include a _____ of _____.



- B. As the delegates were signing, James Madison carefully watched each of them. When Franklin signed, Madison wrote: “The old man _____.” (Catherine Drinker Bower, *Miracle at Philadelphia*, London: Hamish Hamilton, 1967, p. 213.)

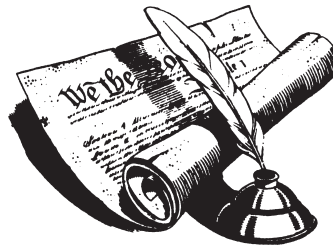
- C. As the last delegates were signing, Franklin referred to a picture of the sun on the back of George Washington's chair. He said: "I have . . . often, in the course of the session, . . . looked at that [sun] behind the president without being able to tell whether it was rising or setting. But now at length I have the happiness to know that it is a rising and not a setting sun." (Max Farrand, ed., *The Records of the Federal Convention of 1787*, 4 vols., New Haven, Conn.: Yale University Press, 1937, 2:648.)



"It is a rising and not a setting sun."—Benjamin Franklin

Conclusion

As the famous convention came to a close, it was as though a great battle had been won. But the Constitution still had to go to the Congress and the people. This meant that the great intellectual battle to get the American charter of liberty established in the hearts and minds of the American people still had to be fought. Their carefully structured formula for freedom and prosperity was about to go through its "baptism of fire."



II

The Preamble to the Constitution

- A. Gouverneur Morris set forth the six main purposes of good government for the first time in political history when he wrote the Preamble:

We the people of the United States, in order to form a more perfect _____, establish _____, insure domestic _____, provide for the common _____, promote the general _____, and secure the blessings of _____ to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

- B. The Preamble is a wonderfully succinct introduction to the content of the Constitution, and every American should learn it by heart. It is easy to memorize by using sign language while reciting it. (See Appendix, page 131.)

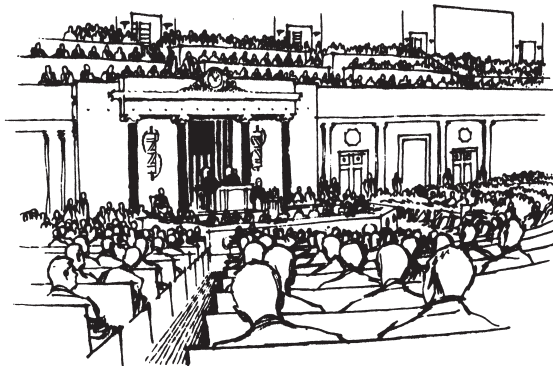
III

Article I: The Legislature

One of the most important provisions of the Constitution is Article I, Section 1, which reads:

All legislative powers herein granted shall be vested in a _____ of the United States, which shall consist of a Senate and House of Representatives.

- A. This gave the people the right *not* to be subject to any federal law unless it has been reviewed and approved by a majority of the people's representatives.



- B.** Gradually the executive and judicial branches of the government began to usurp this authority in the following ways:
1. The executive branch began making laws by issuing "executive _____" and publishing them as new laws in the *Federal Register*.
 2. The President was authorized to set up certain types of regulatory agencies. These bodies immediately began issuing thousands of orders that were treated as "laws" which could be enforced in the courts. This kind of regulation is called _____ law.
 3. The President also began to involve the nation in many new legal obligations with foreign powers by entering into extensive and sometimes secret _____ agreements. According to the Constitution, foreign commitments should be handled through treaties approved by the _____.
 4. The Supreme Court has also created numerous new laws under the guise of merely interpreting old ones. This was particularly true during the administration of Chief Justice Earl Warren from 1954 to 1969. This is called _____ legislation.

Article I, Section 2: The Structure of the House of Representatives.

- A.** Representatives are elected every _____ years, and the states are to decide what qualifications a person must have to vote for a Representative. Whoever can vote for a representative in the state legislature can vote for a Representative in Congress.
- B.** To be a member of the House, a person must be (by the time he is sworn in): age _____, a citizen _____ years, and an inhabitant of the state he represents.
- C.** A census must be taken every ten years, with Representatives being apportioned among the states according to their population. The Founders did not want too many Representatives, so they determined that each one must represent at least _____ people. By 1929, the House had grown to 435 members, and a law was therefore passed which stipulated that the number could not be increased beyond 435. Of course, our population has greatly increased, and therefore today each Congressman represents approximately _____ people.
- D.** If a Representative resigns or dies, the _____ of that state must arrange for a new election.
- E.** The House is authorized to choose its Speaker as well as any other officers that are needed.
- F.** Only the House can initiate impeachment proceedings against officers in the other branches of government. In Congress, obnoxious members are not impeached but are _____ by a two-thirds vote.

IV



7

The States Delegate Twenty Powers to Congress

Introduction

In 1776, the states had refused to delegate enough authority to Congress to enable it to perform its legitimate functions. As a result they almost lost the Revolutionary War. In lessons 7 and 8 we shall discover which powers the states were willing to delegate to the federal government.

Article I, Section 8, Clause 1: "The Congress shall have power to lay and collect taxes...to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States."

A. Here are the principal types of taxes:

1. Poll tax.
2. Property tax.
3. Income tax.
4. Excise tax.
5. Sales tax.
6. Duties or imposts, sometimes called _____.

B. Congress can use taxes of various kinds to pay the _____ of the United States.

1. The Founders elected to assume responsibility for the payment of all debts accumulated during the Revolutionary War by both the national government and the _____. This amounted to more than \$79 million—a gigantic sum in those days.
2. This willingness to assume past debts did much to establish the credibility of the new government among foreign banks.

C. Congress can raise revenue to pay for the common _____ of the nation. Such a defense is not considered adequate unless it is sufficient to discourage an attack by potential enemies.

D. In connection with the taxing power, this clause states that revenues can only be expended for the _____ of the whole nation as it carries out the list of duties set forth. These funds are not to be spent for individuals, special groups, or particular geographical



I



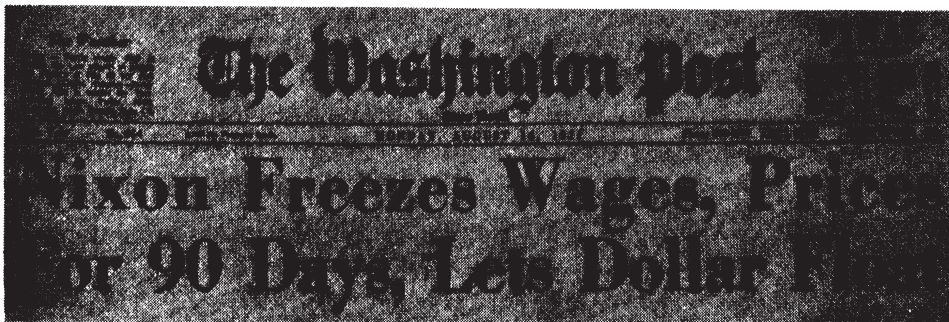
regions. This clause was designed by the Founders to be a _____ on the taxing power of Congress. However:

1. When Alexander Hamilton became Secretary of the Treasury under Washington, he argued that this clause was a general _____ of _____ which allowed Congress to tax and spend money for any good cause, regardless of whether it was among the enumerated powers, or whether it was for local or special welfare rather than general welfare. (He had never presented this idea at the Constitutional Convention, where it would have been immediately rejected because it torpedoed the whole idea of a _____ government!)
2. Hamilton was immediately opposed by _____ and _____, who emphasized the original intent of the Founders in having the national government carry out its assignment in ways that would benefit the nation as a whole, not special groups or special regions.
3. The Founders' original intent generally prevailed until _____, when the Supreme Court virtually amended the Constitution by a judicial opinion in the *Butler* case. Justice Roberts was joined by four other justices in handing down a dictum that thereafter Congress could follow Hamilton's doctrine of taxing and spending money for any cause it considered beneficial.
4. This unconstitutional dictum opened the floodgates of the U.S. treasury to virtually unlimited political looting, with the following results:
 - a. Federal budgets rose from a little over \$6 billion in 1936 to more than _____ in 1980.
 - b. Congressmen and Senators began campaigning on the basis of their success in concocting plans to bring more _____ money into their respective states.
 - c. Instead of limiting the federal government to the relatively few areas of responsibility outlined in the *Federalist Papers*, Congress began financing every "good cause" that offered an _____ for spending federal money in their states.
 - d. President Lyndon Johnson openly announced that the idea was to take from the "_____" and give to the "_____-_____." This is a program of "redistribution of wealth," which Samuel Adams said the Founders had tried to make unconstitutional.
 - e. The Founders warned that the looting of one group of citizens for the benefit of another group is assigning to government a power which individual citizens do not have the _____ to assign. They can only assign to government what they can rightfully do themselves, and looting one neighbor for the benefit of another would be considered a _____.



rather than economic. As Dr. Milton Friedman emphasized repeatedly on his recent "Free to Choose" television series, politicians have been borrowing and printing tens of billions of dollars and using them to _____ votes. The unconstitutional *Butler* decision in 1936 made it all possible.

6. It is also a mere political device and power play when the government imposes price controls. It has devastating consequences _____:
 - a. It leads to scarcity because price controls automatically wipe out the margin of _____.
 - b. This leads to _____ markets.
 - c. And black markets always lead to _____.



Article I, Section 8, Clause 3: Congress shall have power to "regulate commerce with foreign nations, and among the several states, and with the Indian tribes."

- A. Foreign Commerce.** It has always been considered a plenary or inherent power in any sovereign government to regulate commerce and other relations with foreign powers. The regulation of foreign commerce is usually by:
 1. Duties on imports to raise revenue.
 2. Tariffs on certain foreign imports, with rates specifically designed to protect American workers and industries from the undermining of the U.S. market by goods produced by _____ labor or slave labor.
 3. The _____ of certain types of imports to protect the American consumer from inferior products and to prevent the importation of foreign products that might carry destructive pests or infectious diseases.
 4. The placing of an _____ on goods from certain countries as a sanction (or protest) against hostility or the violation of international law.
- B. Interstate Commerce.** The regulation of interstate commerce has been one of the most distorted and abused provisions of the entire Constitution.

III

Interpretations of this clause have passed through several stages:

1. In the beginning, the whole thrust of this provision was to ensure the free _____ of commerce among the several states, with emphasis on "commerce" rather than "regulation."
2. The power delegated by the states to the national government was intended to be limited to the regulation of _____, *not* the production or sale of goods and services going interstate.
3. Under the pressure of _____ and _____, the Supreme Court twisted or reversed traditional cases on interstate commerce and introduced the unconstitutional doctrine that the federal government may regulate anything that affects interstate commerce, directly or _____.
4. This has resulted in usurpation of power in the form of sweeping federal regulations over:
 - a. _____ transportation of goods.
 - b. Labor _____, which were formerly excluded from federal interference of any kind.
 - c. _____ controls covering anything that affects interstate commerce directly or indirectly. These controls have been extended to everything from natural gas prices and distribution to the price of milk.
 - d. _____ controls on any industry involved directly or indirectly in the nationwide "current of commerce."
5. The only way to correct this obvious abuse of federal authority is by constitutional amendment. The following text is submitted for consideration:

The regulation of interstate commerce shall be restricted to _____ and shall not apply to any phase of _____ and sales or any activity which merely affects interstate commerce indirectly.

- C. The purpose of regulating commerce with the Indians was primarily to protect them from fraud and exploitation, particularly with reference to _____.

IV

Article I, Section 8, Clause 4: Congress shall have the power to "establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States."

A. Naturalization:

1. Originally all of the states warmly _____ naturalization because of the shortage of manpower.

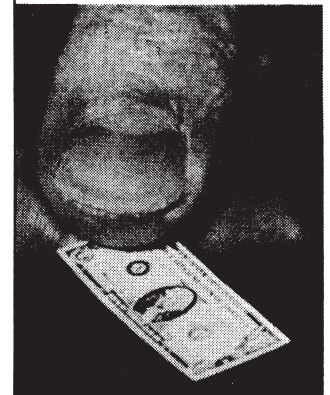
8

Powers Delegated to Congress (continued)

Article I, Section 8, Clause 5: Congress shall have the power “to coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures.”

- A.** The power to “coin money,” as a constitutional directive, meant that the United States must always be on a _____ and _____ standard. In Section 10, we see that the states are forbidden to pay debts in anything but gold and silver. However:
1. The courts eventually allowed the government to print paper money to replace the “notes” being issued by thousands of banks. Even so, the courts originally ruled that government currency had to be redeemable in _____ or _____.
 2. To “regulate the value thereof” originally referred to the value of coins, but in 1913 the management of American money and credit was turned over to a consortium of private banks called the Federal _____ System. This should have been considered unconstitutional, but the Supreme Court upheld it.
 3. In 1933 the United States was taken off the domestic gold standard without a constitutional amendment. All gold had to be turned into the U.S. treasury except that used for jewelry, dentistry, or industry. In return for the gold, Americans received _____ certificates.
 4. In 1964 the government went off the silver standard, and Federal _____ notes, which could no longer be redeemed in gold or silver, became legal tender.
 5. In 1971 the government even refused to redeem with gold the paper dollars owned by _____. The American dollar immediately became a “floating” currency and has been dropping radically in buying power ever since.
- B.** The power of the federal government to “fix the standard of weights and measures” was to establish _____ and prevent _____.

I



The shrinking dollar.

Article I, Section 8, Clause 6: Congress shall have the power “to provide for the punishment of _____ the securities and current coin of the United States.”

II

At the time of the Revolutionary War, the new nation had no navy, and John Paul Jones joined a number of other hearty souls to use private vessels operating under letters of marque and reprisal to fill the need. Clause 13 provided for the creation of a naval force under official government command.

X

Article I, Section 8, Clause 14: Congress, not the President, should make the _____ and regulations for both the land and naval forces.



XI

Article I, Section 8, Clause 15: Congress, rather than the President, was empowered to call up the _____ of the various states.

- A. The Federal Code states that every _____ 17 to 44 years of age is subject to call as a member of the militia of his state.
- B. Congress can call up the militia for three purposes:
 - 1. To suppress _____ (civil strife).
 - 2. To repel an _____ by a foreign power.
 - 3. To execute the _____ of the United States.

XII

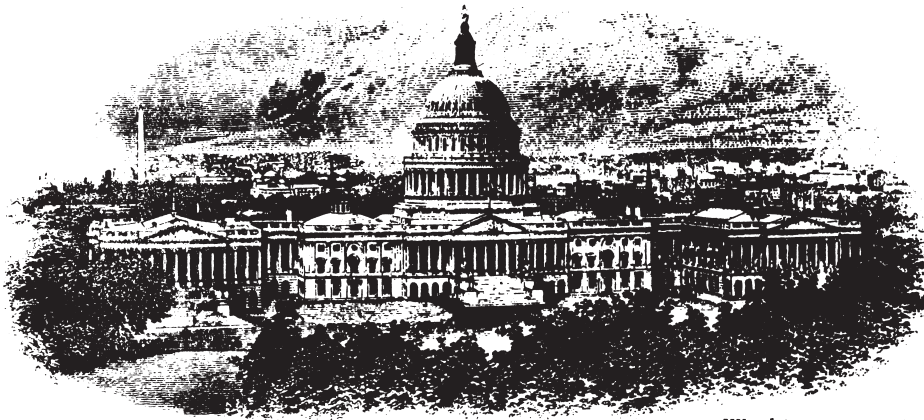
Article I, Section 8, Clause 16: Congress has the responsibility of passing laws and appropriating money for the “organizing, arming, and disciplining” of the militia, so that these military support forces will be of _____ quality throughout the states.

However, the Constitution gives the states the responsibility of carrying out the training and disciplining of their respective militia and appointing their own _____ to be in command. Only when a state militia is called up for active duty will federal military officers take over on the command level.

XIII

Article I, Section 8, Clause 17: Congress was given exclusive authority over a ten-mile-square area to be designated the “Seat of the Government.”

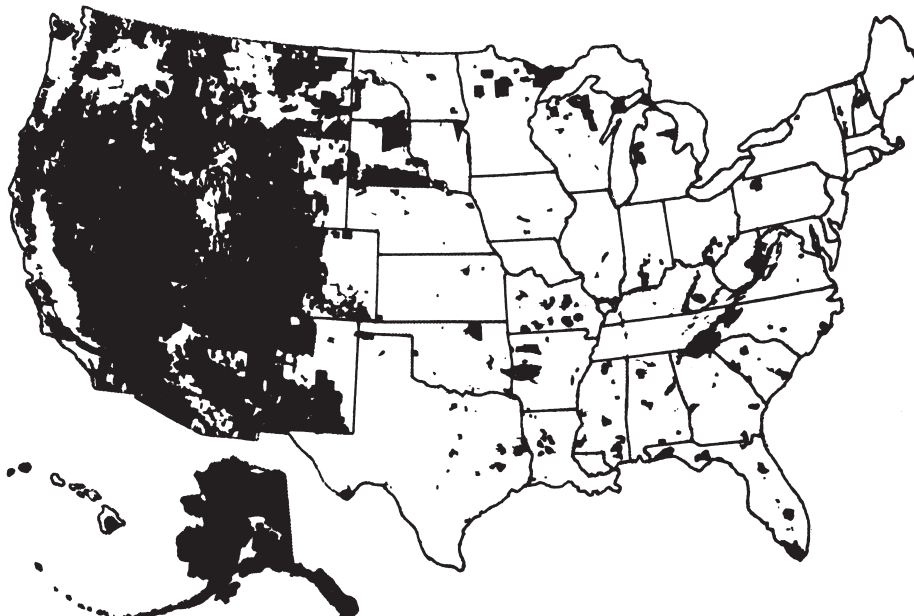
- A. This was to prevent the area from being “politicalized” and subject to the kind of _____ which threatened Congress when it met in Philadelphia.
- B. The deterioration of this protective provision began with adoption of the _____-_____ Amendment, which gave the District of Columbia three electoral votes in Presidential elections.
- C. Another proposed amendment which would have given the District of Columbia (which is really the city of Washington, D.C.) the right to elect two



Washington, D.C.

Senators and one Congressman recently failed. The states refused to ratify this amendment because it would have wiped out the original intent of the Founders to keep the Seat of Government a neutral, nonpolitical territory.

- D.** The federal government was also authorized by the Constitution to occupy certain areas within a state if such areas were "purchased by the _____ of the [state] legislature."
1. The Constitution spelled out the purposes for which the federal government was authorized to make these purchases. Land could be purchased (with the consent of the state legislature):
 - a. For the erection of _____.
 - b. For magazines and _____.
 - c. For _____.
 - d. For other needful _____ such as post offices.



*Areas darkened
on this map are
under federal
ownership and
control.*

2. The first new state added to the Union was Ohio, which was admitted in 1803. Instead of giving the state all of the public lands, the federal government sold them to help pay off the national debt. Ownership was thereby "privatized" and immediately went on the tax rolls of the state. This procedure was followed in all of the new states east of the Mississippi as well as all the new states in the Louisiana Purchase.
3. However, these provisions were completely ignored when the western states were admitted to the Union. The federal government unconstitutionally withheld vast sections of each state. In fact, when Alaska was admitted, 96 percent of the land was unconstitutionally withheld. The government still holds the following percentages of land in the western states:

Arizona	45%	Nevada	87%
California	45%	New Mexico	35%
Colorado	36%	Oregon	52%
Idaho	64%	Utah	66%
Montana	30%	Washington	30%

Compare this with Nebraska's 1 percent (one of the Louisiana Purchase states) or Massachusetts' 1 percent (one of the original 13 states).

XIV

Article I, Section 8, Clause 18: In order to carry out its responsibilities and exercise the powers granted to it, Congress was authorized to do whatever was _____ and _____. This is called the "elastic clause" because it has sometimes been used to stretch federal power beyond its legitimate dimensions.

Section Nine

It is important to remember that the delegates to the Constitutional Convention were there to represent the interests of the states. Therefore, they undertook to restrict the national Congress in certain ways. This had never been done before. National legislatures (including England's Parliament) always considered themselves supreme and unrestricted in their law-making powers. Here are the areas in which the United States Congress was to be restrained by constitutional restrictions:

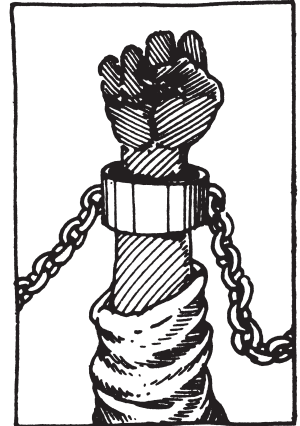
I

Article I, Section 9, Clause 1: Until _____, no restriction was to be placed on the importation or immigration of any persons (referring primarily to slaves, of course) which any of the states may consider proper. Furthermore, no federal tax on such persons was to exceed _____.

- A. It was the consensus of the Convention that slavery was on its way out. Even in the South, only one out of _____ white households owned slaves.

However, since slaves were considered “property,” many of them were mortgaged to European banks. Emancipation of the slaves would have resulted in liens or foreclosures because of the loss of collateral by the European banks.

- B.** Three states (North Carolina, South Carolina, and Georgia) threatened to secede from the Union unless they were allowed twenty years to prepare for the phasing out of slavery. The other ten states decided that it was best to ensure the stability of the Union first and deal with the slavery question after the twenty-year period. Before agreeing to this, however, the northern states demanded that the southern states agree to give the federal government the power to regulate interstate commerce. The South agreed, and the matter was settled. These were two of the three main _____ to be found in the Constitution.



Article I, Section 9, Clause 2: “The privilege of the writ of habeas corpus [an order of the court to have a prisoner brought before it; literally, “You have the body” brought before us] shall not be suspended” *except* when there is an _____ or _____ and the public safety warrants it.

II

Article I, Section 9, Clause 3: Congress is absolutely forbidden to pass any bill of _____ (an act of the legislature convicting a person of a crime without a _____ or a hearing). This clause also stipulates that Congress is forbidden to pass any *ex post facto* law, which makes an act a crime *after* the act occurred, or makes the offense more _____, or the penalty more _____, or deprives the individual of some _____.

III

Article I, Section 9, Clause 4: Congress was prohibited from assessing a head tax or other direct tax (such as an income tax) on the states unless it was uniformly assessed according to the _____ of each state.

IV

It was this restriction that made the Sixteenth Amendment necessary in order to tax on the basis of individual wealth instead of population.



responsibilities never dreamed of by the Founders. Here are some of the things Congress has assigned the President:

1. The responsibility of maintaining _____ employment for the work force of the entire nation.
2. The task of ensuring a high level of _____ prosperity.
3. The task of developing a national _____ program.
4. The task of supervising the exclusive distribution of _____ energy resources.
5. Settling national _____-management disputes.
6. Providing various kinds of federal _____ for the victims of natural disasters throughout the country.
7. Administering a national _____ program.
8. Administering a national _____ and Medicaid program.
9. Administering a national _____ program which is virtually bankrupting the government.
10. Allocating billions of dollars for _____ the young.
11. Administering a network of public _____ agencies.
12. Administering the _____ protection of the entire nation.
13. Administering nearly _____ percent of the nation's land and its resources.
14. Administering supervisory control over the discovery and development of all major _____ resources.
15. _____ all major U.S. industries such as steel, automobile manufacturing, coal mining, oil production, metal mining, etc.
16. Supervising and licensing all _____ and _____ broadcasting in the United States.
17. Monitoring the manufacturing and distribution of _____ and _____ and requiring special permission before any drugs can be distributed.
18. Initiating various types of federal programs on a _____ basis to replace many powers and activities originally reserved to the sovereign states.

E. Not one of the above additions to the President's powers and responsibilities has been authorized by a constitutional _____. The states should have been consulted. Constitutional authorities doubt that any of these acts of Congress would have been ratified by three-fourths of the states if they had been presented to the states as amendments.

F. Furthermore, they are all outside the original intent of the Founders as set forth by Madison when he said: