

The Making of America

Webinar Part IV

GOVERNMENT THROUGH CAREFULLY DELEGATED POWERS

(CONTINUED)



We continue our study of the greatest freedom document ever written by man. Participants come away with the definite impression that the Founders really did have answers to nearly every problem we have in America today. This document is simple, yet profound. It is beautiful and its principles are universal and everlasting. This concluding session contains ideas and suggestions of what citizens can do now that they know somewhat about the freedom document that made the first free people in modern times.

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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10

The U.S. Supreme Court—Guardian of the Constitution

Introduction

Under the Articles of Confederation the Founders hoped all disputes could be solved in the state courts. Therefore, no federal system of courts was provided. It soon became apparent, however, that a higher court system was essential.



Article III—Structure of the Federal Judicial System

The Founders assigned to the federal system of courts eleven different types of disputes:

- A. Cases involving the meaning or application of the _____.
- B. Cases arising under the _____ passed by Congress.
- C. Cases involving disputes between the United States and foreign powers.
- D. Cases affecting ambassadors or other officials of foreign governments.
- E. Cases relating to the admiralty or maritime problems.
- F. Cases in which the United States is a party.
- G. Disputes between two or more _____.
- H. Disputes in which the citizen of one state sues another state. (Repealed by the _____ Amendment following the case of *Chisholm v. Georgia* in 1793.)
- I. Disputes between citizens of different states (Congress later added the proviso that such cases had to be of some importance, involving \$_____ or more).
- J. Disputes between citizens of the same state over claims or land grants in different states.
- K. Cases involving suits between a state or citizen of a state and a foreign government or citizen of a foreign government.

I

Article IV—Relations Between the States

Prior to the adoption of the Constitution in 1789, many of the states were treating other states as foreign powers. Article IV was designed to solve some of the most abrasive problems that had arisen among the thirteen original states. The Founders also wanted to cover additional problems that might arise as new states came into the Union.

I

Article IV, Section 1: Should the acts of one state be binding on all the rest of the states?

- A. Section 1 provides that the official acts of each state must receive full _____ and _____ by all the other states.
- B. It also provided that Congress is to decide what _____ would be required to show what the official acts of a state might have been.

II

Article IV, Section 2: "The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states."

- A. "Privileges and immunities" refers to the _____ rights of citizens to travel freely, set up businesses, sue in the courts, have the protection of property, etc.
- B. It does not include _____ rights of citizens in each of the states. These are advantages that the people of a particular state have developed at great expense to the taxpayers of that state.
 - 1. This would include such things as _____, fishing, attending state-supported colleges, trucking over its roads, etc.
 - 2. In these cases, extra _____ can be charged to citizens of other states.

III

Article IV, Section 2: What happens when a criminal flees from one state to another in order to escape detection or punishment for his crime?

- A. The governor of the state where the crime was committed can demand the _____ of the fugitive for prosecution or punishment. This is called a request for "extradition" of the alleged offender.
- B. Is the return of the offender mandatory? The Supreme Court has held that it is discretionary with the governor of the state where the alleged offender is residing. He is allowed to determine whether he believes it is _____ or just to have the offender extradited to another state.

IV

Article IV, Section 2: When any person is under an obligation of "service" (slaves and bond servants) and that person enters a state where such relationships are illegal, the slave or bond servant is not automatically discharged from his obligations but must be delivered up on demand to the



person to whom such service is due. This entire provision is now _____ as a result of the Thirteenth Amendment.

Article IV, Section 3: The creation of new states.

A. New states can be created by:

1. _____ existing states.
2. _____ existing states.
3. _____ new states out of federal territories.

B. However, this can only be done with the consent of Congress and the legislatures of any states involved.

C. The Northwest Ordinance adopted by Congress on July 13, 1787, provided that all new states would enter the Union "on an _____ footing with the original states in all respects whatever." (Article V.)

1. The states created east of the Mississippi and those from the Louisiana Purchase all came in on an _____ basis.
2. However, in the western states and Alaska, the federal government has permanently retained vast quantities of their lands. Efforts are now being made to rectify this injustice. The press has called it the "_____ Rebellion," but it is not a rebellion. The western states are simply using established constitutional procedures to recover the land unlawfully withheld from them.

Article IV, Section 3: Only _____ shall have the power to regulate or dispose of territory or property belonging to the United States.

This provision was completely ignored in the giving away of the Panama Canal.

A. Instead of going to Congress as required by the Constitution, the President signed it away by means of a _____.

B. The Senate was then induced to _____ the treaty, but the House of Representatives was never consulted. The House made strong demands on the Senate to be a party to the transaction, but its constitutional rights were denied.

Article IV, Section 3: The United States shall guarantee a _____ or representative form of government in each of the states.

A. The use of the _____ referendum by many of the states is a technical violation of this provision but has not been seriously challenged.

B. Under this provision, the federal government has the responsibility to protect each of the states from _____ by another state or a foreign power.

C. The federal government is also given the responsibility of responding to the

V

VI

VII

request of a state legislature or its governor (if the legislature is not in session) to help suppress an insurrection or domestic _____ such as rioting.

Article V—The Amending Process

The Founders learned that they had made a mistake when they specified that the Articles of Confederation could only be amended with the consent of _____ the states. Several times a single, obstinate state prevented that document from being strengthened with needed amendments.

The provisions of Article V were, therefore, considered extremely important by the Founders.

I

There are two ways the Constitution can be amended, but only the first one has ever been used.

A. The first method is by having the amendment approved by:

1. _____ of the House and the Senate.
2. And then approved by _____ of the state legislatures or state conventions.

B. The second method is to have _____ of the state legislatures petition Congress for a constitutional convention. Ratification then involves three steps:

1. Congress calls upon the states to send delegates to a constitutional convention, indicating the place and date.
2. The convention of delegates from the various states can then prepare and vote on the proposed amendment.
3. Any proposed amendments must then be approved by _____ of the state legislatures. (Notice that the approval of Congress and the President is not required under this method.)

II

There are two restrictions to the amending process:

- A.** No amendment giving the federal government control over the slave trade was to be passed before _____. This was to give the South the opportunity to phase out slavery during the next twenty years so that its economy would not be disrupted.
- B.** It was also provided that no state, without its _____, can be deprived of equal representation in the Senate. The recent amendment proposed by Congress to give the District of Columbia two Senators and a Congressman was a definite violation of this provision. This is one of the main reasons why so many states refused to ratify it.

Article VI—Federal Supremacy

The setting up of a national government of the people imposed certain obligations on the federal government in conjunction with its newly acquired powers. There were three areas that needed to be spelled out very specifically, and this article attempted to cover them.

Article VI, Section 1: “All _____ contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States . . . as under the Confederation.”

- A. Under the Confederation, the states had accrued debts amounting to approximately _____ as a result of the Revolutionary War.
- B. The additional debts of the federal government accrued since the Declaration of Independence brought the total indebtedness of the United States to around _____. A major part of this debt was owed to foreign countries.
- C. This provision announced to the world that the new government would be economically responsible and _____ its legitimate obligations of the past.

Article VI, Section 2: The supremacy of federal law over that of the states.

- A. There are three areas of federal law to which the laws and actions of the states are subordinate:
 - 1. The _____.
 - 2. _____ established by the federal government.
 - 3. _____ entered into by the United States.
- B. Note that there is no reference here to executive agreements by the President with foreign powers; no reference to executive orders; no reference to edicts by regulatory agencies; and no reference to edicts by the Supreme Court, which constitute judicial legislation. The question turns on what the Founders meant by “laws of the United States . . . made in pursuance” of the provisions set forth in the Constitution.
- C. The judges of the state are bound by the provisions of the Constitution, federal law, and federal treaties, “any thing in the _____ or laws of any state to the contrary notwithstanding.”

Article VI, Section 3: To ensure complete loyalty to the Union, all Senators, Representatives, officials, and judges of the United States as well as officials of the individual states were required to take an _____ or affirmation that they would uphold the U.S. Constitution. However, no religious test was to be required in connection with the oath.

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Article VII—Ratification

It should be kept in mind that the Constitution was written under circumstances that were threatening to dissolve the Union. There was a serious question as to whether every state would ratify the Constitution with sufficient promptness to get the new government into operation soon enough to solve the problems plaguing the nation.

I

This article provides that: "The ratification of the conventions of _____ states, shall be sufficient for the establishment of this Constitution between the states so ratifying the same."

- A. This new Constitution was only to be binding upon the states that actually ratified it.
- B. There was no provision to _____ dissident states to come in under the new Constitution, even though they had previously entered into a "confederation and perpetual union."

Ratification of the Constitution: The numbers indicate the order in which the states ratified.



11

America's Famous Bill of Rights

Introduction

The American Bill of Rights is a legacy from tens of thousands of Englishmen who suffered torture, hanging, beheading, imprisonment, exile, and being burned alive in an effort to preserve those basic rights of freemen set forth in:

1. The Magna Charta of 1215.
2. The Petition of Rights of 1628.
3. The Writ of Habeas Corpus in 1679.
4. The English Bill of Rights of 1689.

The Founders wrote a preamble to the Bill of Rights which is seldom included in printed texts of the Constitution anymore:

"The Conventions of a number of states, having at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its [the federal government's] powers, that further declaratory and restrictive clauses be added...."

The First Amendment

A. The First Amendment begins with these words: "Congress shall make _____ law respecting an _____ of religion, or prohibiting the free exercise thereof."

1. The Founders had already declared in the Northwest Ordinance of 1787 that "religion" should be taught in the _____. But they did not want the government backing any particular "establishment" of religion—that is, the creed and ritual of a particular church.
2. They used the term "religion" in its broadest sense, meaning the basic beliefs in which practically all mankind agree. According to Franklin and others of the Founders, these basic beliefs are:
 - a. The "self-evident" truth that there is a _____ who made all things.
 - b. That the Creator has revealed a _____ code which defines what is right and what is wrong.
 - c. That the Creator holds mankind responsible for the way they _____ each other.
 - d. That all mankind _____ beyond this life.

I

- b. John Adams called these tenets the “general _____” on which the American civilization was founded. (Albert Ellery Bergh, ed., *The Writings of Thomas Jefferson*, 20 vols., Washington: Thomas Jefferson Memorial Association, 1907, 13:293.)
 - c. Thomas Jefferson called these basic beliefs the principles “in which God has _____ us all.” (Ibid., 14:198.)
 - d. In his Farewell Address (1796), Washington spoke of these religious principles as the “indispensable _____” of good government. He said that there is no “security for property, for reputation, for life, if the sense of religious obligation” is lost from among the people. Their oaths in court and their oaths in assuming high office would become meaningless.
4. The Founders said that these fundamental beliefs were important because human beings tend to behave the way they _____. Therefore, the tremendous influence of these beliefs on the American culture was immediately apparent to Alexis de Tocqueville when he visited the United States in 1831. He wrote:

On my arrival in the United States the religious aspect of the country was the first thing that struck my attention; and the longer I stayed there, the more I perceived the great political consequences resulting from this _____ state of things.

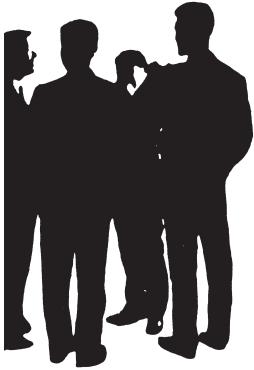
He described the situation as follows:

Religion in America takes no direct part in the government of society, but it must be regarded as the _____ of their political institutions;... I am certain that they hold it to be indispensable to the maintenance of _____ institutions [a government of the people by elected representatives]. This opinion is not peculiar to a class of citizens or to a party, but it belongs to the whole nation and to every rank of society. (*Democracy in America*, 12th ed., 2 vols., New York: Vintage Books, 1945, 1:319, 316.)

- B.** The second provision of the First Amendment is that “Congress shall make _____ law ... abridging the freedom of speech, or of the press.”
- 1. The Founders knew there would have to be some reasonable restrictions on this freedom, but they wanted such regulations and standards of propriety to be handled on the state level, close to the people, in order to eliminate _____ when they occur.
 - 2. The states have restricted freedom of speech and the press to:
 - a. Prevent false attacks on individuals in the form of libel or _____.
 - b. Prevent speech which endangers life, such as falsely shouting “Fire!” in a crowded theater.
 - c. Prevent individuals from inciting riots or promoting insurrection by _____.



Alexis de Tocqueville



II

advocating the overthrow of government by _____ and violence. Amazingly, in *Yates vs U.S.* (354 U.S. 298) the Supreme Court nullified state statutes containing this provision.

- C. The third provision of the First Amendment is that "Congress shall make _____ law...abridging...the right of the people peaceably to _____."
- D. The First Amendment also provides that "Congress shall make _____ law...abridging...the right of the people...to _____ the government for a redress of grievances."

The Second Amendment

The Second Amendment reads: "A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed."

- A. The militia of a state is that body of citizens which, under law, can be called up by the _____ or Congress to protect the rights and security of the people.
1. Many Americans do not even know that they belong to the militia of their state. They confuse their state militia with the National Guard, which is a specialized reserve corps in each state trained at federal expense for immediate service.
 2. Under the U.S. Code, Title 10, section 31, the militia of each state includes "all able-bodied _____ at least _____ years of age and under _____ years of age who are or have [made] a declaration of intent to become citizens."
 3. If the Equal Rights Amendment had been adopted, this provision would also include all _____ between those ages.
- B. The right to bear arms was considered by the Founders to be an _____ right connected with the preservation of life, liberty, and property. Notice that any regulation of firearms was left exclusively under the control of the states.
1. Today, Americans are the best-armed civilian population in the world.
 - a. The number of private citizens owning arms is estimated to be around _____ million.
 - b. The number of firearms in the possession of private citizens is estimated to be between _____ and _____ million.
 2. In nations where the leaders want to suppress the people by depriving them of their property and freedom, they begin by trying to disarm them.
 - a. First they merely ask them to _____ their guns and impose a heavy penalty on any who do not.
 - b. Then they sometimes deliberately provoke rioting and violence and

United States than according to the rules of the common law."

1. This simply means that the judge cannot substitute his _____ for the findings of fact by the jury.
2. However, the judge can:
 - a. Order the jury to bring in a verdict in favor of the defendant where the facts presented do not constitute a _____ case against the defendant.
 - b. Order a new trial where the verdict is clearly erroneous in view of the _____ and the requirements of the law.

VIII

The Eighth Amendment

The Eighth Amendment has three parts:

- A. The first part provides that excessive _____ shall not be required.
- B. The second part provides that the defendant shall not have excessive _____ imposed.
- C. The third part provides that the convicted person shall not be subjected to _____ and unusual punishment.

IX

The Ninth Amendment

The Ninth Amendment provides that: "The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people."

- A. In the *Federalist Papers*, No. 84, Alexander Hamilton had argued that a Bill of Rights was _____ because the law provided that a listing of things always assumed that it was all-inclusive and that any item left out was done so deliberately and, therefore, forfeited.
- B. Under their theory of _____ government, the Founders wanted it understood that they were not forfeiting anything. Their constitutional rights included not only the ones they had mentioned but all other rights besides!

X

The Tenth Amendment

The Tenth Amendment provides that: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people."

- A. This amendment was designed to fix the "_____ of the Constitution" on the agencies and elected officials of the federal government. That is, unless the Constitution specifically spelled out an

12

The Last Seventeen Amendments

Introduction

Once Congress and the ratifying states adopted the Bill of Rights, it was assumed that little or nothing needed to be done to further perfect the nation's great charter of liberty.

However, in the next dozen years, two additional amendments were passed and ratified.

The Eleventh Amendment

(February 7, 1795)

The Eleventh Amendment provided that a state could not be sued by the citizen of another state.

- A. When a citizen from South Carolina named Chisholm sued the state of Georgia for a certain indebtedness, the federal court took jurisdiction and _____ Georgia to respond to the suit.
- B. Therefore, the states felt that this amendment was necessary in order to protect the right of sovereignty of each of the states. This included the right of each state not to be sued without its _____.

The Twelfth Amendment

(July 27, 1804)

This amendment was designed to correct _____ in the electoral college system, which is described in Article II, Section 1, Clause 3. It will be recalled that each elector was to vote for two candidates. The person getting the most votes became President, and the next in popularity became Vice President. The Twelfth Amendment provided that:

- A. Each elector must submit _____ ballots for President and Vice President.
- B. A candidate for President must receive a _____ of the electoral votes to win.
 - 1. If three or more parties participate, the candidate with the most votes may still lack a _____.
 - 2. In that case, the names of not more than _____ of those having the most votes are sent to the House of Representatives, where each state has one vote in selecting the winner.

XI

XII

- C. A candidate for Vice President must also get a _____ of the electoral votes to win. In the absence of a majority for any one candidate, the names of the _____ highest are sent to the Senate, where a majority of the entire Senate determines the winner.
- D. This amendment also provides that a person cannot qualify as a candidate for Vice President unless he has all of the qualifications required for _____. This was an oversight in the original Constitution.

XIII



The Thirteenth Amendment

(December 6, 1865)

The Thirteenth Amendment has two sections:

- A. "Neither slavery nor involuntary servitude, except as a punishment for crime... shall exist within the United States."

This amendment was adopted in 1865, two years _____ President Lincoln's Emancipation Proclamation took effect. Why was this amendment necessary?

1. President Lincoln's proclamation only covered those areas at _____ with the Union. It did not cover bond servants or slaves in other areas, including parts of Virginia and Louisiana and all of Tennessee.
2. There was also some doubt as to whether the proclamation was within the _____ powers of the President. This amendment settled the constitutional question permanently.

- B. "Congress shall have power to enforce this article by appropriate legislation." The only difficulty connected with its enforcement has been the proper interpretation of "involuntary servitude."

1. Is there a violation if someone pays the fine for a prisoner and then forces him to work out the fine as an employee? _____.
2. Is there a violation if a prisoner is required to work out his fine following conviction for a crime? _____.
3. Is there a violation if a convicted prisoner is sentenced to a certain period at "hard labor"? _____.
4. Is there a violation if a person signs a contract to work, say, in a movie and the court orders him to do it or pay damages? _____.

XIV

The Fourteenth Amendment

(July 9, 1868)

- A. This amendment provides that all persons born or naturalized in the United States are automatically _____ with equal rights which cannot be abridged without due _____ of law.
- B. Secondly, "No state shall make or enforce any law which shall abridge the privileges of immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law;

nor deny to any person . . . the equal protection of the law.”

It is this provision that has been used from 1925 (the *Gitlow* case) to the present to transfer a huge workload of cases to the federal courts.

- C. This amendment also made all debts or claims against the Confederacy null and _____. This meant that all Confederate bonds and currency were declared worthless.

The Fifteenth Amendment

(February 3, 1870)

The principal section of this amendment reads as follows:

“The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude.”

- A. Notice that the states were still allowed to determine qualifications for voters, but the rules must be the same for all citizens.
- B. At the time of the adoption of this amendment (1869–70), all of the states still excluded _____ from voting. This was not remedied until the _____ Amendment was passed in 1920.

The Sixteenth Amendment

(February 3, 1913)

There are few, if any, amendments that have a more interesting _____ than the famous Sixteenth Amendment, which authorized federal income taxes:

“The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several states, and without regard to census or enumeration.”

- A. Income taxes are assessed directly against the individual and, therefore, constitute a _____ tax. Article I, Section 9, Clause 4, says that a direct tax must be apportioned to the states according to population, not according to individual income.
- B. During the Civil War, Congress passed an income tax measure. The Supreme Court warped its legal vision sufficiently to call it an _____ tax, so it was used during the emergency to help finance the war.
- C. In 1894, the Supreme Court reversed itself and ruled that a federal income tax is a _____ tax after all and is therefore unconstitutional.
- D. By 1905, the demands for redistribution of wealth through a federal income tax was growing in the liberal wings of both the Democrats and Republicans. The idea was to “soak the _____!”
- E. In 1909, Senator Joseph W. Bailey, a Democrat from Texas, introduced an amendment to a tariff bill that would tax all incomes of \$5,000 or more at

XV

XVI

*Taxes: The
American people
need help.*



- _____ percent. This amendment was introduced to embarrass the Republicans by forcing them to openly oppose a measure that seemed to be gaining popularity.
- F.** When it appeared that the Bailey motion was actually going to pass, conservative Republicans frantically introduced an income tax bill as an _____ to the Constitution, confident that it would be rejected by enough states to defeat it. By this means, they felt, the Democrats would get from the states a clear idea of popular sentiments against income taxes.
- G.** The plan backfired. The Senate approved the income tax amendment _____ to _____ (after all, who wants to be against “soaking the rich?”), and the House approved it 318 to 14. And as one constitutional textbook reports: “Contrary to all expectations, the income tax amendment was ratified by one state legislature after another and was proclaimed in effect on February 25, _____.” (Kelly and Harbison, *The American Constitution: Its Origins and Development*, 3d ed., New York: W. W. Norton and Co., 1963, pp. 625–26.)
- H.** Congressman S. E. Payne of New York, who had introduced the bill in the House for the Republicans, admitted that they were simply trying to defeat the Bailey bill and did not really want an income tax. He said that an income tax is “one that makes a nation of _____.” (*Congressional Record*, 12 July 1909, p. 4404.)
- I.** Income tax rates have now risen _____ times higher than the original sponsors predicted.

The Seventeenth Amendment

(April 8, 1915)

It is important to know the historical background of this amendment, which mandates the election of Senators by popular vote:

- A. George Washington was one of the foremost proponents of a Senate with members appointed by the state _____.
- B. When Jefferson returned from France, he expressed concern as to the purpose of the Senate and why it was not elected by the people. Washington asked him why he poured his hot drink in his saucer before drinking it. Jefferson replied, "To _____ it." "And that," Washington commented, "is what the Senate is for." The Senate is to cool down any hot-headed or imprudent legislation from the House.
- C. The purpose of the Senate was to veto any _____ movements designed to break down property rights, states' rights, and the established order of constitutional government. Senators were to represent the states as sovereign entities, and the Founders decided that the best way to achieve this would be by having the state legislatures appoint them.
- D. The House responded to the demands of the populist movement and approved an amendment for the popular election of Senators in 1893, 1894, 1898, 1900, and 1902, but each time the Senate either _____ it or voted it down.
- E. The Seventeenth Amendment was finally pushed through both the House and the Senate in 1911 and was ratified by three-fourths of the states in _____.
- F. Events since 1913 have demonstrated that the original _____ of the Founders in setting up the Senate as a legislative guardian has been largely emasculated by the Seventeenth Amendment.

The Eighteenth Amendment

(January 16, 1919)

The Eighteenth Amendment inaugurated the Prohibition era in the United States:

"After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited."

- A. This amendment was adopted after a long "temperance" campaign that began prior to the Civil War.
 - 1. By 1900, _____ states had adopted statewide prohibition.
 - 2. By 1916, _____ states had adopted statewide prohibition.
 - 3. In 1917, the Lever Act was passed as a wartime food-control measure,

XVII

XVIII

_____ and poor _____.

Therefore, Congress passed the Twenty-Fourth Amendment, which provided that no person could be prohibited from voting because of failure to pay a tax.

The Twenty-Fifth Amendment

(February 10, 1967)

This amendment defines the procedures for filling vacancies in the offices of President and Vice President.

- A.** Section 1 of this amendment was unnecessary, since it merely repeated what the Constitution had already provided in Article II, Section 1, Clause 6. This simply states that if the President dies or is incapacitated, the Vice President shall take his place.
- B.** Section 2 states that if the office of Vice President becomes vacant, then:
1. The President is authorized to _____ a replacement.
 2. The nominee is then confirmed by merely a _____ of those present in the House and the Senate.
- C.** Section 3 allows the President to voluntarily relinquish his office to the Vice President if at any time he feels incapacitated. When he recovers, he can take over his office again and the Vice President _____ step down.
- D.** Section 4 provides that if the Vice President and a majority of the Cabinet (or a review board set up by Congress) decide that the President is incapacitated, the Vice President advises Congress that he is taking over as _____ President.
1. Notice that the initiative for unseating the President is in the Vice President, backed by a mere _____ of the Cabinet or such other review board as Congress may establish.
 2. After the President has been ousted and the Vice President has assumed power, the President can advise the leaders of the House and the Senate that he is really _____ to discharge his duties.
 3. The Vice President then has four days to respond. Meanwhile, the Vice President continues to serve as the _____ President.
 4. If the Vice President _____ thinks the President is incapacitated, he so advises the leaders of the House and the Senate and continues acting as President.
 5. The House and the Senate then have _____ days to make a decision. If they do not happen to be in session, they have 48 hours to assemble.
 6. After an appropriate inquiry, the House and Senate must decide whether the President is incapacitated or not. If _____ of the House and Senate agree that he is not able to discharge his duties, then the Vice President "shall continue . . . as acting President." If the vote is less than two-thirds, then the President is allowed to resume his office.

XXV

E. This amendment was pushed through Congress in 1965 and ratified in 1967. It is considered by some authorities to be poorly structured.

1. Consider what this kind of procedure might have done to _____ during the Civil War when he often stood alone in making some of his most difficult decisions.
2. It is believed that this amendment tends to encourage the type of political maneuvering which gave the United States, for the first time in its history, an _____ President and an _____ Vice President (Gerald Ford and Nelson Rockefeller).

XXVI

The Twenty-Sixth Amendment

(July 1, 1971)

The Twenty-Sixth Amendment reads as follows: "The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any state on account of age."

- A. Traditionally, the proper age for adulthood and the right to vote had been set at _____.
- B. This amendment was passed by Congress on March 23, 1971, and was ratified in July of the same year. No amendment was ever pushed through as _____ as this one.
- C. Opponents of this amendment were fearful that the sponsors were trying to develop a bloc vote of young people at an age when they are often susceptible to an emotional appeal and will engage in overt political activism. This did _____ happen.
 1. They did not vote as a _____ group.
 2. They were just as reluctant to get out and vote as their _____ have been.
 3. The vote of 18-year-olds has _____ changed the political spectrum any more than women's suffrage did. This is quite different than many had expected.

XXVII

The Twenty-Seventh Amendment

(May 7, 1992)

This amendment ensures that any law changing the _____ for Senators and Representatives will not take effect until the next _____.