

CONSTITUTION OF THE UNITED STATES

§ 205–§ 207

[ARTICLE VII]

Questions of sanity (I, 441) and loyalty (I, 448) seem to pertain to the competency to take the oath rather than to the question of qualifications, although there has been not a little debate on this subject (I, 479). In one case a Member-elect who had not taken the oath, was excluded from the House because of disloyalty, where the resolution of exclusion and the committee report thereon concluded that he was ineligible to take a seat as a Representative under the express provisions of section 3 of the 14th amendment (VI, 56–59). This action by the House was cited in the Supreme Court decision of *Powell v. McCormack* (395 U.S. 486, 545 fn. 83) which denied the power of the House to exclude Members-elect by a majority vote for other than failure to meet the express qualifications stated in the Constitution. In *Bond v. Floyd*, 385 U.S. 116 (1966), the Supreme Court held that the exclusion by a State legislature of a member-elect of that body was unconstitutional, where the legislature had asserted the power to judge the sincerity with which the Member-elect could take the oath to support the Constitution of the United States. In the 97th Congress, the House declared vacant a seat where the Member-elect was unable to take the oath because of illness, where the medical prognosis showed no likelihood of improvement to permit the Member-elect to take the oath or assume the duties of a Representative (H. Res. 80, Feb. 24, 1981, pp. 2916–18).

Decisions of the Supreme Court of the United States: *McCulloch v. Maryland*, 17 U.S. (4 Wheat.) 316 (1819); *Ex parte Garland*, 71 U.S. (4 Wall.) 333 (1867); *Davis v. Beason*, 133 U.S. 333 (1890); *Mormon Church v. United States*, 136 U.S. 1 (1890).

ARTICLE VII.

The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

DONE in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty seven and of the Independence of the United States of

America the Twelfth IN WITNESS whereof We  
have hereunto subscribed our Names,  
G<sup>o</sup> WASHINGTON—*Presi<sup>dt</sup>*.  
*and Deputy from Virginia.*

[Signed also by the deputies of twelve States.]

*New Hampshire.*

JOHN LANGDON,

NICHOLAS GILMAN.

*Massachusetts.*

NATHANIEL GORHAM,

RUFUS KING.

*Connecticut.*

WM. SAML. JOHNSON,

ROGER SHERMAN.

*New York.*

ALEXANDER HAMILTON.

*New Jersey.*

WIL: LIVINGSTON,  
DAVID BREARLEY,

WM. PATERSON,  
JONA: DAYTON.

*Pennsylvania.*

B FRANKLIN,  
ROB<sup>t</sup>. MORRIS,  
THOS. FITZSIMONS,  
JAMES WILSON,

THOMAS MIFFLIN,  
GEO. CLYMER,  
JARED INGERSOLL,  
GOUV MORRIS.

*Delaware.*

GEO. READ,  
JOHN DICKINSON,  
JACO BROOM,

GUNNING BEDFORD JUN,  
RICHARD BASSETT.

*Maryland.*

JAMES MCHENRY,  
DAN<sup>l</sup> CARROLL,

DAN OF S<sup>t</sup> THOS. JENIFER.

*Virginia.*

JOHN BLAIR,

JAMES MADISON Jr.

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CONSTITUTION OF THE UNITED STATES  
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*North Carolina.*

WM. BLOUNT,  
HU WILLIAMSON,

RICH<sup>d</sup>. DOBBS SPAIGHT.

*South Carolina.*

J. RUTLEDGE,  
CHARLES PINCKNEY,

CHARLES COTESWORTH PINCKNEY,  
PIERCE BUTLER.

*Georgia.*

WILLIAM FEW,  
Attest:

ABR BALDWIN.  
WILLIAM JACKSON, *Secretary*.