

# **The Constitution In 10 Lessons**

## **Lesson 3**

Papers 4, 5, 6, 7

Original lessons by Publius Huldah

## LESSON SUMMARY

# to fix political problems:

1. Learn *and teach* the Constitution.
2. Stop clamoring for unconstitutional gimmies.
3. Elect constitutionally-minded representatives.
4. Demand that they impeach, try and remove from office the ones that aren't.

*i.e., RETURN TO PERSONAL MORALITY AND  
PERSONAL RESPONSIBILITY*

# Three Kinds of Government

- **Self-government** - man's control and restraint over his own temper, passions, and social actions.
- **Family government** - parent's authority over children and other family matters.
- **Civil government** - the form of, and the rules and principles by which a nation or state is governed.



# Totalitarian Government

- The civil government has been allowed to eliminate all other forms of government so that its power is unchallenged in all spheres of life.
- In operating outside the Constitution, our unlawful Federal Gov't is eliminating self-government by taking away any responsibility of individuals to act morally and responsibly in the conduct of their own affairs.
- In eliminating family gov't, matters that were in the past treated as family responsibility(financial & other assistance to family members, education of children, care of aging parents, etc. have been taken over by civil gov't.



# The function of the Constitution:

- Is to limit and restrict the power and authority of civil government.
- Because, Federalism is NOT the same as a national government.
- To establish a Constitutional Republic.



Paper 4:

# Enumerated Powers of the President.

The following are  
the **ONLY ONES.**



- Art. I, § 7: **power to approve or veto Bills and Resolutions** passed by Congress
- Art. I, § 9, grants to the Treasury the **power to write checks** pursuant to Appropriations made by Congress
- Art. II, § 1: vests “**executive Power**” in the President.
- Art. II, § 1: the **President’s Oath of Office** – to “preserve, protect and defend the Constitution of the United States.”
- Art. II § 2, cl.1:
  - makes the **President Commander in Chief** of the armed forces *when they have been called by Congress into the actual service.*
  - authorizes the President to require the principal Officers in the executive Departments to provide written Opinions upon the Duties of their Offices.
  - grants the President power to **grant Reprieves and Pardons** for offenses against the United States (but he can not stop impeachments of any federal judge or federal officer).



- Article II, § 2, cl. 2 grants to the President the power:
  - to make Treaties** – *with the advice and consent of the Senate*
  - to nominate Ambassadors**, other public ministers and Consuls, federal judges, and various other officers – *with the advice and consent of the Senate*
- Article II, § 2, cl. 3 grants to the President the power to **make recess appointments, which expire at the end of Congress' next session.**
- Art. II, § 3:
  - Imposes the duty on the President to periodically advise Congress on the **State of the Union**, and authorizes the President to recommend to Congress such measures as he deems wise.
  - Authorizes the President, on extraordinary Occasions, to **convene one or both houses of Congress** [e.g., when he *asks* Congress to declare War]; and if both houses can not agree on when to adjourn, he is authorized to adjourn them to such time as he deems proper.





- Art. II, § 3 cont'd.:

Imposes the duty upon the President to **receive Ambassadors and other public Ministers.**

Imposes the duty upon the President **to take care that the Laws be faithfully executed**, and

Imposes the duty upon the President to **Commission all the Officers of the United States.**

**That is all.**

## Federal 1828 Definition

FED'ERAL, a. [from L. faedus, a league, allied perhaps to Eng. wed. L. vas, vadis, vador, vadimonium. See Heb. to pledge.]

1. Pertaining to a league or contract; derived from an agreement or covenant between parties, particularly between nations.

*The Romans, contrary to federal right, compelled them to part with Sardinia.*

2. Consisting in a compact between parties, particularly and chiefly between states or nations; founded on alliance by contract or mutual agreement; as a federal government, such as that of the United States.
3. Friendly to the constitution of the United States.



**Federalism** refers to *the form of our government & the division of powers* between the national government and the States.

- A Federation is an alliance of independent States associated together in a confederation with a national government to which is delegated authority over the States in specifically defined areas ONLY.
- Those enumerated powers are the only areas wherein the national government is to have authority over States.
- In all other matters, the States have supremacy, are independent, and sovereign.

# The President

- Has the duty, imposed by his Oath, to act as a “check” on Congress (and on federal courts, as well.
- Must refuse to enforce an unconstitutional “law” made by Congress. Otherwise, he’d be in collusion with the Legislative Branch to usurp power over The People.

[Federalist 44 - Madison]

# Article 1, Sec. 1 & The Unconstitutional Administrative State

- Article 1, Sec. 1 -
  - *All legislative Powers herein granted shall be vested in Congress of the United States.*

The Key Word is???

**ALL.**

**Just What About *All* don't  
WE demand our federal  
government respect?**

# The President

- Must oversee that Federal Cabinet Members are rightfully prosecuting the law.
- May not lawfully, by means of “orders”, exercise powers not delegated to him by the Constitution or (constitutional) Acts of Congress.

# What's the Answer for an out of control President?

## Impeachment!

In Federalist 66 - Hamilton expressly states that impeachment is an essential check on a President who encroaches on the powers of Congress; and in Federalist 77, he points out that impeachment is the remedy for “abuse of the executive authority”.



# Constitution In Decline - by Joseph Postell

- In this paper, Postell shows that during the Wilson administration, Congress began delegating its lawmaking powers to agencies within the Executive Branch.
- Since then, Congress passes an overall legislative scheme, and delegates the details to be written by un-elected, un-accountable bureaucrats in various Executive Agencies.

# When Congress

- Makes a “law” which is not authorized by the Constitution it  
*...would not be the supreme law of the land, but a usurpation of power not granted by the Constitution”... [Federalist 33 - Hamilton]*

Paper 5:  
**A PROPOSED  
AMENDMENT.  
A BAD IDEA.**



# Proposed 28th Amendment

Congress shall make no law that applies to the citizens of the United States that does not apply equally to the Senators and/or Representatives; and, Congress shall make no law that applies to the Senators and/or Representatives that does not apply equally to the citizens of the United States.

# PROBLEMS

- All three branches of the federal gov't. **ignore the Constitution.**
- An amendment wouldn't fix this. They've already proven that they **ignore the Constitution.**
- The people **ignore the Constitution.** B/C as a whole, *we want the unconstitutional benefits of doing so.*

## PROBLEMS cont'd.

- Our Constitution is one of *enumerated* powers.
- The effect of this amendment would make it one of *general* powers.
- We were warned in Federalist 84 that amendments, in general, **are a REALLY BAD IDEA...**

## Federalist 84

...bills of rights...are not only unnecessary in the proposed Constitution, but would even be dangerous. **They would contain various exceptions to powers not granted; and, on this very account, would afford a colorable pretext to claim more than were granted.** For why declare that things shall not be done which there is no power to do?

**The Supreme Court shows its contempt for the Constitution and for us by using the First Amendment to do the opposite of which it was intended.**

Banning Christian speech in the public square ([link](#))

Regulating political speech ([link](#))





Paper 6:

# **TERM LIMITS**

**Treating the symptoms  
not the disease**

## PROBLEM

We keep re-electing Senators and Representatives who ignore the Constitution.

## PRETEND SOLUTION

Amend the (ignored) Constitution to *force* them to leave office, since we won't *vote* them out.



## LIKELY RESULT

Frequent turnover of Senators and Representatives who **ignore the Constitution.**

## *REAL SOLUTION*

Learn the Constitution. Teach it to others. Demand that legislators obey it.



## **A BETTER IDEA:**

Repeal the 17th Amendment to begin restoring sovereignty to the states.



## U.S. Constitution, Article 1, § 3, Clause 1

*The Senate of the United States shall be composed of two Senators from each State, **chosen by the Legislature thereof** for six Years; and each Senator shall have one Vote.*

Section in bold superseded by the 17th Amendment



“...the equal vote allowed to each State is at once a **constitutional recognition of the portion of sovereignty remaining in the individual States** and an instrument for preserving that residuary sovereignty...”  
in order to **guard “...against an improper consolidation of the States into one simple republic”**.

Federalist 62, 3rd & 5th paras

# Again,

1. Learn the Constitution
2. Teach it to others
3. ***Demand that legislators obey it***

Paper 7:  
**FOUNDATIONS FOR  
IMPEACHMENT**

**not just for felonies**



## Article 2, § 4

The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

# Clarification

...the powers relating to impeachments are...an essential check in the hands of (congress) upon the **encroachments** of the executive.

*Federalist 66*

Federalist 81 notes federal judges may be impeached & removed for **usurpations**.

# Who does what

The House has the **SOLE** power of impeachment (Art. I, § 2, last clause).

The Senate has the **SOLE** power to try all impeachments (Art. I, § 3, next to last clause).

...and We the People must ensure they do...

The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and **Misdemeanors**. -Article 2, § 4

1828-dictionary.com/d/search/word,misdemeanor

### 1828 Definition

MISDEME'ANOR, n. Ill behavior; evil conduct; fault; **mismanagemen**t.

***Yes, mismanagemen*t.**

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# Questions???

- Who sets the agenda in D.C.? Why?
- Who writes the budget?
- What authority does the President have in regards to the budget?
- On only what topic can the President write executive orders?