

Questions of sanity (I, 441) and loyalty (I, 448) seem to pertain to competency to take the oath as distinct from a 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 by majority vote the seat of a Member-elect 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).

§205. Sanity, loyalty, and incapacity as related to the oath.

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).

§206. Decisions of the Court.

## 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.

§207. Ratification of the Constitution.

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



CONSTITUTION OF THE UNITED STATES  
[ARTICLE VII]

§ 207

*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.*