#### CONSTITUTION OF THE UNITED STATES [ARTICLE VII]

§ 205-§ 207

and incapacity as related to the oath.

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 Memberelect 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).

§ 206. Decisions of the

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 § 207. Ratification of the Constitution. 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

## CONSTITUTION OF THE UNITED STATES [ARTICLE VII]

# America the Twelfth IN WITNESS whereof We have hereunto subscribed our Names, Go WASHINGTON—Presidt. 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.

§ 207

New Jersey.

WIL: LIVINGSTON, WM. PATERSON, DAVID BREARLEY, JONA: DAYTON.

Pennsylvania.

B Franklin, Thomas Mifflin, Rob<sup>t.</sup> Morris, Geo. Clymer, Thos. FitzSimons, Jared Ingersoll, James Wilson, Gouv Morris.

Delaware.

GEO. READ, GUNNING BEDFORD JUN,
JOHN DICKINSON, RICHARD BASSETT.

JACO BROOM,

Maryland.

JAMES MCHENRY, DAN<sup>1</sup> CARROLL, DAN OF ST THOS. JENIFER.

Virginia.

JOHN BLAIR, JAMES MADISON Jr.

[88]

## CONSTITUTION OF THE UNITED STATES [ARTICLE VII]

§ **207** 

 $North\ Carolina.$ 

WM. BLOUNT, RICH'D. DOBBS SPAIGHT. HU WILLIAMSON,

South Carolina.

J. RUTLEDGE, CHARLES COTESWORTH PINCKNEY, CHARLES PINCKNEY, PIERCE BUTLER.

Georgia.

WILLIAM FEW, ABR BALDWIN.

Attest: William Jackson, Secretary.