



SEMINAR 2

THE FOUNDERS' CHARTER OF FREEDOM

Healing of America Series

Glenn J. Kimber PhD
& Julianne S. Kimber MA



Thomas Jefferson Center
FOR CONSTITUTIONAL STUDIES



Thomas Jefferson Center
FOR CONSTITUTIONAL STUDIES

The Healing of America
STUDY GUIDE FOR STUDY COURSE #2
“The Founders’ Charter
of Freedom”

A Course Prepared by
Glenn J. Kimber, PhD
and Julianne S. Kimber, MA

ALL RIGHTS RESERVED

Copyright © 2009, 2012, 2015 by Glenn J. Kimber and Julianne S. Kimber

*No portion of this material may be copied, printed, or published
without written permission from the
Thomas Jefferson Center for Constitutional Studies, Inc.,
from Glenn J. and/or Julianne S. Kimber*

JK1222815



Published by
Textbook Publishers

The Healing of America
Study Course #2

The Founders' Charter of Freedom

Table of Contents

SESSION 1—Article 1 -- The Legislative Branch.....	Page 1
SESSION 2—Articles 2 and 3 -- The Executive & Judiciary.....	Page 31
SESSION 3—Articles 4 – 7.....	Page 51
The Bill of Rights – Amendments 1 - 10.....	Page 61
SESSION 4—Amendments 11- 27	Page 77
Conclusion.....	Page 95
APPENDIX A--Memorizing the Preamble).....	Page 97
APPENDIX B --Article: The Butler Case.....	Page 105
Answer Key.....	Page 109

ARTICLE 1 – THE LEGISLATIVE BRANCH

INTRODUCTION: There are many Americans who have resided in the United States all their lives, yet do not have the slightest idea how the Founders arrived at the formula for constitutional government that has made America such a success.

When these people are elected into office, they are usually well-meaning and patriotic, but they lack the Founders' wisdom. They have never had an opportunity to study the Founders' political philosophy or their concept of prosperity economics.

The next four lessons will cover the highlights of the Founders' formula for a free and prosperous America. If any particular point seems obscure, see the more comprehensive discussion in *The Making of America*. In that text the material is presented in the same order as it is in this study outline.

- A. On September 17, 1787, the Constitution was signed and sent to Congress in _____ under a cover letter written by George Washington.
- B. James Madison and others who had helped write the Constitution were members of Congress, and they enthusiastically explained the new American charter to their colleagues.
- C. After only _____ days of hearings, Congress approved the Constitution and sent it to the states without any changes.
- D. Each state was invited to call a special convention of delegates selected by the people to ratify the Constitution and thereby make it a manifesto of the _____.

How would *you* have reacted to this strange new document? We will now go through it phrase by phrase.

The Preamble to the Constitution

- A. Gouverneur Morris set forth the six main purposes of good government for the first time in political history when he wrote the Preamble:

"We the people of the United States, in order to form a more perfect _____, establish _____, insure domestic _____, provide for the common _____, promote the general _____, and secure the blessings of _____ to ourselves and our posterity, do ordain and establish this Constitution for the United states of America."

- B. The three purposes of the Preamble are:

C.

1. To guide the legislators
2. To guide the courts
3. To remind the people of their Constitutional rights and privileges

- D. The Preamble is a wonderfully succinct introduction to the content of the Constitution, and every American should learn it by heart. It is easy to memorize by using sign language while reciting it. (See Appendix)

Article I: The Legislature

Section 1: One of the most important provisions of the Constitution is Article I, Section 1, which reads:

“All legislative powers herein granted shall be vested in a _____ of the United States, which shall consist of a Senate and House of Representatives.”



- A. This gave the people the right _____ to be subject to any _____ unless it has been reviewed and approved by a majority of the people’s representatives. Section 7 of Article 1 covers the procedure for passing laws.
- B. Gradually the executive and judicial branches of the government began to _____ this authority. This information will be discussed in more detail in Seminar #3, “Attacks on the Charter of Freedom.”

Section 2: The Structure of the House of Representatives

- A. Representatives are elected every _____ years, and the states are to decide what qualifications a person must have to vote for a Representative. Whoever can vote for a representative in the state legislature can vote for a Representative in Congress.
- B. To be a member of the House, a person must be (by the time he is sworn in): age _____, a citizen _____ years, and an inhabitant of the state he represents.
- C. A census must be taken every ten years, with Representatives being apportioned among the states according to their population. The Founders did not want too many Representatives, so they determined that each one must represent at least _____ people. By 1929, the House had grown to 435 members, and a law was therefore passed which stipulated that the number could not be increased beyond 435. Of course, our population has greatly increased, and therefore today each Congressman represents approximately _____ people.
- D. If a Representative resigns or dies, the _____ of that state must arrange for a new election.
- E. The House is authorized to choose its Speaker as well as any other officers that are needed.
- F. Only the House can initiate impeachment proceedings against officers in the other branches of government. This means that the House can charge Federal Officers, but cannot determine guilt. In Congress, obnoxious members are not impeached but are _____ by a two-thirds vote.



Section 3: The Structure of the Senate

- A. It is in the Senate that all of the states, regardless of their size or population, are equal in representation. Each state has _____ Senators who serve for _____ years, and each Senator has one vote.
- B. Because both the Presidency and the House of Representatives could undergo a complete turnover at the same election, it was provided that only _____ of the Senate would be elected every two years, thereby leaving at least two-thirds of the Senate intact in order to maintain continuity in government affairs.
- C. To qualify as a candidate for the Senate, a person must (at the time he is sworn in) be _____ years of age. He must have been a citizen for _____ years and must be an inhabitant of the state he represents.
- D. The Senate does not get to choose its presiding officer, who is always the _____. But if he is absent for any reason, the Senate can appoint one of its own members to preside until he returns. The Senate can also appoint any additional officers or staff as they are needed.
- E. We do not ordinarily think of the Senate as a judicial body, but just as the House has the exclusive responsibility of bringing charges against government officials for the purpose of impeachment, the Senate has the exclusive responsibility of determining guilt. If the President is impeached, the _____ must preside over the hearing; otherwise, the President's own running mate would be presiding over his impeachment proceedings—clearly an unacceptable conflict of interest.



Section 4: Congressional Elections and the Requirement that Congress Convene Once Each Year.

- A. It is interesting that the “times, places and manner” of electing Senators and Representatives was left up to the states, but there was a provision that Congress could alter the arrangements if necessary. No such step was taken by Congress until 1842, when the states were required to elect their Representatives from specific _____ instead of electing them “at large.” The next intervention was in 1866, when all of the states were required to hold elections on the first Tuesday after the first Monday in November. Since then, most federal laws dealing with elections have been directed against fraud or corrupting the political process.
- B. Congress does not have to wait to be called into session by the President, but is under mandate to assemble on a specific date each year. It was originally the first Monday in December, so that there would be sufficient time to prepare for the President's inauguration on March 4. The Twentieth Amendment changed it to the _____ day of January, and the President's inauguration to January _____.

Section 5: The Internal Operations of Congress

- A. Both houses of Congress determine whether or not their members possess the required qualifications and whether or not they have been legally _____. The courts cannot decide such cases.

- B. Neither house can do business until a _____ is present consisting of “a majority” (one-half plus one), but a minority can vote to punish the absentees in order to compel a majority to attend.
- C. Each of the houses of Congress is self-sufficient and self-contained. Each is authorized to:
 1. Make rules and set up proceedings for conducting its business.
 2. Punish its members for misbehavior.
 3. Expel a member when _____ of that particular house concur in the action.
- D. Each house is to keep a record of all its proceedings and publish them unless certain parts must be kept _____ because it is in the public interest to do so.
- E. Ordinarily decisions are made by voice vote—“yea” or “nay.” However, if _____ of those present desire a recorded vote, it must be done.
- F. Congress must continue in session until both houses agree on a time of adjournment. As we shall see later, if they cannot agree, the President has the power to adjourn them (although this has never been done). During a session, either house may take a temporary adjournment—but never for more than _____ days, and it cannot decide to reconvene at some other place unless the other house agrees.

Section 6: Compensation for Congressmen and Doubling Up on Government Jobs

- A. A number of the delegates who were supposed to participate in the Constitutional Convention could not come because their states would not provide expenses or compensation during the four months the Convention was in session. The Founders, therefore, decided that members of the House and Senate would be paid out of the U.S. Treasury. The current salary (2012) for rank-and-file members of the House and Senate is \$174,000 per year, plus fringe benefits and federal retirement payments after a certain time. They are also allowed to set their own salaries—a provision Madison thought was “_____.”
- B. To protect Congressmen in carrying out their duties, they cannot be arrested en route to or from a session of Congress nor during the time they are there unless the offense is _____, or _____, or breach of the peace.
- C. Senators and Congressmen also have complete freedom of speech while speaking or debating in Congress and cannot be questioned in any other place for what they say (such as being charged with _____). This privilege is sometimes abused, but it was felt to be necessary in order to ensure complete freedom of debate.
- D. Those elected to Congress cannot afterwards hold any position in the government which was created or for which the pay was _____ while they were in Congress. Neither can a member of Congress be appointed to any government job while he is serving as a representative of his state.

Section 7: The Procedure for the Passing of Laws