Volume II: Issue 2

# The BEACON OF LIBERTY

A Structured Curriculum of Constitutional Study

**Clauses Discussed:**
- Article 1, Section 5, Clauses 2-4

**Concepts Discussed:**
- Rules
- Journal
- Adjournment

**Article I, Section 5, Clause 2** of the Constitution for the United States provides:

> "Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member."

Clause 2 continues with the line of thinking from Clause 1, that each House has individual authority with regards to its authorized operations. Clause 2 allows for each House to be able to keep its proceedings orderly by making necessary procedural rules.

High among the priorities of the first day of each new Congress every second year is the adoption of the rules of that Congress (i.e., of the 108th Congress). Though the House of Representatives has the rules from the previous Congress as a pattern from which to start, both any modifications and the rules that remain unchanged are adopted completely. In effect, the House begins with the slate of rules wiped clean at the beginning of every first session of a new Congress.

In contrast, the Senate, being a standing body that adjourns in conjunction with the House of Representatives, simply modifies its rules as is found necessary from time to time (see Senate Rule V (2)). Senate rules stay the same from one numbered Congress to another and are only changed when they are specifically altered.

## Punishment

**The Federalist, #51** (written by either Alexander Hamilton or James Madison) concedes that:

> "If men were angels, no government would be necessary. If angels were to govern men, neither external or internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself."

*The Federalist* outlines the difficulty found in government — to be powerful enough to govern effectively, yet not oppressively.

At first glance, the concept of allowing each House to make its own rules and punish its own members may seem to be quite a cozy arrangement for them. The thought of each House policing itself may well suggest a fox guarding the hen house.

To make one's own rules and then adjudge their infraction provides little protection if the majority acts in unison against the best interests of the Constitution.

The problem for any other federal entity to police Congress, however, is that it would be contrary to the express structure set up by the Constitution and against the principles of republican government.

*Republican* government means Citizens being governed by members chosen to represent the Citizen's interests within given parameters. If a party other than elected Representatives and Senators could reprimand these members or remove them from their legislative seats, then this outside party holds a trump card over those members, rather than the Citizens who elected them (or the State Legislatures regarding Senators prior to ratification of the 17th Amendment).

Distributed by: Foundation For Liberty.org
1500 Highway 2
Leavenworth, WA 98826

www.FoundationForLiberty.org
Copyright 2003, 2005 by Beacon of Liberty, LLC.
www.BeaconofLiberty.org

The legislative power cannot be solely vested in Congress in a representative manner if an outside party has direct oversight over those legislative members.

## Oversight

Just because there is no federal entity enforcing the rules of Congress independent of those Houses does not mean that there is no oversight over Congress whatsoever.

The overseeing role over Congress (and the executive/judicial branches) lies directly at the feet of the various State governments. State Legislatures, working together through the power of amendment or the ability to call conventions, have the primary role outside those Houses to oversee them.

To the extent that congressional members (and executive/judicial officers) take their roles lightly, State Legislatures may force the issue collectively. This power is necessarily reserved only for matters of great importance, such as when the Eleventh Article in Amendment was ratified. This amendment was ratified by the requisite percentage (3/4 ths) of State Legislatures in 1795 after the supreme Court ruled (Chisholm v. Georgia; Volume 2, United States Reports, page 419, 1793) that Article III, Section 2, Clause 1 authorized States to be sued in federal courts against their will by Citizens of another State.

Chief Justice John Jay wrote (on page 479) that;

> "I am clearly of opinion, that a State is suable by citizens of another State."

One may, upon reading **Article III**, understand his opinion; for Section 2 plainly declares that:

> "The judicial Power shall extend to all… controversies…between a State and Citizens of another State."

Regardless of Jay's *clear opinion*, or the express wording of Article III, the States did not want the federal Court to have this authority — so they ratified an amendment clarifying the point. Whether one believes the **11th Amendment** merely clarified the actual original intent of Article III, or if the amendment withdrew authority previously granted, the effect of the amendment remains:

> "The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State."

State Legislatures, working together, may directly force the members and officers of the United States to perform their duties within their prescribed parameters or ratify additional parameters further restricting or directing appropriate behavior. With such external controls, it cannot be said that the House and Senate are powers unto themselves.

Citizens, individually or in groups, have the tertiary role to indirectly make sure government members and officers perform their said lawful duties within their proper limits. Before corrective action can take place, improper action must be exposed as such.

## Punishment

Punishment of members consists of varying degrees of action based upon the severity of the transgression: the *reprimand*, *censure/condemnation* and *expulsion*. A *reprimand* is the lightest level; a mere slap on the wrist. A *censure* is more formal affair reserved for more serious cases. *Expulsion* is reserved for the most serious of circumstances. Reprimands and censures can occur with the simple majority of votes; expulsion requires two-thirds of the members voting to vote for removal.

In the history of the Senate, the Senate has censured only nine Senators. Other than the Civil War era removal of 14 Senators sympathetic to the South, the Senate has expelled only one Senator during its entire history; William Blount in 1797 for his mischief into foreign intrigue with regards to Florida.

The House of Representatives has reprimanded seven Representatives and censured 21 others in its history. Since its inception, the House has only expelled five members (three members were expelled during the Civil War for disloyalty to the Union; another in 1980 in the Abscam bribery and conspiracy scandal; and the last in 2002).

The following Resolution from the Second Session of the 107th Congress removed a House member who refused to resign his seat, even following his criminal conviction for bribery, corruption and tax evasion:

> House Resolution 495
>
> In the House of Representatives, U.S.,
>
> July 24, 2002.
>
> *Resolved*, That, pursuant to Article I, Section 5, Clause 2 of the United States Constitution, Representative James A. Traficant, Jr., be, and he hereby is, expelled from the House of Representatives.
>
> Attest;
>
> Clerk.

America would be a much better place to live, work, and raise a family if Congress were to use House Resolution 495 as a model for all their legislation.

Besides being succinct, it specifically quotes the specific constitutional authority (Article, Section, and Clause) which gives the House the stated authority to act on this matter.

In a government of authority-by-delegation, it should almost seem odd for Congress not to consistently quote the Article, Section, and Clause (as well as to recite the specific wording found there which gives them appropriate authority to act) as a recitation of proper authority to enact any proposed legislation.

It is far easier for government to routinely sidestep the constitutional limitations imposed upon it when it is not required to disclose its specific authority to act.

A "verification of authority" or "re-statement of authority" disclosure requirement for every new law or action would almost naturally limit excessive government behavior only to legally-defensible action.

Knowing only the fact that the House and Senate expulsion power has been little used throughout history, one could draw one of two main conclusions. First, Congress fulfills their constitutional duties and polices their members so well that members stay on the straight and narrow path. The House and Senate would be the models of constitutional behavior under this alternative; the shining example of members upholding their constitutional oaths and affirmations to properly support the Constitution. The Constitution would be referred to often, revered in practice, and followed intently.

The Constitution would be referred to often, revered in practice, and followed intently if Congressional members properly fulfilled their oaths.

The second alternative is that the authority of expulsion becomes essentially meaningless because there is little real reference to the constitutional limitations of government; i.e., the vast bulk of members seemingly ignore their oath to support the Constitution.

To the extent that the second alternative could be true gives compelling evidence of a level of constitutional apathy among American Citizens. A necessary pre-condition for Representatives and Senators to be able to shirk their constitutional duties is indifference or a lack of understanding by their constituents as to the proper role(s) of government.

When there are few chickens left in the hen house when there should be many, one must look to him who was given primary responsibility to oversee that asset. Those who are given primary responsibility who fail should be properly punished and steps should be taken to prevent their irresponsible behavior in the future.

It may well be that the Senate/House fox guarding the constitutional hen-house may be the best primary guard under the circumstances, but even a fox can be closely-guarded and forced nonetheless to leave the chickens alone. Citizens can guard the fox who guards the hen house to prevent improper activity from occurring (or at least expose it after it occurs).

The Senate and the House have primary authority to police themselves; the State Legislatures have secondary authority to ensure a proper relationship between State and federal authorities is maintained. State Citizens have the tertiary responsibility to guard against improper government activity.

## Recall

**Article V** of the **Articles of Confederation** specifically reserved to each State the power:

> "to recall its delegates, or any of them, at any time within the year, and to send others in their stead, for the remainder of the year."

The like power for a State to recall its legislative members is not discussed in the Constitution.

The Constitution is a grant of power *to* the government of the United States *from* the State governments. The State and federal governments are opposing parties to the Constitution: the States are the *principals*; the government of the United States the *agent*.

Whereas the Constitution *grants* powers to the government of the United States, it *restricts* the powers of State government (at the direction and discretion of the said State governments). Whereas the government of the United States had no authority prior to the delegation of authority under the Constitution, the State governments had all government authority delegated to government (for the States to be able to grant authority to the government under the Constitution, they had to individually withdraw unto themselves their prior delegation of authority to the government operating under the Articles of Confederation).

The government of the United States is a government of delegated powers; it has no power which was not specifically delegated to it. Conversely, the State governments kept all governing authority which they did not specifically cede to the federal government or that they did not return to the people at large.

By the express structure of the Constitution and by the specific wording of the 10th Amendment, the States specifically reserved unto themselves all powers they did not cede or which they did not expressly give up.

The States did not, under the Constitution, expressly give up their power to recall members; as such, they retained this authority or delegated it back to the people at large.

> Whereas the government of the United States only has authority where it was specifically given power, the State governments retained all powers previously exercised which they did not cede (either to the said government of the United States or back to the people themselves) under the Constitution.

Members of the House of Representatives under the Constitution have always been chosen by the Citizen-electors within a State who were qualified to vote. The Legislature cannot dismember what was properly executed by State Citizens themselves without transgressing this express authority of Citizens to elect their Representatives.

Since the State Legislatures retroceded the authority to elect Representatives back to the qualified Citizens at large, it would follow that they re-delegated also the ability to recall Representatives back to the people. While the State Legislature could not therefore recall Representatives without input from a proper number of State Citizens due to this principle, this does not prohibit a recall and election initiated by Citizens themselves through the State process.

This process would not run afoul with any express constitutional principle: just because each House has authority to expel its members does not, *ipso facto*, prohibit others of proper authority from also removing members for cause. The House process would necessarily be a quicker process, meaning they would almost always have first opportunity to remove such member at their discretion.

Senators were chosen by State Legislatures for the first 124 years of the Republic; it could have been fairly simple for the State Legislatures to agree to recall a Senator during this time period without also contradicting constitutional principles. Since ratification of the 17th Amendment, State Citizens should be able to recall Senators in similar manner to Representatives.

## Disorderly Behavior

Congress, at the end of the Civil War, would not seat legislative members from the Southern States until they were convinced of their loyalty to the Union under the Constitution. Their authority for this drastic action stems from multiple sources (of course, winning the military battle did not hurt their position in this matter).

A minor authority stems from **Article I, Section 5, Clause 1**, the power to:

> "be the Judge of the…(election) Returns and *Qualifications* of its own Members."

**Article I, Section 5, Clause 2** also played a pivotal role in preventing said Members from the Southern States in rebellion from sitting in their seats in Congress. The action of succession, insurrection, and war was, of course, certainly *disorderly*.

Clauses 1 & 2 of Section 5 allow each House to refrain from seating *certain* members; but prohibiting *every* member from certain States from being represented in Congress is far more problematical.

Further primary authority to exclude States from seating their members in Congress rested on **Article IV, Section 4**, the requirement for the United States to:

> "guarantee to every State in this Union a Republican Form of Government."

The mandate for *the United States* (not Congress; but the United States, specifically — i.e., the States united together in Congress) to enforce said guarantee would require that if a State was *in* the Union, then it MUST be republican in form. If not republican, though it could be an independent State, it could not be in the Union; it could have no voice in government of the Union.

The Union was finally making good on the wording of the Declaration of Independence that *all men* have unalienable rights, including the express right of liberty. Every State in the Union was now required to uphold this principle (through the 13th Amendment in 1865 and to a lesser degree in the 14th & 15th Amendments in 1868 and 1870).

For instance, on January 26, 1870 (Volume XVI, U.S. Statutes at Large, page 62), Congress enacted "*An Act to admit the State of Virginia to Representation in the Congress of the United States.*" The preamble to this act acknowledged that:

> "the people of Virginia have framed and adopted a constitution of State government which is republican."

The act acknowledged ratification by the Virginia legislature of the 14th and 15th Amendments. The act placed a few fundamental preconditions to representation which followed the general lines of those amendments.

The act provided:

> "That the said State of Virginia is entitled to representation in the Congress of the United States."

Since the Southern States were already a part of the Union, they were not "admitted" or "re-admitted" to the Union, but were specifically allowed once again to "representation in the Congress of the United States".

**Article VI, Clause 3** of the Constitution mandates:

> "The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution."

Persons who had previously taken the mandated oath (all State/federal officers or legislative members) and later "engaged in insurrection or rebellion" against the United States were barred from further government positions. Various laws enacted under authority of Section 3 of the 14th Amendment prohibited such men from government authority who previously gave an oath to support the Constitution and then later rebelled against it.

It could not be otherwise logically or legally argued that such men were individually capable of fulfilling such an oath to support the Constitution when they expressly violated their previous oath to support it.

This void of local men of ability was often filled by the "carpetbaggers" from the North who traveled to the South during the era of Reconstruction following the war (1865-1870+). *Carpetbags* were inexpensive, early suitcases made in large quantities out of worn, but usable, carpet. Carpetbags were indicative of outside travelers; a *Carpetbagger* was he who literally carried such bag (but especially referred to those of less repute, and especially crooked politicians seeking fame and fortune through graft).

The war-torn, poverty-stricken South became prone to get-rich-quick schemes after the war where properties were bought for pennies on the dollar.

## House Journals

**Article I, Section 5, Clause 3** states:

> "Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal."

Clause 3 helps keep the results of legislative sessions public. Governments are generally sticklers for writing down even seemingly insignificant details. This preservation of public records proves itself extremely valuable for later historical and legal autopsy. These records provide a factual basis for understanding government action — *authorized* as well as *unauthorized*.

The health profession teaches its students through anatomical dissection of cadavers to best see how the human body is put together. From such information, one has a better clue of how such structure functions. Understanding normal anatomy and physiology is a prerequisite to learning *abnormal* anatomy and physiology.

Knowing proper structure and thereby deducing proper function, one has the normal situation better understood as a comparative model by which to judge abnormal activities.

Pathology consists of upper level courses that aid accurate diagnosis of what problems have developed by learning their signs and symptoms. With an understanding of proper function and the observance of actual dysfunction, one has a body of knowledge to attempt appropriate curative/restorative measures to return normal function to the body for optimum health.

Learning about the governmental body can be simpler in at least one aspect; since it is not a living, breathing organism, one does not have to wait until mortality to dissect the remains. One may dissect that very structure to provide one with strong evidence of its proper function at any time.

Knowing proper structure and thereby its function, one can make intelligent observations when one observes the functions of the government body being corrupted. One can then begin an investigative quest by reading through reams of government-compiled information to sift for clues of how it was corrupted.

When abnormal activities stand out, one can look for common, underlying themes and broad currents which link the abnormal together and separate them from normal behavior. With this knowledge, one can chart a course of action to restore proper government action promoting individual liberty and justice for all Citizens.

Though such investigative activity is often arduous, it can nevertheless prove to be of vital importance in an era of general government omnipotence. Educational study is certainly less problematical than its alternative in this situation; *violent* action to restore limited government.

To use violence to attain one's goals casts a decidedly indelible stain on those goals. Using violence to obtain liberty except as the last resort under the most dire circumstances may well compromise the very concept of liberty: the *end* may be sacrificed to the *means*.

With violence, reason is thrown out the window and *thoughts* become secondary to raw power. The restoration of American liberty *must* be about *ideas*, for that is how that liberty originated. Defensive use of force secured those ideas centuries ago and is not needed now.

Liberty has been an American birthright for generations now; we must simply learn the manner of government action which threatens it.

Education is the proper means to regain liberty as the proper American ideal, because it is our lack of understanding of how government has functioned in excess of constitutional principles which has directly threatened liberty.

The First Amendment is listed before the Second because *knowledge* is more powerful than bullets (at least in the long-term).

Deception and trickery do not work when the magician's tactics are revealed, no matter how long they worked in the past. Guns and bullets are not needed in this battle to expose the truth about improper government activity.

Government documents provide a mountain of evidence to test every theory against reality. Any theory which does not pass the reality test must be discarded and answers sought elsewhere until success is achieved.

Government documents such as those mandated by Article I, Section 5, Clause 3 provide the researcher with objective, supportable evidence to help prove or disprove his theories.

Government documents such as those mandated by Article I, Section 5, Clause 3 provide the researcher with objective, supportable evidence to help prove or disprove his theories.

## Statutes at Large

The House and Senate Journals, mandated directly by Section 5, provide a recap of the day-to-day activities of those Houses, listing bills and resolutions discussed, voting records when mandated, etc.

Also informative is the publication which provides the actual texts of enacted law: the *United States Statutes at Large*. Publications such as these provide a wealth of information to verify facts and figures and to also test theories.

It is a legal fiction in a Republic that the public knows a law as soon as it is enacted; however, that is said to be the case. Of course, it is far easier to understand law when there were far *fewer* of them!

Looking to the adjoining chart of the Volume numbers of the *United States Statutes at Large* tied to the years covered by each Volume, one can clearly see that early volumes spanned many years. One can make a casual observation of the era of proper limited federal government by this mechanism alone.

**United States Statutes at Large**

| Volume | Years Covered |
|---|---|
| I | 1789 — 1799 |
| II | 1799 — 1813 |
| III | 1813 — 1823 |
| IV | 1823 — 1835 |
| V | 1835 — 1845 |
| VI | (Private Acts of Congress 1789-1845) |
| VII | (Indian Treaties 1778-1842) |
| VIII | (Foreign Treaties 1778-1845) |
| IX | 1845 — 1851 |
| X | 1851 — 1855 |
| XI | 1855 — 1859 |
| XII | 1859 — 1863 |
| XIII | 1863 — 1865 |
| XIV | 1865 — 1867 |
| XV | 1867 — 1869 |
| XVI | 1869 — 1871 |
| XVII | 1871 — 1873 |
| XVIII | 1873 — 1875 |

Early volumes spanned a period of 10-14 years each (through 5-7 Congress'). Volume IX spanned only six years (1845-51); Volume X, XI, and XII four years each. Since the Civil War year 1863, each Volume spanned only two years, a period of one Congress. Beginning with the 75th Congress in 1937, each volume contained laws enacted during a single legislative session (i.e., annually). Multiple books (Part 1, Part 2, etc.) in each volume have become commonplace since 1897.

While the first six volumes (from the era which *established* government) spanned over six decades; the next six volumes (from an era which merely *continued* government) spanned less than two decades.

Of course, legislation has poured out of Congress during the 20th century as if *quantity* of legislation ensures *quality* of American life.

One can see that legislation coming out of the federal seat was circumscribed at least as to *volume* up until a decade or so prior to the Civil War. As legislative volume increased, it is certainly plausible that encroachment into affairs normally regarding as appertaining to State authority occurred with increasing frequency (the view professed by the South even prior to the beginning of hostilities).

*Quantity* of law may well be said to be inversely proportional to limited government and individual liberty.

Congress, in 1845, passed a resolution (Volume V, Statutes at Large, page 798) awarding a printing contract to the private publishing company of Little and Brown for a set of books containing the laws enacted to date. Little and Brown published the laws up to 1845 in five Volumes of the *United States Statutes at Large*: Volume VI encompassed Private Acts; Volume VII Indian Treaties; and Volume VIII listed Foreign Treaties.

Little and Brown continued publishing the *Statutes* after 1844 (continuing with Volume IX) through 1873; at which point the U.S. Government Printing Office took over (the numbering sequence was continued.)

The first 18 volumes of the *Statutes at Large* can be found online at the Library of Congress website (http://lcweb2.loc.gov/ammem/amlaw/lawhome.html)

The *Statutes at Large* enable one to merely refer to a volume and page number to reference the appropriate law, resolution, or (early) treaty.

For example, rather than reference the title, date, chapter, Congress and Session (i.e., Chapter 1, "*An Act to regulate the Time and Manner of administering certain Oaths*", June 1, 1789, First Congress, First Session), one can simply write "Volume I, United States Statutes at Large, Page 23" (this is typically abbreviated in legal circles as "I Stat. 23").

## Accountability

Article I, Section 5, Clause 3 provides that the result of any vote will be noted on the Journal when merely *one-fifth* of those voting vote for such disclosure. Such a low quorum requirement for this one purpose aids *accountability*; that individual Representatives and Senators cannot easily hide within the group to obscure their individual votes when a relative few desire otherwise.

The main thought behind recording voting records would be for disclosure during the inevitable re-election campaigns of the Senators and Representatives. Armed with voting records, opponents can exploit such record against the incumbent when that member voted against the interests of his constituents.

In early America, there were few entities consistently providing voting records of Congress such as found today at *Project Vote Smart* (www.vote-smart.org); neither were there national business entities such as *National Write Your Congressman* (www.nwyc.com) tracking the voting record of Congressional members on major bills.

Today, of course, numerous political organizations track the voting records of Congress on at least the topic of their primary concern (i.e., the *National Rifle Association* [www.nra.org] and the Second Amendment).

In the era before widespread political supervision by private entities, Senators and Representatives still knew that their vote could be chronicled for all history by only one-fifth of those voting. Prevailing thought was that their normal desire for a favorable reflection in the history books would keep them from enacting legislation dangerous to the republic. It was hoped that chronicling the vote would overrule an impulsive desire to seek otherwise advantageous short-term personal benefits which may be harmful to the country.

## Secrecy

Matters requiring secrecy can be kept from the journals of either House at the discretion of each House. *Security* and *secrecy* seem to go hand-in-hand, though one may quite successfully argue that government *secrecy* breeds *distrust* in government (certainly at least when government action routinely sidesteps the vast bulk of constitutional limitations which were placed to expressly limit that action).

In a government which is generally viewed to be honorable in all its actions and circumscribed in its conduct, secrecy is likely to also be minimal.

Conversely, a government of questionable behavior which constantly seeks to expand its parameters outside established procedures of amendment is likely to have many secrets. Distrust in government leads to inevitable chain of consequences which ultimately undermine its very authority.

Secrets may be kept for a time, but the truth eventually seems to come out, often after causing a great amount of difficulty. Cover-ups are generally even more harmful than the activity which first occurred which led to such secrecy.

Although a standard line of police questioning of potential criminal behavior is that if one is innocent, one should have nothing to hide, the same is seldom held true against the government. In fact, *national security* is generally held as the very embodiment of the need for *secrecy* (even when encompassing atrocities).

The security of a nation *is* important, though one may argue as to the proper means and allowable parameters to attain this justified end.

Government action circumscribed by the express wording of the Constitution would create far fewer enemies than are now found, both in America and abroad. When government is not nosing into affairs of Citizens or foreign governments where it has neither meaningful nor justifiable interest, then there is far less need to act in a secret or furtive manner.

A government that protects its Citizens from fraud and the initiation of force, and ensures Citizens and businesses uphold their contractual obligations goes a long way to allowing people the peace and happiness they deserve.

With fewer roadblocks in their way, Citizens find a direct cause-and-effect relationship between their activity and its reward or punishment. When proper activity is allowed to prosper, and improper activity punished to the necessary degree, society will develop to promote the general interests of the individuals in society.

With less reason to seek escape from their problems, fewer people will seek drugs and alcohol, or attempt behavior which is counter-productive to their long-term interests. Far fewer secrets will be necessary by Citizens or government in a society structured upon the proper delegation of authority to government.

## Adjournment

**Article I, Section 5, Clause 4** states;

> "Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting."

Clause 4 is designed to help keep the legislative sessions functioning properly. Article I, Section 7 requires that all legislative bills and resolutions must pass the majority of the quorum of *both* Houses (and be signed by the President, or by 2/3 of both Houses over his veto) to become law.

From such a requirement, it is obvious that both Houses must be sitting for a law to be enacted. It would therefore be inappropriate for one House to sit in a general manner for a period of time without the other, as legislation could not continue (the President can, under Article II, Section 3, convene Congress [if they are in recess] for sufficient cause).

Clause 4 prevents one House from adjourning unilaterally for more than a few days as a measure to prevent the use of adjournment as a means to short-circuit the legislative process.

The adjournment of one House would necessarily prevent the enactment of any law which requires positive action by both Houses.

Clause 4 also prevents either House from individually adjourning to another *Place* than the seat of the Government. The assembling of either House at places distant could favor legislation one way or another, by making it more difficult for some to assemble. As such, it is likewise expressly disallowed.

The seat of government of the United States began in the City of New York (read the Preamble to the Bill of Rights) in accordance with the **Resolution of September 13, 1788** by Congress meeting under the Articles of Confederation:

> "…*Resolved* That…the present seat of Congress be the place for commencing proceeding under the said constitution."

New York City was the final meeting site of the Congress assembling under the Articles of Confederation.

Philadelphia, Pennsylvania was the site for the First Continental Congress meeting in 1774 and also the initial site for the Second Continental Congress in 1775 through 1776. Congress next met in Baltimore, Maryland; then again Philadelphia; then Lancaster, Pennsylvania; York, Pennsylvania; again Philadelphia; then Princeton, New Jersey; Annapolis, Maryland; Trenton, New Jersey for a few months in 1784 before going to New York City in 1785.

In the July 16, 1790 act "*An Act for establishing the temporary and permanent seat of the Government of the United States*" (I Stat. 130) Congress directed in section 5:

> "That prior to the first Monday in December next, all offices attached to the seat of the government of the United States, shall be removed to, and until the said first Monday in December, in the year one thousand eight hundred, shall remain at the city of Philadelphia, in the state of Pennsylvania, at which place the session of Congress next ensuing the present shall be held."

New York City was the first seat of the government under the Constitution, with Congress meeting there from March 4, 1789 until August 12, 1790. Congress met at Philadelphia from December 6, 1790 until May 14, 1800 while the District of Columbia was purchased, surveyed, and readied with roads, utilities, and buildings. Congress began their Second Session of their Sixth Congress at the District of Columbia (at the "City of Washington, in the Territory of Columbia") on November 17, 1800, (as last directed by Congress in Chapter 67, II Stat. 85 [1800]).



Distributed by: Foundation For Liberty.org
1500 Highway 2
Leavenworth, WA 98826

www.FoundationForLiberty.org
Copyright 2003, 2005 by Beacon of Liberty, LLC.
www.BeaconofLiberty.org

