Myths and Legends of the Constitution

Pop Quiz!

1. Where is Separation of Church and State in the Constitution?
2. Where is your right to privacy guaranteed in the Constitution?
3. Where is Democracy in the Constitution?
4. Where is the Circuit Court of Appeals in the Constitution?
5. Where are political parties in the Constitution?
6. Where is slavery in the Constitution?
7. Where is Federalism in the Constitution?
8. Where is marriage in the Constitution? Reserved powers
9. Where are Executive Agreements and Executive Orders in the Constitution?
10. What’s the least popular Constitutional provision?
11. Bonus: What amendment was almost NOT in the Constitution?
12. Presidential Primary Debate Bonus: What does it take to amend the Constitution?

Answers:

1. Jefferson’s letter to the Danbury Baptists, and later Hugo Black’s Everson v BOE decision
   1. <http://www.loc.gov/loc/lcib/9806/danpre.html>
   2. <http://www.oyez.org/cases/1940-1949/1946/1946_52/>
   3. Amendment 1: Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.
2. Griswold v Connecticut
   1. <http://www.oyez.org/cases/1960-1969/1964/1964_496>
3. Good Gracious NO! That’s just mob rule. We don’t want that!
   1. Article 4, Section 4: The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.
4. Article 3, Section 1: The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.
5. Why would we want to do *that*? Aren’t factions bad enough?
   1. <http://classroom.monticello.org/kids/resources/profile/264/Thomas-Jefferson-President-of-the-United-States/>
6. In *other* words…
   1. Article 1, Section 9, clause 1: The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.
   2. Article 4, Section 2, clause 3: No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.
7. The Sixth Article and the 10th Amendment
   1. Article 6, Section 2: This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.
   2. (Amendment 10 - Reserved Powers) The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people
8. Like I said…
9. Article 2, Section 3: He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.
   1. What’s the difference between politically binding and legally binding?
   2. <http://www.presidency.ucsb.edu/data/orders.php>
   3. <http://constitution.findlaw.com/article2/annotation12.html>
10. The Electoral College! 500 proposals to eliminate it.
    1. <http://people.howstuffworks.com/10-things-you-didnt-know-about-the-us-constitution.htm#page=10>
11. The 19th. Don’t forget to “remember the ladies”.
    1. Dear Son: Hurrah, and vote for suffrage!  Don’t keep them in doubt.  I notice some of the speeches against.  They were bitter.  I have been watching to see how you stood, but have not noticed anything yet.  Don’t forget to be a good boy and help Mrs. Catt put the “rat” in ratification. Your Mother.

 Note from Phoebe (Febb) Ensminger Burn to her son, Harry T. Burn of the Tennessee Leislature in 1920

<http://www.tn.gov/tsla/exhibits/suffrage/beginning.htm> (Search for Burn)

1. 2/3 in the House and Senate, ¾ of the states.
   1. Article V (Article 5 - Mode of Amendment)The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose [Amendments](http://constitutionus.com/#amendments) to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures ofthree fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.