

initial as well as final right to the Committee on House Administration (H. Res. 1, Jan. 3, 1985, pp. 380-87). After a recount of the votes was conducted by that committee, the House on its recommendation declared the candidate without the certificate entitled to the seat (H. Res. 146, May 1, 1985, p. 9998). The House also may defer the oath when a question of qualifications arises (I, 474), but it may investigate qualifications after the oath is taken (I, 156-159, 420, 462, 481), and after investigation unseat the Member by majority vote (I, 428).

Questions of sanity (I, 441) and loyalty (I, 448) seem to pertain to the competency to take the oath rather than to the 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).

§ 206. Decisions of the Court. 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.

§ 207. Ratification of the Constitution. The Ratification of States, shall be sufficient for the 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

