

WEEK SIX

*Of Kings and Courts***THE PRESIDENCY OF THE UNITED STATES**

In an _____¹
 delivered to the new Connecticut government by **Rev. Matthias Burnett**, he said:

To God and posterity you are accountable for [your rights and your rulers]...Let not your children have reason to curse you for giving up those rights, and prostrating those institutions which our fathers delivered to you as a sacred palladium, and which by the blessing of God have been peculiarly beneficial to the order, peace and prosperity of this State...^{xli}

The most significant part of the President's responsibilities is to make sure the laws are

_____².

John Adams said that faithfully executing the laws would make us a nation of _____³ and not of _____⁴.

The interest of the people is one thing: it is the public interest. And where the public interest governs, it is a government of laws and not of men.

The interest of a king or of a party is another thing: it is a private interest. And where private interest governs, it is a nation of men and not of laws. ^{xlii}

- John Adams

In public officials, look for people who will set _____⁵ and enforce the will of the people.

The _____⁶, more than any other entity, is the one who decides whether we are a government of laws or a government of men.

The Electoral College is a way for the _____⁷ to have a voice, and the _____⁸ to have a voice in the election of the President.

The Founders rejected having the President elected by _____⁹ because the most populated areas would outvote the more rural areas.

The Founding Fathers used the Electoral College to strike a balance that would require the winner to have both a _____¹⁰ of the people AND a sufficient _____¹¹ of the vote.

In a popular vote scenario, the major deciders for the Presidency would be the _____¹².

I view great cities as pestilential to the morals, the health, and the liberties of man.^{xliii}

- Thomas Jefferson, writing to Benjamin Rush

I agree with you in your opinion of cities. Cowper the poet very happily expresses our ideas of them compared with the country. 'God made the country; man made cities.' I consider them in the same light that I do abscesses on the human body – as reservoirs of all the impurities of a community.^{xliv}

- Benjamin Rush, writing back to Jefferson

Supporters of National Popular Vote want _____¹³, rather than a constitutional republic.

Pure democracy cannot subsist long nor be carried far into the departments of state – it is very subject to caprice and the madness of popular rage.^{xlv}

- John Witherspoon, Signer of the Declaration of Independence

Remember, democracy never lasts long. It soon wastes, exhausts, and murders itself. There never was a democracy yet that did not commit suicide.^{xlvi} - **John Adams**

A simple democracy is one of the greatest of evils. A democracy is a mobocracy.^{xlvii}

- **Benjamin Rush, Signer of the Declaration**

Section _____¹⁴ of the 25th Amendment is the process by which the President declares he/she is unable to fulfill the duties of the presidency.

Section _____¹⁵ of the 25th Amendment is the process by which the VP and a majority of the Cabinet declare the President unable to fulfill the duties of the presidency.

When has the 25th Amendment been invoked under Section 4? _____¹⁶.

At the time of this recording, the only time the 25th Amendment was invoked under Section 3 was once by President _____¹⁷ and twice by President _____¹⁸.

The practice of issuing Executive Orders started with President _____¹⁹.

Executive Orders are Constitutional if they are executing a law that _____²⁰ has actually _____²¹.

The Founders believed that the foundation of oaths was in being more _____ of _____²² than of following the oath.

The 1776 Pennsylvania Constitution written by Benjamin Franklin barred anyone from holding office unless they believed in “a future state of _____ and _____²³.”

If the president alone was vested with the power of appointing all officers, and was left to select a council for himself, he would be liable to be deceived by flatterers and pretenders to patriotism, who would have no motive but their own emolument [self-seeking profit and gain].^{xlviii}

- Roger Sherman, Declaration of Independence and Constitution Signer

THE JUDICIARY OF THE UNITED STATES

If you believe in _____²⁴ as a philosophy of life, it permeates every area, including your view of the Constitution.

Today, the law schools teach that judges are responsible for _____²⁵.

Of the 27 grievances in the Declaration of Independence, _____²⁶ of them were regarding judges.

The Founders wanted to avoid _____²⁷ appointments for judges.

Law schools don't teach truth _____²⁸, they teach "truth" _____²⁹, which leaves them in charge of what happens to the Constitution.

The judicial branch has _____³⁰ they were never designed to have because we the people have not known the Constitution ourselves.

Samuel Adams complained about judicial tyranny in the form of _____³¹ and _____³² as far back as 1765.

Myth #1: The three branches are co-equal.

The Federalist Papers were written by _____, _____, and _____³³ and are like an instruction manual for the Constitution.

In Federalist Paper 51, Madison said the _____³⁴ branch “necessarily predominates” because it is the branch that is _____ to the _____³⁵.

In Federalist Paper 78, Hamilton said the _____³⁶ was the weakest branch and would not be a threat to our liberty if it remained in its proper jurisdiction.

...the judiciary is beyond comparison the weakest of the three departments of power; ...the general liberty of the people can never be endangered from that quarter; I mean so long as the judiciary remains truly distinct from both the legislature and the Executive... And it proves, in the last place, that as

liberty can have nothing to fear from the judiciary alone, but would have every thing to fear from its union with either of the other departments; The judiciary... has no influence over either the sword or the purse; no direction either of the strength or of the wealth of the society; and can take no active resolution whatever. It may truly be said to have neither force nor will, but merely judgment; and must ultimately depend upon the aid of the executive arm even for the efficacy of its judgments.

- Alexander Hamilton, Federalist 78

The judiciary was established by and is accountable to the other _____³⁷ of government, because they owe a _____³⁸ to the people.

Superficial observers take it for granted that the three departments of government are co-ordinate and independent of each other. It is to be observed that the words 'co-ordinate,' 'independent,' are not to be found in any part of the Constitution. According to the Constitution, the establishment of the Judiciary department was entrusted to the Legislative department. Is the Judiciary department formed by the Constitution? It is not. It is only declared that there shall be such a department, and it is directed to be formed by the other two departments, who owe a responsibility to the people. The number of judges, the affirmation of duties, the fixing of compensations, the fixing the times when, and the places

where, the courts shall exercise the functions, &c., are left to the entire discretion of Congress. Congress may postpone the sessions of the courts for eight to ten years and establish others to whom they could transfer all the powers of the existing courts. The spirit, as well as the words of the Constitution, are completely satisfied, provided one Supreme Court be established. ^{xlix}

- William Giles

The Constitution leaves it entirely to the discretion of _____³⁹ as to how many members will be on the court and how many lower courts to establish from time to time.

Congress may also set the _____⁴⁰, removing issues from the purview of the court.

The provision of the act of 1867, affirming the appellate jurisdiction of this court in cases of habeas corpus is expressly repealed. It is hardly possible to imagine a plainer instance of positive exception. We are not at liberty to inquire into the motives of the legislature. We can only examine into its power under the Constitution; and the power to make exceptions to the appellate jurisdiction of this court is given by express words. Without jurisdiction the court cannot proceed at all in any cause... It is quite clear, therefore, that

this court cannot proceed to pronounce judgment in this case, for it has no longer jurisdiction of the appeal; and judicial duty is not less fitly performed by declining ungranted jurisdiction than in exercising firmly that which the Constitution and the laws confer.

- U.S. Supreme Court in *Ex Parte McCardle*¹

Myth #2: Federal judges hold lifetime appointments.

Judges are *not* appointed for life, they are appointed for _____⁴¹.

The judges both of the Supreme and inferior courts, shall hold their offices during good behavior.

- Article III, Sec. 1

We all fully and at once understand what is 'good behavior' in a judge, and if he acts contrary, it would be misbehavior; and the Constitution in that case has given a remedy by impeachment.^{li}

- John Ewing Colhoun

The House of Representatives has the power to impeach (*essentially an indictment, not a finding of guilt or innocence*) and the Senate has the sole power to _____⁴² all impeachments.

Judges have been impeached for:

- Issuing an order _____⁴³ an act of Congress
- Drunkenness in private life
- _____⁴⁴ in the courtroom
- Profanity
- Judicial _____ - _____⁴⁵

According to Hamilton, impeachment is a _____⁴⁶ in the hands of the legislature.

...the necessity of furnishing each [branch] with constitutional arms for its own defense, has been inferred and proved.

- Alexander Hamilton, Federalist #73

Every government requires impeachment. Every man ought to be accountable for his conduct... Impeachment will be not only a means of punishing misconduct but will also prevent misconduct. A man in public office who knows that there is no tribunal to punish him may be ready to deviate from his duty; but if he knows there is a tribunal for that purpose, although he may be a man of no principle, the very terror of punishment will perhaps deter him.ⁱⁱⁱ

- James Iredell

...all powers residing originally in the people and being derived from them, the several magistrate and officers of government vested with authority – whether legislative, executive, or judicial – are their substitutes and agents and are at all times accountable to them.

**- Sam Adams, John Hancock, John Adams in
the Massachusetts State Constitution**

The order of things in Britain is exactly the reverse of the order of things in the United States. Here, the people are the masters of the government; there, the government is master of the people.^{liii}

- James Wilson

To review the other myths of the judiciary, take the full ***Constitution Alive!*** course at PatriotAcademy.com.