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Lesson Objectives:

When you complete Lesson 1, you will be able to:

- Explain the relationship between the Declaration of Independence and the Constitution.
- Understand that the Constitution has permanent meaning.
- Understand the three themes of the Constitution: consent of the governed, checks and balances, and federalism.
- Explain the difference between the Constitution and constitutional law.
- Describe the events leading to the creation of the Constitution.
- List the three rules of the Constitutional Convention.
- Explain how the Virginia Plan and the New Jersey Plan differed from the Great Compromise.
- Explain the auxiliary precautions of the extended Republic, the separation of powers, and federalism.
- Compare and contrast the originalist and non-originalist perspectives regarding the interpretation of the Constitution.
- List and explain six fundamental reasons why originalism is championed.
- Explain the process that originalists use when interpreting the meaning of the Constitution.

The Meaning of the Constitution

*Essay by Edwin Meese III (pp. 1–6)*

The Constitution of the United States has endured for more than 200 years and has remained an object of admiration throughout the United States and the world. The Constitution was born in crisis—it was initially designed as a response to the inadequacy of the government under the Articles of Confederation. Yet, as Edwin Meese III explains in “The Meaning of the Constitution,” the Constitution has endured because it builds upon the principles set forth in the Declaration of Independence.
Independence, which states that governments should operate through the consent of the governed to secure the people’s rights and liberties. The Constitution defines both the structure of the government and the rules for its operation to complement these principles.

The Constitution contains three important themes: consent, checks and balances, and federalism. First, the legitimate authority of the government depends on the consent of the people of the United States. According to the Declaration of Independence, because all men are created equal and have certain inalienable rights, no person can be ruled without his or her consent. The American people express their ongoing consent through elections.

Second, the checks and balances of the Constitution ensure that no one branch of the government (legislative, executive, or judicial) becomes too powerful, thereby encroaching upon the power of the other branches. This separation of powers limits the power of each branch but fosters cooperation in certain areas among the three branches. Thus, this mechanism protects against the twin dangers of republican government: democratic tyranny, which fails to protect individual rights of the minority, and democratic ineptitude, which fosters ineffective government.

Third, federalism prevents an unhealthy concentration of power in the government. The Framers’ experience under the Articles of Confederation highlighted the importance of federalism. The Articles of Confederation created a weak national government and strong state governments. These state governments, unrestrained by the powerless national government, fell victim to factions and failed to protect individual rights. The Founders realized that to prevent such abuses in the future, they would need to create a much stronger national government. But rather than creating a single, all-powerful national government, the Founders devised a federal system that divides sovereignty between two political entities—states and the nation—thereby recognizing a role for each. The Constitution divides power horizontally among three separate branches of the government at the national level and vertically between the national government and the state governments. This division ensures that the national government has enough power to perform its duties but not so much power as to harm the people’s liberty.

A former Attorney General of the United States and the chairman of the editorial advisory board of The Heritage Guide to the Constitution, Meese explains that the goals of the book are to present the Founders’ understanding of the Constitution and its provisions and to examine judicial interpretations of the Constitution and the political circumstances that comprise the history of constitutional law. Constitutional law is distinct from the Constitution: Constitutional law is the way in which the court interprets the Constitution, but the Constitution itself is “the supreme Law of the land.” The Constitution is the standard against which all laws, policies, and interpretations should be measured. Ultimately, the success of the American Republic depends on our fidelity to and the faithful interpretation of the Constitution.
Before You Read

Ask: What does the word “consent” mean? (to agree with or to approve of)

Now, what do you think “consent of the governed” means? (the approval of those being governed)

Active Reading

Have students read the last paragraph on page 2. To ensure understanding, ask: What is the difference between the “consent of the governed” and “the will of the majority”? (The “consent of the governed” means that people are self-governing in their local communities and that government may intervene only when the people give permission and the government acts through constitutional structures and the rule of law. “The will of the majority,” on the other hand, contends that all decisions of the majority directly determine the law.)

Active Reading

Read aloud the last paragraph on page 3. To ensure understanding, ask: How can a separation of powers lead to cooperation? (Nothing may be accomplished until some agreement is reached.)

Work in Pairs

Have students read about the Nationalists, those who favored limiting the power of the states, on page 4. Pair up students and have them write a few sentences summarizing why the Nationalists wanted to limit the states’ power. (Sample answer: The Nationalists saw the ill effects of unfettered state power under the Articles of Confederation. States not only interfered with the national government’s exercise of power, but also failed to secure the rights of their citizens.)

Active Reading

To ensure understanding, ask: What is constitutional law? (a body of law based on the decisions of the courts) How is constitutional law different from the Constitution? (Constitutional law concerns the interpretation of the law by the courts, whereas the Constitution is the law itself.)

Discussion Questions

1. On page 2, Meese quotes Thomas Jefferson as saying, “...all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit
of Happiness.” While the Constitution does not create rights, there are certain rights that the Constitution explicitly protects. What are some rights guaranteed to the citizens of the United States in the Constitution? (Some rights are mentioned in the Articles of the Constitution, such as the right of habeas corpus and the right to be free of bills of attainder and ex post facto laws. The Bill of Rights also contains explicit protections of rights, such as free speech and the right to bear arms.)

2. According to Meese, why has the Constitution remained strong for more than 200 years? (It complements the Declaration of Independence; it outlines both the structure of the government and rules for its operation that would secure the rights and liberties of citizens.)

The Formation of the Constitution

Essay by Matthew Spalding (pp. 7–12)

In “The Formation of the Constitution,” Matthew Spalding tells the story of the Constitutional Convention. In June 1776, Richard Henry Lee introduced a resolution in the Second Continental Congress to dissolve political connections with Great Britain, pursue foreign alliances, and draft a plan of confederation. The result was the Declaration of Independence (1776), the Franco–American Alliance (1778), and the Articles of Confederation (ratified in 1781).

The Articles of Confederation was the first attempt to organize a national government. The resulting government was rife with problems: States undermined the national government; Congress was unable to impose taxes to gain funds to pay for national expenses; there was no independent executive; foreign relations were weak. Apart from the institutional problems of the Articles of Confederation, majority tyranny remained a grave threat. In many states, majority factions had taken over state legislatures to deprive the minority of rights.

After several ad hoc meetings to discuss particular conflicts, the Constitutional Convention was convened in Philadelphia in 1787 to revise the Articles of Confederation and form a more perfect union. Each state but Rhode Island sent delegates to the Convention. This was an impressive group of delegates including George Washington, Benjamin Franklin, James Madison, and Alexander Hamilton. Thomas Jefferson (who did not attend) described the Convention as “an assembly of demi-gods.” The delegates unanimously chose George Washington as president of the Convention and agreed to abide by three basic rules: (1) voting was by state, and each state had one vote; (2) proper decorum was to be maintained at all times; and (3) the proceedings were to be kept secret.
As soon as delegates agreed to the rules, Edmund Randolph presented the Virginia Plan, which proposed to set aside the Articles of Confederation and create a new structure of government consisting of legislative, executive, and judicial branches. Under the Virginia Plan, population would determine a state’s representation in both the House and the Senate. This put less-populated states at a disadvantage, however. The New Jersey Plan to amend the Articles of Confederation featured a one-house Congress in which each state received equal representation. Roger Sherman proposed the Great Compromise in which population would determine representation in the House, but each state would have equal representation in the Senate.

A Committee of Detail reworked the various resolutions of the Virginia Plan and produced a draft of the Constitution in July 1787. From August to September, members of the Convention reworked this draft until they were satisfied with it. They then gave the draft to a Committee of Style to polish the language.

In addition to the provisions of the document, there are three unstated mechanisms in the Constitution: the extended Republic, the separation of powers, and federalism. Extending the Republic, meaning expanding the size of the nation, would increase the number of opinions, making it difficult for a majority to form on narrow interests against the common good. The separation of powers among three branches ensured that no branch of the government can usurp another branch’s power. The balance of power between the national government and the states further protected the people from the dangers of a centralized government. The national government would exercise a few delegated powers; the states would exercise all other powers.

On the morning of September 17, 1787, the Constitutional Convention gathered for a momentous occasion: The Constitution was read aloud one last time, and the delegates came forward one at a time to sign it. On September 28, Congress sent the Constitution to the states for ratification. Delaware was the first to ratify; New Hampshire was the ninth; Rhode Island, the last.

**Active Reading**

To ensure understanding, ask: One of the problems of the Articles of Confederation was that it required nine of 13 states to approve important legislation. Why was this problematic? (If the other four states banded together, they could quickly stop any important legislation.) Ask: As president of the Constitutional Convention, what role did Washington play? (He oversaw daily meetings of the Virginia delegation and considered strategy and reform proposals that became the plan for the Constitution. He contributed to formal debate only once but was involved throughout the proceedings.)
Active Reading

Ask: Why did less-populous states object to the Virginia Plan? (Under the Virginia Plan, representation in both the House and the Senate would be determined by population. The less-populous states would have less power than more-populous states in the legislature.) How would representation be determined under the New Jersey Plan? (Under the New Jersey Plan, each state would have an equal vote in a one-house Congress.)

Make an Inference

Ask: On page 10, Spalding says that Edmund Randolph refused to sign the Constitution in part because he was wary of having a single executive. Who was this executive? (the President) Why do you think having a single executive worried Randolph? (He may have thought this person would have too much power.)

Work in Pairs

Have younger students work in pairs to paraphrase Franklin’s quotation on page 12. Remind students that when you paraphrase, you put something into your own words. (Sample answer: George Washington had the sun painted on the back of his chair, and Franklin had looked at it many times, unsure whether it was a sunrise or a sunset. Once the Constitution was completed, Franklin was sure that it was a sunrise, meaning a new beginning.)

Discussion Questions

1. What were some problems with the Articles of Confederation? (Each state governed itself through elected representatives who in turn elected a weak national government. There was no independent executive, and Congress lacked the authority to impose the taxes it needed to pay national expenses. All 13 colonies had to ratify amendments. One state’s refusal prevented structural reform, nine out of 13 states had to approve important legislation, and all treaties had to be ratified by the states.)

2. One of the rules of the Constitutional Convention was that its proceedings were to be kept secret. Why do you think this was important? (Sample answer: Sharing the discussions at the Convention with the public would likely hinder the activity of the Convention. People might disagree, distract the delegates, and try to influence their opinions.)
3. In the section “Auxiliary Precautions,” Spalding says that three unstated mechanisms were at work in the Constitution. What were these auxiliary precautions, and why does he describe them as unstated? (The three unstated auxiliary precautions were the extended Republic, the separation of powers, and federalism. While these ideas were not explicitly stated in the Constitution, they are present throughout the document.)

The Originalist Perspective

Essay by David F. Forte (pp. 13–17)

In “The Originalist Perspective,” David F. Forte presents two contrasting interpretations of the Constitution. On one side are those who view the Constitution as a “living document” with no fixed meaning. According to this view, the meaning of the Constitution changes with the times. On the other side are the originalists, who argue that the Constitution has permanent meaning and should be interpreted as it was originally intended. Forte cautions that there is some overlap between the two camps.

Originalism is the dominant theory of interpretation. It has succeeded and even profited from the criticism of non-originalists. Originalism is championed for several reasons. First, originalism supports the nature of a Constitution, which limits any one generation from ruling according to passion. Second, it supports legitimate, popular government that protects human liberty. Third, originalism supports limited government, for it understands that government has no authority beyond the Constitution. Fourth, originalism limits the judiciary and prevents Supreme Court justices from asserting their will over the other branches’ ability to craft policy. Fifth, Originalism supports the intentions of the Constitution’s drafters. Sixth, Originalism is not result-oriented.

Determining the original meaning of the Constitution is not an easy task. It requires us to analyze the clauses, to examine the meaning of the words by taking into consideration their meaning at the time when they were written, and to compare them to the other sections of the Constitution. The originalist perspective does not remove controversy when interpreting the Constitution, but it does limit controversy within a constitutional tradition of the rule of law.

The Heritage Guide to the Constitution contains brief essays on each clause in the Constitution. These essays explain the meaning of each clause as far as it can be determined and note any credible and differing original interpretations.
Before You Read

Ask: Think about the meaning of the word “original.” What do you think it means to have an originalist perspective when interpreting the Constitution? (to view the Constitution in terms of its original, or first, meaning)

Active Reading

Point out that Forte uses the word “comport” on page 14 and again on page 15. Read aloud the sentences containing the word. Ask: What do you think the word “comport” means? (fits in with, goes along with)

Make a Real-Life Connection

Point out that on page 15, Forte states that “originalism, properly pursued, is not result-oriented, whereas much non-originalist writing is patently so.” Ask: What does he mean? (The task of originalism is not to implement a particular policy agenda regardless of the process. By contrast, non-originalists are concerned about the result—the particular policy produced—rather than the process used to achieve the result.) Ask: How should we analyze issues and policies using the original meaning of the Constitution? (The Constitution is based on particular permanent principles and creates a limited government. It does not settle specific policy disputes; it sets forth the process for creating policy through a careful, deliberative process. For instance, the Constitution does not determine how high taxes should be; it describes the process for imposing taxes and places limits on who can impose them.)

Active Reading

To ensure understanding, ask: When explaining the approach that originalists take when interpreting the Constitution, Forte says they look to “the elucidation of meaning by debate within the Constitutional Convention.” What does elucidation mean? (clarification) What does the entire phrase mean? (Originalists research what these words meant to the delegates of the Constitutional Convention when they were debating issues.)

Discussion Questions

1. Explain the difference between an originalist and a non-originalist interpretation of the Constitution. (Sample answer: An originalist perspective seeks to determine the original meaning of the Constitution, whereas a non-originalist perspective views the Constitution as a living document that changes with the times.)
2. Why do you think it is important to research the background of the Founders and the meaning of words when interpreting the Constitution? (Sample answer: The meaning of words changes over time. Some phrases are technical legal terms that may have changed or fallen out of use. Therefore, the meaning of the words at the time the Constitution was written must be determined.)

Check Understanding

Have students complete the following assessment to check their understanding of Lesson 1. Review any material for questions they have missed.

Multiple Choice: Circle the correct response.

1. When interpreting the Constitution, originalists take into account all of the following except
   a. the meaning of words during the time the Constitution was written.
   b. the philosophies of the delegates at the Constitutional Convention.
   c. how the laws of the Constitution should be changed to reflect modern society.
   d. how the words were interpreted during the revolutionary struggle.

2. Which of the following was not a rule of the Constitutional Convention?
   a. The proceedings were to be kept secret.
   b. All delegates must be present at each session.
   c. Voting was by state, and each state had one vote.
   d. Proper decorum was to be maintained at all times.

3. The plan of government used before the Constitution went into effect was
   a. Articles of Confederation.
   b. Declaration of Independence.
   d. none of the above.

4. The president of the Constitutional Convention was
   b. Benjamin Franklin.
   c. Thomas Jefferson.
   d. Alexander Hamilton.

5. The plan of government that favored the large states was
   a. the New Jersey Plan.
   b. the Virginia Plan.
   c. the Northwest Ordinance.
   d. the Treaty of Paris.
6. The plan of government that favored the small states was
   a. the New Jersey Plan.
   b. the Virginia Plan.
   c. the Northwest Ordinance.
   d. the Treaty of Paris.

7. The decision to have two houses of Congress, with one house’s representation based on population and the other’s based on equal representation for each state, was called
   a. the Paterson Plan.
   b. the New Jersey Plan.
   c. the Virginia Plan.
   d. the Great Compromise.

8. The system of government in which power is divided between the central and state governments is called
   a. republican.
   b. federalism.
   c. monarchy.
   d. democratic.

9. The idea that the powers of government should be divided between and given to different branches is called
   a. checks and balances.
   b. separation of powers.
   c. federalism.
   d. implied powers.

10. When the power of one branch of government is blocked by the power of another branch of government, this is the concept of
    a. checks and balances.
    b. separation of powers.
    c. federalism.
    d. implied powers.

11. The dominant theory of Constitutional interpretation is that of
    a. originalists.
    b. the Supreme Court.
    c. non-originalists.
    d. contemporary court decisions.

Fill in the blank: Write the correct word or words in each blank.

1. The delegates signed the Constitution on _______. (September 17, 1787)

2. Using the original intention of the Framers as a guide for interpreting the Constitution is called an _______ perspective. (originalist)
3. Originalism is in opposition to the concept that the Constitution is a ________ document that lacks any fixed meaning. (living)

4. When determining the original meaning of the Constitution, originalists begin by examining ________. (the text of the clause)

5. The Constitution is strong in part because it complements the ­__________. (Declaration of Independence)

Short Answer: Write out your answer to each question.
1. What are the six reasons that David Forte gives to explain why originalism is championed?
   • It supports the nature of a Constitution.
   • It supports legitimate, popular government that protects human liberty.
   • It promotes limited government and the idea that government has no authority beyond the Constitution.
   • It limits the judiciary and prevents Supreme Court justices from asserting their will over the other branches’ ability to craft policy.
   • It comports with the intentions of the Constitution’s drafters.
   • It is not results-oriented.

2. What are the three auxiliary precautions that Matthew Spalding mentions are contained within the Constitution?
   • The extended republic
   • Separation of powers
   • Federalism

3. The United States government is divided into how many branches? (three branches)

True / False: Indicate whether each statement is true or false.
1. The Constitution means whatever the Supreme Court says it means. (False)

2. When originalists read the Constitution, they consider the historical context of when the text was created. (True)

3. The Constitution was written in 1787. (True)

4. The Articles of Confederation were problematic because the national government was too strong. (False. The national government was too weak.)

5. The Constitution was written at a convention held in Philadelphia. (True)
Lesson 2

THE PURPOSE OF THE CONSTITUTION

Lesson Objectives:

• Explain how the Preamble differs from the introduction of the Articles of Confederation.
• List and explain the six purposes of the Constitution as stated in the Preamble.
• Explain how the Emoluments Clause and the ban on State Title of Nobility support the republican form of government.
• Explain the purpose of the Guarantee Clause and the three criteria of a republican government.
• Discuss the ratification process for the Constitution and how it differed from that of the Articles of Confederation.
• Know how many states needed to ratify the Constitution for it to go into effect.
• Explain the purpose of the Attestation Clause and the significance of the way in which the Constitution is dated.
• Understand how the Supremacy Clause resolves conflicts between state and federal laws.
• Understand that the Constitution is supreme.
• Understand the purpose of the Oaths Clause and the Religious Test Clause and to which officials it applies.
• Understand the purpose of the Debt Assumption Clause.
Part 1:
A New Constitution for a Young Republic

Preamble
Essay by Forrest McDonald

Emoluments Clause
Article I, Section 9, Clause 8

No State Title of Nobility
Article I, Section 10, Clause 1

Guarantee Clause
Article IV, Section 4

Ratification Clause
Article VII, Clause 1

Attestation Clause
Article VII, Clause 2

Preamble

*Essay by Forrest McDonald (pp. 43–46)*

The Preamble of the Constitution was an afterthought composed by Gouverneur Morris, a delegate from Pennsylvania and member of the Committee of Style. Though the Preamble does not have any substantive legal meaning, it is nevertheless a powerful statement of the purpose of the Constitution and a reminder of the principles of the Declaration of Independence that undergird the document.

As Forrest McDonald explains, the very first words of the Preamble—“We the People of the United States”—show a marked departure from the Articles of Confederation. The Constitution’s introductory words indicate that the people of the United States were members of one united country rather than representatives from different states forming a pact between states (as was the case under the Articles of Confederation). The use of “We the People” was also necessary considering the ratification procedure. The Preamble did not list the name of each state, because the Constitution went into effect whenever the popularly elected ratifying conventions of nine states approved it. It was not obvious which nine would ratify first, and the Framers did not want to add names retroactively.

Some criticized the language for failing to list the states. Patrick Henry suggested that the absence of the list of states indicated that the Constitution created a national, consolidated government. Governor Edmund Randolph responded that “the government is for the people; and the misfortune was, that the people had no agency in the government before.”
The Preamble presents six purposes of the Constitution. Of these six, two are immediate requirements of safety and security common to every sovereign nation: “insure domestic tranquility” and “provide for the common defense.” Two look forward to building a particular society that upholds the rule of law and fosters prosperity and well-being for all of its citizens: “establish Justice” and “promote the General Welfare.” The other two objectives grandly express the Founders’ hopes for their nation’s and their people’s future: The Constitution is meant to “form a more perfect union” and “secure the blessings of liberty to ourselves and our posterity.”

“To form a more perfect Union” does not mean that the Founders thought that they could create a truly perfect government. Rather, the phrase meant a better and stronger union than the one that had existed under the Articles of Confederation. The second objective, “to establish justice,” implies that justice did not exist under the previous government. Gouverneur Morris chose the words carefully: While court systems existed prior to the Constitution, state governments violated individuals’ rights. The Constitution would guard against this behavior with an independent judiciary and separate prohibitions of certain state practices.

The third purpose, “to insure domestic Tranquility” was vital because, during this time, Americans were accustomed to rebelling against unpopular governments. The Constitution would prevent uprisings such as the Whiskey Rebellion (1794) and Fries’s Rebellion (1799). To insure tranquility, the new Constitution would give Congress authority over the state militias and guarantee to each state a republican form of government. The fourth objective, “to provide for the common defense,” was the reason the United States came into being. However, Americans were wary of strong standing armies, which could enslave the country as well as defend it. The Founders sought both to ensure a strong defense and to provide for these concerns about standing armies.

The fifth purpose, “to promote the general Welfare,” was not a broad grant of power to the federal government. “General” means applicable to the whole, not to any particular state or special interest. Thus, the Preamble limits government by ensuring that it always acts in the interests of the whole rather than for particular states or interests. The sixth and final purpose is to “secure the Blessings of Liberty to ourselves and our Posterity.” This broadly refers to the whole Constitution insofar as it establishes a limited government to protect individual liberties.

The Preamble, furthermore, points back to the principles and rights proclaimed in the Declaration of Independence. Far from negating the principles leading to the American Revolution, the Constitution fulfills them. The Preamble as a whole declares that the Constitution was designed to secure the rights of life, liberty, and the pursuit of happiness proclaimed in the Declaration.
Unit 1

Make a Real-Life Connection

Read the Preamble aloud. Ask students whether they have heard these words before and, if they have, where they have heard them. (in school, on television) Ask: Why do you think the Preamble is so well known? (Answers will vary. Students may say that the Preamble expresses the ideas behind the formation of the United States Constitution.)

Make a Real-Life Connection

Ask: In his discussion of the Preamble, Forrest McDonald explains what the phrase “general Welfare” meant to the Framers of the Constitution. What did they understand the phrase to mean? (It was a limitation on government’s power. Government could address certain general interests rather than regional or parochial ones.) How is the word “welfare” used today? (persons’ general well-being, social programs intended to promote well-being)

Active Reading

Read aloud the opening of the Preamble. Ask: What impression do these words make on you? If necessary, prompt students by asking: What do these words say about the people of the United States? (Students may say that the people of the United States are now one.) Read aloud the opening of the Articles of Confederation on pages 43 and 44. Ask: What impression do these words make on you? (Students may say that all people in one state are one and that each state is separate.)

Write About It

Point out that McDonald discusses the relationship between the Declaration of Independence and the Constitution. Have students read both documents and write a paragraph on how the purposes in the Preamble compare to the discussion of government in the second paragraph of the Declaration of Independence. (The Declaration sets forth the end of government; the Constitution creates the structures by which the Constitution will fulfill the promises of the Declaration.)

Discussion Questions

1. How does the Preamble show that the Constitution is different from the Articles of Confederation? (The Articles of Confederation tied the states together only loosely, but the Preamble represents the states as a united body through the phrase “We the People.” The Preamble also places the political strength of the government with the people, which differs from the Articles of Confederation.)
2. What does the goal to “secure the blessings of liberty to ourselves and to our posterity” reveal about how the Framers thought of the Constitution? (This statement reveals that one of the major goals of the Constitution was to secure liberty, or the personal rights of individuals, for all the generations to come.)

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**Emoluments Clause** — Article I, Section 9, Clause 8

*Essay by Robert Delahunty (pp. 166–167)*

The Constitution creates a republican government. James Madison commented in *The Federalist* No. 39 that republican governments were rare: They existed in Holland, Poland, and Venice in attenuated forms. The existence of a genuinely republican government with republican institutions was unique to America. The Framers crafted institutions and drafted specific clauses, such as the Emoluments Clause and the State Title of Nobility Clause, to ensure that the American Republic would succeed.

The Emoluments Clause forbids both the United States from awarding titles of nobility and public officials from receiving either titles or similar advantages from a foreign power without the consent of Congress. Giving people lifelong titles of nobility is a characteristic of aristocracies, not republics. At the time, kings would customarily bestow expensive gifts on ministers of other countries who had visited them and signed treaties. The Emoluments Clause protected the republican character and American political institutions from such corrupting foreign influences. The Emoluments Clause has never been litigated, but it has been interpreted and enforced through court opinions.

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**Before You Read**

Point out that one meaning of the word “emoluments” is “advantages.” *Ask: What are some advantages enjoyed by kings and queens?* (Answers will vary. Students may say that they are in a higher social class than everyone else and have greater privileges than everyone else. They are born into wealth, live extravagantly, and are entitled to servants.)

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**Active Reading**

Explain that titles, such as those forbidden by the Constitution, indicate a rigid class structure entered into upon birth. For example, some individuals are born into the monarchy, while others might be born into the peasant class. *Ask: Why does the Constitution forbid titles?* (The American justice system is based on equality before the law. Formal recognition of distinctions based on class, race, or title would undermine republican government and the justice system.)
Unit 1

Active Reading

Ask: Why does the Constitution require Congress’s consent when an official receives a title or gift from a king or other world leader? (Requiring Congress to consent to the receipt of these gifts informs Congress about the gifts, prevents the likelihood that these gifts are mere bribes, and guards the republican character of America.)

Discussion Question

Point out that Delahunty quotes David Ramsey, an 18th century historian, as saying that equality is the “life and soul” of republicanism. Ask: What are some ways that the United States government tries to treat all people equally? (Answers will vary. Examples: the law protects everyone equally. All people have certain due processes. Citizens have the right to vote.)

State Title of Nobility — Article I, Section 10, Clause 1

Essay by Robert Delahunty (pp. 175–176)

While the Emoluments Clause forbids the federal government from granting titles of nobility, Article I, Section 10, Clause 1 forbids state governments from granting such titles. Together, these clauses help to maintain the republican character of the United States government.

The Articles of Confederation prohibited Congress and the states from awarding titles of nobility. Even before the Articles of Confederation, however, states had renounced the power to grant such titles. Thus, prohibiting state titles of nobility was not controversial.

Make a Real-Life Connection

Provide students with some examples of noble titles. These include prince, knight, king, queen, duke, duchess, count, and princess. Ask: Can you think of some examples of people who have a noble title in their names? (Answers will vary.) Where are these individuals from? (Answers will vary. Help students reach the conclusion that all people mentioned are from countries other than America.) What does this tell you about noble titles and America? (America is a republican government. It does not pick its officers according to a hereditary bloodline. It does not award titles, and her citizens do not receive titles.)
Active Reading

Ask: Where did the idea that states should not grant titles of nobility appear before it was made part of the Constitution? (The Articles of Confederation prohibited the states from granting titles of nobility.) How is the American republican form of government exceptional compared to other republics? (Republican governments were uncommon before the French Revolution. They were found in Holland, Poland, and Venice in attenuated and precarious forms. America created republican institutions based on republican principles.)

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Guarantee Clause — Article IV, Section 4

Essay by Robert G. Natelson (pp. 282–284)

The Guarantee Clause makes certain guarantees to the states. It guarantees states a republican form of government and protection from foreign invasion. The Articles of Confederation did not guarantee a republican form of government. Delegates debated the meaning of republican government and agreed on three criteria, the absence of any one of which would render a government unrepulic Peaceful: popular rule, no monarch, and rule of law.

Popular rule means that political decisions are made by a majority of voting citizens. Citizens can act either directly or through representatives, but in either mode, the sovereign is accountable to the people. The Framers saw pure democracy as inconsistent with republican government. A pure democracy lacks magistrates; instead, the mob makes all decisions, including executive and judicial ones.

Monarchy is incompatible with republican government. Under the condition of no monarchy, for instance, the state executive cannot become tenured and serve for life.

The rule of law requires that the government and the governed alike be equally subject to the law and equally protected by the law. The rule of law means a formal, regular process of law enforcement and adjudication. The laws apply to the government and the governed alike. Moreover, the rule of law implies that there are certain standards to which specific laws and lawmaking must conform. For instance, bills of attainder and ex post facto laws are incompatible with the rule of law in a republican government.

If the citizens of a state think that their government is no longer republican, they must seek relief in Congress rather than the courts. The Supreme Court has noted that this clause does not present a justiciable question; that is, it is not a question that the courts may address or settle.
Unit 1

Before You Read

Ask: What is a guarantee? (a promise) What are some guarantees that a government would make to its people? (Responses may vary. Students may say that government protects its people from foreign invasion and treats people equally under the law.)

Active Reading

Help students understand how a republican government differs from a pure democracy and a monarchy. Point out that a pure democracy lacks magistrates. This means that the mob makes all decisions, including executive and judicial ones. Ask: Why is this dangerous? (The people who make up the majority would make all decisions. The majority could deny the rights of the minority.) Point out that the absence of a monarchy was a requirement of a republican government. Ask: What is the difference between a monarchy and a republic? (In a monarchy, the ruler holds power for life. A ruler who has lifetime tenure has little incentive to rule justly or in the people’s best interest, because the people would have no check on him. Elections are the chief mode to ensure accountability. In a republic, the people can remove their representatives if they fail to perform the duties of their offices properly.)

Write About It

Your book mentions that the rule of law prevents certain types of laws: ex post facto laws and bills of attainder. This will be discussed in greater detail in Lesson 8. Have students research the meaning of an ex post facto law and bills of attainder and provide a historical example of each. (Ex post facto laws are laws that make something illegal after the fact. Bills of attainder are laws directed at one person or at groups of persons. These laws do not accord with the rule of law, because the rule of law requires that laws be general rules of action, not retroactive punishments of past behavior or narrowly defined acts that do not apply to everyone. Examples will vary.)

Ratification Clause — Article VII, Clause 1

*Essay by Charles Kesler (pp. 298–301)*

The Ratification Clause formally accepted the Constitution as a replacement for the Articles of Confederation. This was a bold decision because the original purpose of the Constitutional Convention was to revise, not replace, the Articles of Confederation.

More significantly, the Framers required popular conventions of nine states to ratify the Constitution instead of relying on Congress, state legislatures, or the cumbersome procedures of the Articles of Confederation. The Constitution's ratification
process was a more republican one. First, the Constitution would have obtained the consent of the people rather than that of the state legislators. Second, requiring unanimous consent would be unrepresentative; if 12 states approved but one rejected the constitution, the minority would effectively rule the majority.

The Anti-Federalists opposed the ratification process of the Constitution. They claimed that the Articles of Confederation did not need popular or majority ratification because the document was a treaty and not a constitution. James Madison explained that any breach in one article in a treaty frees the other parties from having to comply with the treaty. He implied that state governments’ actions had already violated the terms of the Articles of Confederation; therefore, there was no need to abide by the document’s ratification procedure. In a union of people under a constitution, actions that oppose the constitution are invalidated, and there is no similar ability to withdraw from the pact.

The Constitution applied to all states within the Union uniformly. Those states that ratified the Constitution would need to amend their state constitutions to comply with it, but the people of the United States could not demand change in states that chose not to ratify the Constitution. However, allowing the Constitution to go into effect with the ratification of nine states ultimately encouraged the rest of the states to ratify the Constitution.

**Before You Read**

Ask students to think about the word “ratification.” Explain that when something is ratified, it is formally accepted. Tell them that the purpose of the clause was to formally accept the Constitution and replace the Articles of Confederation. Read aloud Article VII. Ask: Do you think everyone agreed with this article? Why or why not? (Students should say that not everyone agreed. One state did not participate in the Constitutional Convention.)

**Write About It**

To ensure understanding, have students write a few sentences paraphrasing Madison’s argument in *Federalist* No. 40. Have them share their sentences with a partner. (Sample answer: In all important governmental changes, past procedures should not be the primary goal, because strictly adhering to past procedures may harm the larger purpose of securing the liberty and happiness of the people.)
Active Reading

Point to Madison’s distinction between a treaty and a constitution, discussed on pages 299–300. Ask: What makes a constitution different from a treaty? (In a treaty, there are no questions of constitutionality. If one party breaches an article of a treaty, then the other parties no longer have the obligation to comply with the treaty. In a constitution, actions that oppose the constitution are invalidated, and there is no similar ability to withdraw from the pact.)

Discussion Questions

1. Why is it important to have decisions made on the basis of majority approval instead of unanimous approval? (Unanimous approval might never be achieved; allowing majority approval prevents the tyranny of the minority, where one state in withholding its approval could prevent the greater security and happiness of the other 12 states.)

2. Kesler explains that one of the purposes of Article VII was to encourage the states that did not ratify the Constitution to come aboard. How do you think Article VII does this? (Students may say that the states that did not ratify the Constitution may have worried about their safety and prosperity without it. Not wanting to be isolated, they would therefore officially become part of the United States.)

Attestation Clause — Article VII, Clause 2

Essay by Matthew Spalding (pp. 301–302)

The Attestation Clause is the final clause of the Constitution of 1787. It was written immediately before the delegates signed their name to the document.

When the Convention reconvened on September 17, 1787, Benjamin Franklin delivered an address endorsing the Constitution even with its perceived imperfections. Delegates did not sign on behalf of their particular states; they simply signed their names, which was an expression of unanimity. William Jackson, although not a delegate, signed to attest to the delegates’ signatures.

As Matthew Spalding explains, the way in which the Constitution was dated—“the Seventeenth Day of September in the Year of our Lord” 1787, and “of the Independence of the United States of America the Twelfth”—uniquely situates the Constitution in Western civilization and American history. Along with the Constitution, only the Articles of Confederation and the Northwest Ordinance are dated according to the “Year of Our Lord” and the anniversary of the Declaration of Independence. By choosing to date the Constitution in this way, the Framers situated the document in context of the religious tradition of Western civilization and linked the Constitution to the principles articulated in the Declaration of Independence.
Check Understanding

To ensure students’ understanding, ask: How was the signing of the Constitution different from the signing of the Articles of Confederation? (The signatures of the delegates signing the Constitution were grouped by state, but they did not sign their names as representing their states as was done on the Articles of Confederation. This suggested unanimity.)

Active Reading

Help students understand the meaning of the words “of the Independence of the United States of America the Twelfth.” Explain that “the twelfth” refers to when the Declaration of Independence was signed: July 4, 1776, 12 years prior to the Constitution.

Discussion Questions

1. What is the relationship between the Constitution and the Declaration of Independence? (The Declaration of Independence establishes ends or purposes of government—the principles upon which governments are made. The Constitution creates the institutions or arrangements of government by which citizens expressed their consent, assured their safety, secured their rights, and otherwise governed themselves in light of the community’s highest purposes as described in the Declaration of Independence.)

2. Benjamin Franklin said he endorsed the Constitution despite its imperfections. Why do you think the Framers did not try to fix these imperfections? (Answers may vary. Students may say that the Constitution was as good as it could be at that time and that no document is perfect.)

Check Understanding

Have students complete the following assessment to check their understanding of Lesson 2, Part 1. Review any material for questions they have missed. Short Answer: Write your answer to each question.

Multiple Choice: Circle the correct response.

1. According to the discussion of the Guarantee Clause, one of the key features of a republican government is that it does not have a
   a. Supreme Court.
   b. monarch.
   c. unicameral legislature.
   d. strong federal government.
2. To become the plan for government for the United States, the Constitution had to be ratified by
   a. all states
   b. nine states.
   c. 11 states.
   d. 12 states.

3. The only state that did not participate in the Constitutional Convention was
   b. Virginia.
   c. New Hampshire.
   d. Rhode Island.

**Fill in the blank: Write the correct word or words in each blank.**

1. In Article IV, Section 4, the Guarantee Clause assures the states protection from _______________ and also guarantees __________________________________. (foreign invasion and domestic violence, “a Republican Form of Government”)

2. A pure democracy had no _______________. (magistrates)

3. Where the signers subscribed their names, the states are listed in ______________ order. (geographical)

4. Unlike the Articles of Confederation, the Constitution established a strong ______ government to protect the citizens. (federal)

5. The Preamble stresses that ultimate political authority lies with the people, not the states, by starting with the phrase _______________. (“We the People”)

6. ______________, the secretary of the Convention, signed to attest, or authenticate, the delegates’ signatures. (William Jackson)

**Short Answer: Write out your answer to each question.**

1. Why did Patrick Henry object to the Preamble? (Patrick Henry thought that since the Constitution failed to list states, its intention might be to form a consolidated government.)

2. Who signed the Constitution to attest to the delegates’ signatures? (William Jackson)

3. Who composed the Preamble? (Gouverneur Morris)
4. What are the six purposes of the Constitution, as stated in the Preamble?
   • to form a more perfect union
   • establish justice
   • insure domestic tranquility
   • provide for the common defense
   • promote the general welfare
   • secure the blessings of liberty to ourselves and our posterity

5. What was the purpose of the Emoluments Clause? (to shield the republican character of the United States against corrupting foreign influences)

6. During the debates over ratification of the Constitution, what were the three criteria of republicanism under the Guarantee Clause?
   • popular rule (majority of voting citizens)
   • that there be no monarch
   • rule of law

7. Which was the ninth state to ratify the Constitution? (New Hampshire)

**True / False: Indicate whether each statement is true or false.**

1. The prohibition on federal and state titles of nobility was designed to affirm and protect the republican character of the American government. *(True)*

2. The Preamble was placed in the Constitution as an afterthought. *(True)*

3. Article VII was the last and shortest of the Constitution’s articles. *(True)*

4. Article VII’s bold dismissal of the Articles of Confederation’s rule of unanimous approval emphasized the break from the Articles to a Constitution as supreme law of the land. *(True)*

5. The Emoluments Clause has been in court extensively. *(False. To our knowledge, the Emoluments Clause has never been litigated.)*

6. The Founders intended to create a pure democracy. *(False)*

7. All the Delegates signed the Constitution *(False. Three Delegates did not sign.)*
Part 2:
The Supremacy of the Constitution

Debt Assumption Clause
Article VI, Clause 1

Supremacy Clause
Article VI, Clause 2

Oaths Clause
Article VI, Clause 3

No Religious Test
Article VI, Clause 3

Debt Assumption — Article VI, Clause 1

*Essay by Jeffrey Sikkenga (pp. 289–291)*

To finance the War of Independence, American states and the Continental Congress sold bonds to anyone who would buy them, leaving the new country in debt. During the Convention, delegates considered a proposal giving Congress the power to discharge the debts incurred by the states and the previous Congress. Since this debt was incurred before the signing of the Constitution, a question arose: Would the new government necessarily inherit the obligations of the previous government? There was also a related question: Should Congress assume this debt or the states retain it?

Under Article XII of the Articles of Confederation, Congress was liable for “monies borrowed and debts contract by” the old Continental Congress. Thus, the Articles provided precedent for the new government to inherit the debts incurred under the previous form of government. Elbridge Gerry objected that under the proposed wording, the new Congress would have the power but not the obligation to pay back the debt. Edmund Randolph agreed that without the explicit power enumerated in the Constitution, the new government did not have the authority to pay off the previous debts.

James Madison, however, disagreed. He argued that the new government had the obligation to pay the debts from the previous government and that this obligation existed whether or not the Constitution empowered the new government to pay. Furthermore, states did not have the power to engage in external affairs, which included the power to repay foreign bondholders. Thus, the new national government would inherit the power to repay foreign bondholders directly from the Articles and would not need an explicit grant of power from the new Constitution. In *The Federalist*, Madison maintained that the Debt Assumption Clause was not a legal or constitutional necessity; rather, it was included to satisfy foreign creditors of the United States. Ultimately, the new federal government fulfilled the obligations inherited from the Articles of Confederation without serious constitutional controversy.
Before You Read

Ask: What is debt? (money owed) How do people get into debt? (They borrow money that they cannot immediately pay back.)

Active Reading

Tell students that the War of Independence was the American Revolution, which lasted from 1775 to 1783. Explain that this war was between Great Britain and the 13 British colonies that had settled in North America. To understand why the colonies severed ties with Britain, have the students read the Declaration of Independence, focusing particularly on the list of grievances.

Supremacy Clause — Article VI, Clause 2

Essay by Gary Lawson (pp. 291–294)

The Supremacy Clause clarifies that above all else—above state law, federal laws, and the state constitutions—is the Constitution of the United States. The clause applies to all legal interpreters including Members of Congress, the President, federal officials, federal judges, state court judges, and other state officials. While both federal and state governments have power to enact laws, there must be a mechanism to determine which law applies in the event of a conflict. Under the Supremacy Clause, national laws made in pursuance of the Constitution take priority over any state acts that conflict with national law. This clause is not a grant of power; it specifies how to resolve conflicts.

At the Constitutional Convention, James Madison proposed congressional power to veto state laws. However, the Convention repeatedly rejected proposals for a federal veto power over state laws, seeking to reduce conflict between state and federal governments. The Convention accepted the Supremacy Clause in its final form (proposed by Anti-Federalist Luther Martin) without much dissent.

The Supremacy Clause’s historical context and text still leave several questions unanswered. For example, what is a conflict? When reformist legislation shifted from the states to the federal government during the New Deal, the Supreme Court began to fashion rules to try to determine when there is a genuine conflict. Generally, federal law “preempts” state law when Congress intends to do so or when Congress passes broad legislation that is intended to “occupy the field” on a certain issue. Additionally, a conflict can result when it is impossible to comply with both a state law and a federal law or when a state law obstructs compliance with federal law. However, to protect states’ police powers against federal encroachment, the Court has noted that federal law does not preempt state law unless Congress clearly intends that the federal law do so.
The Supremacy Clause is often seen as the source of the principle that states cannot regulate or control federal activities. In *McCulloch v. Maryland* (1819), Chief Justice John Marshall declared that supremacy allowed the federal government to “remove all obstacles to its action within its own sphere, and so to modify every power vested in subordinate governments, as to exempt its own operations from their influence.” While the federal government can prevent states from interfering with federal operations, this does not mean that the Supremacy Clause is the source of Congress’s power to protect federal operations. The basis of Congress’s powers is the constitutional enumeration of powers, not the Supremacy Clause.

Finally, the Supremacy Clause differentiates treaties from laws: that is, treaties made “under the Authority of the United States” and federal laws made “in pursuance” of the Constitution. This language ensured that treaties made by the United States prior to ratification of the Constitution take precedence over conflicting state laws. This does not, however, mean that treaties are “supreme” if they are not pursuant to the Constitution. Treaties that are properly executed are a part of the law of the United States and are on par with other federal laws.

**Before You Read**

Point out that each state has its own constitution and laws governing the state. It is possible that state law will differ from federal law. Ask: What happens when a state law is in conflict with a valid federal law? Which law applies? (The federal law will trump the state law.)

**Active Reading**

Read about the first strategy for resolving state and national conflict on page 291. It states that one way to avoid conflict is to give each government exclusive jurisdiction over a respective sphere. Ask: Do you think this would work? Why or why not? (Most students will say no, that it won’t work because some overlap between state law and federal law is inevitable.)

**Check Understanding**

Explain that the Supremacy Clause represents the Framers’ vision that the United States needed a strong but limited federal government. Ask: How does the Supremacy Clause both give the federal government power and limit how that power can be used? (Sample answer: The Supremacy Clause gives the Constitution supreme authority over state laws, but the Constitution allocates power to the executive, the legislature, and the courts in such a way that the document ultimately rests on the will of the people, who may in turn amend the document.)
Oaths Clause — Article VI, Clause 3

*Essay by Matthew Spalding (pp. 294–296)*

The primary significance of the Oaths Clause is that the oaths taken by those who hold office in the United States—the President, Members of Congress, federal judges—are oaths not to a king or ruler, or even to an executive or to Congress, but to the United States Constitution. The clause is a solemn reminder that the duty to uphold the Constitution is not the exclusive or final responsibility of the judiciary, but rather is shared by Congress and the President (per Article II, Section 1) as co-equal branches of the United States government.

While there was no oath required in the Articles of Confederation, Edmund Randolph proposed, as part of the Virginia Plan at the Constitutional Convention, that the legislative, executive, and judiciary powers be bound by oath to support the articles of the Union. Some delegates thought that it interfered with the power of states to police activity within their borders. However, the majority of delegates argued that the Oaths Clause was needed to ensure that political actors would uphold the Constitution at all times. The Oaths Clause in its final form applies to all members of the state and national governments.

The Clause’s declaration to “support the Constitution” is also significant. Members of Congress do not assume their office until they take the oath. John Marshall invoked the Oaths Clause as the basis of judicial review because it ensured that judges put the tenets of the Constitution first in their judgments. The Oaths Clause has also placed a personal responsibility on all members of the legislature to act in a way that is in accordance with the tenets of the Constitution.

The very first law passed by the House of Representatives concerned taking an oath to the Constitution, and under current federal law, officials in the federal government and state governments continue to swear to support the Constitution.

**Before You Read**

Ask: What is an oath? (a pledge or promise) What are some oaths that people take? (Answers will vary. People swear to tell the truth in court; physicians take an oath to do what is in their patients’ best interest.)

**Active Reading**

Ask: Spalding says that the Oaths Clause helps to fulfill the Framers’ plan to integrate the states into the functions of the federal government. How does state officials’ taking an oath to uphold the Constitution make them more involved in the federal government? (If they are bound to follow the Constitution, then they are bound to exercise their broad powers in accordance with the Constitution. For instance, state officials would not attempt to make a treaty with another country.)
Unit 1

Work in Pairs

Pair up students and have them research an instance where the federal government has required specific oaths (for example, during the Revolutionary War). Have them write a summary of the oath and explain the reasons why such an oath was necessary.

Discussion Questions

1. How does the Oaths Clause show the balance of power among the branches of government? (All branches of the government are considered equal insofar as they all have an obligation to follow, support, and defend the Constitution. The Constitution is not the province of only one branch.)

2. What does the Oaths Clause reveal about the Framers’ perception of individual responsibility? (The Oaths Clause places a personal burden on each individual in public office to act in an appropriate manner and to uphold the principles of the Constitution at all times.)

Religious Test — Article VI, Clause 3

*Essay by Gerard V. Bradley (pp. 296–297)*

The clause banning religious tests for federal office further attests that, regardless of one’s religious affiliation or lack thereof, the Constitution is the supreme law of the land. Political obligations and religious affiliation are important, but in the end, political actors within the constitutional order must give complete loyalty to and solemnly pledge to support the Constitution of the United States. Article VI of the Constitution ensures that America’s legal system—especially the federal and state courts—is defined by and focused on the Constitution.

The Article VI ban on religious tests is the one explicit reference to religion in the unamended Constitution. According to the ban, federal officers cannot be subjected to a formal religious test to hold office. The ban applied only to federal officers, but states could impose religious tests on their officials—and they did (the modern Supreme Court has ruled that religious tests on the state level are unconstitutional). Such a religious test often required a person seeking office to be Christian or even a Protestant.

The No Religious Test ban was hotly debated during the debates on ratification of the Constitution. Some focused on the clause to support the objection that the Constitution was too secular. Some supported religious tests to ensure good character in office. But defenders of the Constitution argued that the religious test ban was necessary to support religious liberty and to enable the best citizens to serve in the national government. Ultimately, the Framers supported the ban on such a test and instead required an oath to the Constitution.
Active Reading
To ensure understanding, ask: To whom did the Religious Test Clause ban apply? (to those seeking federal office)

Make an Inference
Ask: Why do you think the Framers of the Constitution did not extend the ban to state officials? (Answers will vary. Students may note that a ban on state religious tests for office would have faced stiffer opposition. Some states had established churches too. Ultimately, the Founders left the possibility of such bans at the state level to be a matter for states to decide.)

Discussion Questions
1. What does the Religious Test Clause tell you about the Framers of the Constitution? (The Religious Test Clause shows that the Framers of the Constitution were concerned about protecting the rights of individuals to the free exercise of their religious faith.)

2. Why does the Religious Test Clause rarely serve as a focal point for debate in the judicial system? (The Religious Test Clause rarely appears in courts today because courts settle controversies using the First Amendment.)

Check Understanding
Have students complete the following assessment to check their understanding of Lesson 2, Part 2. Review any material for questions they have missed.

Fill in the blank: Write the correct word or words in each blank.
1. During the American Revolution, General George Washington required all officers to subscribe to an oath renouncing any allegiance ____________________, and pledging their fidelity to the ____________________.
   (to King George III, United States)

Short Answer: Write out your answer to each question.
1. What strategy did the Supremacy Clause use to deal with potential conflicts between the national and local governments? (It uses a conflict-of-laws rule that specifies that certain national acts take priority over any state acts that conflict with national law.)

2. What was the very first law passed by the first session of the House of Representatives? (“An Act to regulate the Time and Manner of administering certain Oaths”)
3. The original, unamended Constitution contains how many explicit references to religion? (one)

4. Why were the states in debt before the signing of the Constitution? (To pay for the War of Independence, the states and the Continental Congress sold millions of dollars in bonds.)

5. What did Edmund Randolph think about the new Congress assuming past debt? (He argued that the new government was bound only by the Constitution. Since this issue was not specifically addressed, the federal government was in the uncomfortable position of not having the authority to pay off the debt.)

6. What is the main purpose of the Supremacy Clause? (to resolve conflicts between national and state laws and maintain the primacy of the Constitution)

7. What does it mean when a federal law trumps a state law? (It means that federal law takes precedence over the state law.)

8. What is the main purpose of the Oaths Clause? (to ensure that officials are bound to the Constitution)

9. Give an example of someone who must swear to uphold the Constitution. (Answers will vary but may include any individual elected or appointed to public office, an office of honor or profit in the civil service, or uniformed services.)

10. Why did the Framers of the Constitution support the ban on religious tests to hold office? (They considered it an aspect of religious liberty.)

11. How did the states and the Continental Congress finance the War of Independence? (They sold millions of dollars in public bonds to soldiers, ordinary Americans, and investors in America and abroad.)

**True / False: Indicate whether this statement is true or false.**

1. The Oaths Clause helps to fulfill the Framers’ plan to integrate the states into the electoral, policymaking, and executive functions of the federal union, subject to the limits of the Tenth Amendment. (True)