

**Lesson 35: Restraints on the States**

(Less. Time 28:17)

[for Sunday, October 18, 2015]

Reading: *The Making of America*, pages 491-504

**(Chapter 20) The Restraints on the States**

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Pre-lesson questions for homework study and review: [*Supplemental* notes are bracketed]  
[287 Constitution Provisions “principles” in text.]

1. WHY COULD ARTICLE I, SECTION 10, OF THE CONSTITUTION BE REGARDED AS A "DEMOTION" OF THE STATES? (PAGES 491-92)

Who is supreme?

o Congress? No [Unitarian Government when it is!]

o The States? No

o The Constitution is supreme (constitutional supremacy or the people)

o Art 1 Sec 10 has two parts:

-What the states cannot do

-What the states cannot do without the approval of Congress

2. WHY DID CHARLES PINCKNEY CALL ARTICLE I, SECTION 10, "THE SOUL OF THE CONSTITUTION"? (492)

[It kept the states from interfering with the Union, yet gave them power to do their rightful congressional-assigned duties with dignity, ‘public honor’ and ‘private honesty’.]

3. DOES THE FEDERAL GOVERNMENT HAVE THE RIGHT TO PREVENT A STATE FROM FORMING AN ALLIANCE OR CONFEDERATION? (492)

**Provision 121** - No treaty, alliance or confederation.

o Crux of the Civil War [made alliances with other states!]

o Would wreck union

o Question of secession is settled

4. WHY SHOULD NO STATE GRANT LETTERS OF MARQUE AND REPRISAL? (492-93)

**Provision 122** - No letters of marque and reprisal [the hiring of militias of other countries for their own use].

5. DESCRIBE THE RESTRICTIONS IMPOSED ON THE STATES WITH REGARD TO THE MONETARY SYSTEM. (493-96)

**Provision 123** - No state can coin money or emit bills of credit.

o Prevented one of the worse problems after the Rev War

o Restore confidence of other nations in us (quote, [Charles Pickney])

o Evils of paper money (quotes):

-Drives gold and silver out of circulation

-Making it legal breeds vices

-Destroys property

o This clause prohibits “legal tender” bank notes [the clause actually prohibits what Fed Reserve has done!]

6. WHAT DOES THE CONSTITUTION ESTABLISH AS THE REQUIRED BASIS OF THE AMERICAN MONEY SYSTEM? (497)

**Provision 124** - Use nothing but gold and silver to pay debts.

7. WHAT WAS THOMAS JEFFERSON'S INGENIOUS IDEA FOR FINANCING AN EMERGENCY

SITUATION IN CASES WHEN PRECIOUS METAL IS NOT AVAILABLE? (498)

- o Jefferson's method to provide emergency funds: -issue redeemable paper currency.  
-impose a tax to gradually to recover amount of paper issued.  
-no inflation after crisis.

8. HOW HAVE THE STATES BEEN FORCED TO VIOLATE THE CONSTITUTION WITH REGARD TO THE USE OF MONEY? (498) [Through the creation of the 'Federal Reserve Note' - fiat money which is exactly opposite of coining gold and silver and making debts paid only with it.]

9. HOW ARE THE STATES RESTRICTED CONCERNING BILLS OF ATTAINDER AND EX POST FACTO LAWS? (499) **Provision 125** - No state can pass bill of attainder.

**Provision 126** - No state can pass ex post facto laws.

10. WHAT PROTECTION DOES THE CONSTITUTION GIVE PEOPLE WITH REGARD TO EXISTING CONTRACTS? **Provision 127** - No state to impair contracts [between private individuals].  
HOW HAS THIS PROVISION BEEN VIOLATED? (499-500)

o Violations:

- suspending mortgage payments
- compelling people to take paper money for gold
- telling mortgage companies not to foreclose on homes

11. CAN A STATE GRANT A TITLE OF NOBILITY? (500)

**Provision 128** - No title of nobility.

"Without the Consent of Congress"

12. WHAT REQUIREMENT MUST A STATE COMPLY WITH IN ORDER TO ASSESS DUTIES ON IMPORTS OR EXPORTS? (501-2)

**Provision 129** - Without the consent of Congress, no duties on imports and exports.

o Protects inland states and producers

13. WHAT IS TONNAGE? CAN A STATE IMPOSE A DUTY ON A SHIP'S TONNAGE? (503)

**Provision 130** - [With the consent of Congress, states] may recover costs of inspection.

**Provision 131** - Without the consent of Congress, no duty on ship's tonnage.

14. CAN THE GOVERNOR OF A STATE BUILD A LARGE STANDING ARMY IN PEACETIME WITHOUT RESTRICTION? (503)

**Provision 132** - Without the consent of Congress, no troops or ships of war in peacetime.

15. WHEN CAN A STATE ENTER INTO COMPACTS WITH OTHER STATES?

**Provision 133** - Without the consent of Congress, no agreement with another state or nation.

HAS THE VIOLATION OF THIS CLAUSE CAUSED SERIOUS HARM? (504)

o Some agreements are beneficial:

- e.g. Colorado River water to benefit Western States.
- must have Congress approval.

16. WHEN CAN A STATE ENGAGE IN WAR? (504)

**Provision 134** - Without the consent of Congress, no war unless invaded or in danger.

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### (Chapter 20) The Restraints on the States

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QUIZ - LESSON 35 – THIS QUIZ COULD USE SOME RE-EDITING TO IMPROVE ORIGINAL ;)

1. THE FOUNDERS WANTED TO MAKE SURE IT WAS UNDERSTOOD THE STATES WERE NO LONGER SUPREME. RESTRAINTS ON THE STATES IN ARTICLE I SECTION 10 INSURED THAT WE WOULD BE A

REPUBLIC WITH THE \_\_\_\_\_ SUPREME.

2. THE PROHIBITIONS IN ARTICLE I, SECTION 10 ARE DIVIDED INTO TWO CLASSES. DESCRIBE THE TWO CLASSES.

\_\_\_\_\_  
3. WHAT RESTRICTION WAS PUT ON STATES WITH REGARD TO COINING MONEY AND PRINTING PAPER MONEY?

\_\_\_\_\_  
4. ACCORDING TO THE CONSTITUTION, WHAT MUST STATES USE TO PAY THEIR DEBTS?

\_\_\_\_\_  
5. NAME TWO THINGS BOTH THE STATES AND CONGRESS WERE PROHIBITED FROM DOING.

\_\_\_\_\_  
6. STATES ARE PROHIBITED FROM PASSING LAWS IMPAIRING EXISTING CONTRACTS. NAME TWO WAYS THE GOVERNMENT HAS VIOLATED THIS PROVISION.

\_\_\_\_\_  
7. IF A STATE WANTS TO COLLECT DUTIES ON IMPORTS OR EXPORTS, IT MUST HAVE THE

APPROVAL OF \_\_\_\_\_ AND MUST ALSO TURN OVER EXCESS \_\_\_\_\_

TO THE \_\_\_\_\_ GOVERNMENT.

8. WHAT PROHIBITION IN ARTICLE I, SECTION 10 BECAME THE CRUX OF THE WAR BETWEEN THE STATES?

\_\_\_\_\_  
9. UNDER WHAT CONDITION CAN A STATE ENGAGE IN WAR?

\_\_\_\_\_  
10. DESCRIBE HOW STATES COULD SOLVE MANY INTERSTATE PROBLEMS WITHOUT THE FEDERAL GOVERNMENT CREATING HUGE AGENCIES TO DEAL WITH THEM.

\_\_\_\_\_  
\_\_\_\_\_