

American Government & Politics: A Christian Worldview.
Pursuance or Pretend? – The Supremacy Clause (15–20 Minutes)

TEACHER INSTRUCTIONS

Goal

Students determine whether a federal law is actually made “in pursuance” of the Constitution or merely claimed to be supreme.

Instructions

1. Ask students first: “When somebody says, ‘Of *course* the U.S. government is allowed to make any kind of law it wants—the ‘Supremacy Clause’ says that the laws that it makes are the ‘supreme law of the land’!’...what’s your response to that? *That person is forgetting the key clause “IN PURSU-ANCE THEREOF,” which means that only laws that conform to the Constitution’s limitations on what Congress may make laws on are in effect.*
2. Have students complete the handout, then discuss in pairs or groups of three (give students 8–10 minutes to complete this part, maybe longer if they’re having lively discussions!).
3. Review the questions as a class; ask for volunteers.

Key

Proposed Federal Laws:

1. Congress establishes a uniform bankruptcy system that every state must follow. **IN PURSUANCE**
2. Congress creates a federal board that approves or rejects all zoning decisions made by cities and counties. **NOT IN PURSUANCE**
3. Congress creates penalties for counterfeiting U.S. money. **IN PURSUANCE**
4. Congress requires all private schools in America to use federally approved textbooks. **NOT IN PURSU-ANCE**
5. Congress establishes a nationwide rule for how immigrants may become U.S. citizens. **IN PURSUANCE**
6. Congress creates one national licensing system for all doctors, lawyers, plumbers, electricians, and accountants. **NOT IN PURSUANCE**
7. Congress establishes regulations for carrying and delivering U.S. mail. **IN PURSUANCE**
8. Congress establishes uniform rules for patents and copyrights. **IN PURSUANCE**
9. Congress requires all businesses that engage in trade with foreign nations to file customs paperwork using a federal system. **IN PURSUANCE**
10. Congress limits how much land a private citizen may own within a state. **NOT IN PURSUANCE**

Debrief/Discussion Questions

1. Which proposed laws would become the “supreme law of the land” under Article VI?
2. Why isn’t every federal law automatically supreme?
3. What words in Article VI prevent unlimited federal power?
4. How would removing the phrase “which shall be made in pursuance thereof” change the meaning of the Supremacy Clause?

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Pursuance or Pretend? – The Supremacy Clause

For each proposed federal law below, decide whether Congress is acting under a power specifically granted by the U.S. Constitution.

If yes, write **IN PURSUANCE**.

If no, write **NOT IN PURSUANCE**.

Be prepared to identify the constitutional power (if any) that supports your answer!

Powers of Congress, according to Article I:

Lay and Collect Taxes • Regulate trade • Grant patents
Punish piracy • Call up, train, oversee militias • Borrow and coin money • Write laws on citizenship • Punish counterfeiters • Write bankruptcy laws • Establish post offices and post office roads • Raise an army and navy • Set up lower courts
Declare war • Man any other “necessary and proper” laws

Proposed Federal Laws:

1. Congress establishes a uniform bankruptcy system that every state must follow. _____
2. Congress creates a federal board that approves or rejects all zoning decisions made by cities and counties.

3. Congress creates penalties for counterfeiting U.S. money. _____
4. Congress requires all private schools in America to use federally approved textbooks. _____
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7. Congress establishes regulations for carrying and delivering U.S. mail. _____
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9. Congress requires all businesses that engage in trade with foreign nations to file customs paperwork using a federal system. _____
10. Congress limits how much land a private citizen may own within a state. _____

