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and therefore 'found it unnecessary' to consider whether the religious tests clause had been violated.\textsuperscript{120} The second case was \textit{Silverman v Campbell},\textsuperscript{121} in which the South Carolina Supreme Court held that the religious tests clause was indeed violated by the requirement to profess a belief in God. However, the Court gave no reasons for its conclusion. For the plaintiff in \textit{Williams}, these cases suggested that the religious tests clause of the \textit{United States Constitution} could not be properly understood by reference only to the appointments clause.\textsuperscript{122} This was even more so, the plaintiff submitted, because of the fact that a notary does not exercise any part of the sovereign power of the United States and the uncertainty as to whether a notary exercises any part of the sovereign power of the appointing state.\textsuperscript{123}

Neither of the judgments engaged with these submissions. The closest any judgment came is the concluding sentence of Gummow and Bell J's reasoning on s 116: 'there is no clear stream of United States authority on [the American religious tests clause] which points to any conclusion contrary to that expressed above.'\textsuperscript{124} At most, this comment suggests that those judges would have paused to discuss any such authority and consider what guidance, if any, it might provide on the meaning of the Australian provision.

It is unlikely that too much guidance would be found in such authorities. The meaning of the various 'office'-related language in the \textit{United States Constitution} is ambiguous and the subject of ongoing debate. Various expressions are used in the text of that document, including: 'office of Honor, Trust or Profit under the United States',\textsuperscript{125} 'civil Office under the Authority of the United States',\textsuperscript{126} 'Office under the United States',\textsuperscript{127} 'Officers of the United States'\textsuperscript{128} and 'civil Officers of the United States'.\textsuperscript{129} The text of the \textit{United States Constitution} appears to contemplate distinctions between these expressions; what those distinctions are, and their precise implications, is a matter of academic controversy.\textsuperscript{130} It is most improbable that the resolution of the meanings of these American expressions should, or even could, control the meaning of s 116 of the \textit{Australian Constitution}.

\textsuperscript{120} \textit{Teresco v Watkins}, 367 US 488, 489 n 1.
\textsuperscript{121} 326 SC 208 (1997).
\textsuperscript{123} Ibid.
\textsuperscript{124} \textit{Williams v Commonwealth} (2012) 86 ALJR 713, 745 [110].
\textsuperscript{125} \textit{United States Constitution} art 1 § 3 cl 7.
\textsuperscript{126} Ibid art 1 § 6 cl 2.
\textsuperscript{127} Ibid art 1 § 6 cl 2.
\textsuperscript{128} Ibid art 2 § 2 cl 2.
\textsuperscript{129} Ibid art 2 § 4.