

CHAPTER 2: The Founding and the Constitution

MULTIPLE CHOICE

1. Which of the following was NOT part of the colonial government?
- a. Royal governors
 - b. Governor's council
 - c. Colonial general assembly
 - d. Colonial archbishop
 - e. Both options B and C are true.

ANS: D REF: 26 NOT: factual

2. The treaty that ended the French and Indian War was
- a. Treaty of Ghent.
 - b. Treaty of Versailles.
 - c. Treaty of Rome.
 - d. Treaty of Paris.
 - e. Treaty of Guadalupe Hidalgo.

ANS: D REF: 26 NOT: factual

3. The Stamp Act required
- a. payment of a tax on all newspapers.
 - b. payment of a tax on all pamphlets.
 - c. payment of a tax on all commercial and legal documents.
 - d. payment of a tax on all almanacs.
 - e. All of the above are true.

ANS: E REF: 26 NOT: factual

4. Prior to creation of our current constitutional structure in the 1770s, the 13 colonial governments
- a. were recognized as independent, sovereign entities by other world powers.
 - b. mirrored those of England during the same period, including an elected House of Commons.
 - c. had governors who were elected by the qualified voters.
 - d. were completely subordinate to a powerful central government.
 - e. did not exist.

ANS: B REF: 26 NOT: factual

5. Until the mid-1700s the 13 colonies often had diverse histories and economies, which provided
- a. a strong national unity built upon diversity.
 - b. a unique political environment in which one state's weaknesses were supported by the strengths of another state.
 - c. an environment that was free of jealousies between states.
 - d. little incentive for them to join together to meet shared goals.
 - e. common ground upon which to build consensus.

ANS: D REF: 26 NOT: applied

6. In the years immediately preceding the American Revolution and the creation of our Constitution, the king and the Parliament of England
- a. had never considered the possibility of revolutionary fervor in the colonies.

- b. feared that the colonies would attempt to overthrow their governments and had the resources and the capability to do so.
- c. feared that other European powers would attempt to encroach on their American holdings far more than they feared any form of colonial uprising.
- d. entered into agreements with other European powers to share the resources of their colonial holdings in exchange for shared protection.
- e. actually sought to sell the colonies.

ANS: C REF: 26 NOT: factual

7. Following France's defeat in the French and Indian War, the Treaty of Paris in 1763 settled the dispute by
- a. ceding all lands west of the Appalachian Mountains to Spain.
 - b. forcing France to accept and pay all debts to the new territories that were gained by England.
 - c. declaring a total truce and leaving all territories in the hands of those who held them prior to the war.
 - d. awarding to England all of the territories between the Arctic Circle and the Gulf of Mexico.
 - e. equally distributing territories between the nations of France and England.

ANS: D REF: 26 NOT: factual

8. The Sugar Act of 1764 placed tariffs and duties on goods imported into the colonies by England. However, its political significance was that
- a. sugar was a vital staple of all colonists and the tariffs made it much more expensive and inaccessible for the average household.
 - b. as the first law passed by parliament for the purpose of raising money for England at the expense of the colonies, it opened the debate by the colonists of taxation without representation.
 - c. the law created a state of sovereignty in the colonies.
 - d. it unified England's alliances with sugar-producing Caribbean island colonies.
 - e. it unified alliances between the American colonies and the Caribbean nations that also produced and exported sugar.

ANS: B REF: 26 NOT: factual

9. The Tea Act (1773) was passed
- a. to impose duties on various items, including tea.
 - b. to raise revenue from the colonies to pay for the costs of colonial defense.
 - c. to provide an alternative source of revenue after the repeal of the Stamp Act.
 - d. to lessen export duties and allow the East India Company to undersell colonial merchants.
 - e. to promote drinking teas as an alternative to colonially produced rum.

ANS: D REF: 27 NOT: conceptual

10. The Declaratory Act
- a. declared the king to be head of the Church of England.
 - b. declared the king and Parliament to have final authority over the colonies.
 - c. declared the king could not be a Roman Catholic.
 - d. Options A, B, and C are true.
 - e. None of the above is true.

ANS: B REF: 27 NOT: factual

11. Following organized opposition to the Stamp Act of 1765 England's parliament repealed the act but immediately enacted the Declaratory Act, which
- created a democracy in England and abolished the monarchy.
 - recognized the sovereignty and self-government of the American colonies.
 - formed the colonies into a free nation.
 - declared that the Parliament was now fully subordinate to the king.
 - asserted that the king and Parliament had "full power and authority" in the colonies.

ANS: E REF: 27 | 29 NOT: factual

12. On behalf of the Continental Congress, the actual wording of the Declaration of Independence was written by
- Thomas Jefferson.
 - John Adams.
 - Benjamin Franklin.
 - George Washington.
 - King George III.

ANS: A REF: 29 NOT: factual

13. Thomas Paine is credited with irrevocably turning the tide of popular support toward the cause of American independence with publication of his 1776 booklet entitled
- War and Peace.*
 - Of Mice and Men.*
 - The Pilgrim's Progress.*
 - Common Sense.*
 - On Liberty.*

ANS: D REF: 29 NOT: factual

14. John Locke argued in his theory of social contract that
- the power of the king was supreme.
 - while citizens sacrifice certain rights and then consent to be governed, they retain other inalienable rights.
 - both parties agree upon conditions of the social order, in this case that England's Parliament would agree on rights for the colonial citizens.
 - citizens sacrifice certain rights upon consent of the king or Parliament.
 - Parliament rightly held veto power over the Continental Congress.

ANS: B REF: 29 NOT: conceptual

15. The wording the Declaration of Independence drew heavily upon John Locke's theories of
- natural rights and social contract.
 - royal prerogative.
 - anarchy and self-actualization.
 - religion as a counterweight to reason.
 - self-fulfillment.

ANS: A REF: 29 NOT: factual

16. The Declaration of Independence lists examples of "inalienable rights" as
- the right of all persons to vote.
 - life and due process.
 - freedom from the rule of kings.
 - life, liberty, and the pursuit of happiness.

e. democracy and peace.

ANS: D

REF: 29

NOT: conceptual

17. Under the Articles of Confederation, the office of a chief executive as president of the United States
- had limited powers.
 - did not exist.
 - was very much unrestrained in its given powers.
 - was also the commander-in-chief of the Continental Army.
 - was held by a committee of three appointed individuals.

ANS: B

REF: 30

NOT: factual

18. Which of the following is NOT considered a weakness of the Articles of Confederation?
- The creation of a nationwide postal service
 - The federal government's lack of authority to raise troops
 - The executive branch's lack of authority to enforce laws
 - The sovereignty of states in relations with the federal government
 - The inability of Congress to raise an army by its own power

ANS: A

REF: 30

NOT: factual

19. Under the Articles of Confederation the number of votes for each state in the Continental Congress was determined by
- the population of the state.
 - a pro-rated formula that took into account population and taxes paid.
 - the method of one vote for each state delegation regardless of population.
 - a system whereby northern states had two votes whereas southern states had one vote.
 - the president.

ANS: C

REF: 30

NOT: factual

20. Unlike our current constitution, the Articles of Confederation could be amended
- only with the unanimous consent of the states.
 - by an affirmative vote of three-fourths of the state legislatures.
 - only after abolishing the original document and rewriting it.
 - at any time with assent of at least two state legislatures.
 - only upon the collapse of the government.

ANS: A

REF: 30

NOT: factual

21. The Articles of Confederation
- depended on voluntary contributions from the states.
 - required a unanimous vote for amendment.
 - gave each state delegation one vote.
 - Options A, B, and C are true.
 - None of the above is true.

ANS: D

REF: 30

NOT: factual

22. The original stated purpose of the Annapolis Convention in September 1786 was
- to abolish the Articles of Confederation and form a new government.
 - to discuss interstate commerce that was a weakness under the Articles of Confederation.
 - to declare independence from England and King George III.
 - to declare war on England.
 - to elect the first president of the United States.

ANS: B

REF: 31

NOT: factual

23. When the call went out to all 13 state governments seeking their attendance at the Annapolis Convention in September 1786, how many states sent delegations?
- a. None
 - b. Two
 - c. Five
 - d. Ten
 - e. All 13

ANS: C

REF: 31

NOT: factual

24. By far the most significant result of the Annapolis Convention in September 1786 was
- a. a call to all 13 states to attend a convention in Philadelphia the following May to create a constitution for the federal government.
 - b. the emergence of Alexander Hamilton as a leader.
 - c. the formation of the Supreme Court.
 - d. the solidification of George Washington's power as president of the United States.
 - e. its location.

ANS: A

REF: 32

NOT: conceptual

25. What was the significance of Shays's Rebellion in Massachusetts in early 1787?
- a. A centralized arsenal was needed for the new federal army.
 - b. The Revolutionary War did not end all hostile actions in the new colonies.
 - c. Daniel Shays was a powerful military leader who was well-organized.
 - d. A weak and unresponsive federal government carried with it the danger of violence and disorder.
 - e. Whiskey would prove problematic for the new nation.

ANS: D

REF: 32

NOT: conceptual

26. Which of the 13 original states was so opposed to the Constitutional Convention in Philadelphia in 1787 that it refused to send a delegate, so the U.S. Constitution was written without its participation?
- a. New York
 - b. Virginia
 - c. Pennsylvania
 - d. Rhode Island
 - e. California

ANS: D

REF: 32

NOT: factual

27. A Founding Father who refused to attend the Constitutional Convention was
- a. Benjamin Franklin.
 - b. Thomas Jefferson.
 - c. Alexander Hamilton.
 - d. James Madison.
 - e. Patrick Henry.

ANS: E

REF: 32

NOT: factual

28. Economic reasons for the Constitutional Convention included
- a. weakening of foreign trade because of the poor reputation internationally of the United States.
 - b. spreading domestic radical economic movements.

- c. expanding post-Revolution economic depression.
- d. Options A, B, and C are true.
- e. None of the above is true.

ANS: D REF: 32 NOT: conceptual

29. The Constitutional Convention convened in Philadelphia in May 1787 and had as its original purpose
- a. to abolish the Articles of Confederation.
 - b. to discuss amendments to the Articles of Confederation.
 - c. to return the young nation to a monarchy.
 - d. a complete overhaul of the American system of government.
 - e. a covert plan to invade Canada.

ANS: B REF: 32 NOT: factual

30. In the debates during the Constitutional Convention in 1787, the Virginia Plan called for a two-chamber legislature. In allocating the number of representatives for each of the chambers, the Virginia delegation recommended
- a. that the president should determine the number of representatives.
 - b. that the same number of representatives from each state serves lifetime appointments.
 - c. that the number of representatives in each chamber should be based on the population of the state.
 - d. that the courts should determine the number of representatives.
 - e. that each state should receive one vote regardless of delegation size.

ANS: C REF: 32 | 33 NOT: factual

31. The Virginia Plan provided for
- a. a bicameral legislature with one house elected by the people and a second house selected by the first house.
 - b. a unicameral legislature with the members selected by each state legislature.
 - c. a unicameral legislature elected by the people.
 - d. a bicameral legislature elected by the people.
 - e. a bicameral legislature with one house elected by the people and the second house chosen by state legislatures.

ANS: A REF: 32 | 33 NOT: factual

32. The core principles of the Virginia Plan were
- a. a strong central government and a bicameral legislature.
 - b. a unicameral legislature with representation by population.
 - c. strong state governments and popular election of Supreme Court justices.
 - d. the ideal of one state having one vote and the addition of four new states.
 - e. economic and political features that replicated the European nation-state model.

ANS: A REF: 32 | 33 NOT: applied

33. The New Jersey Plan provided for
- a. a bicameral legislature with one house elected by the people and a second house selected by the first.
 - b. a unicameral legislature with the members selected by each state legislature.
 - c. a unicameral legislature elected by the people.
 - d. a bicameral legislature elected by the people.
 - e. a bicameral legislature with one house elected by the people and the second house chosen by state legislatures.

ANS: C

REF: 33

NOT: factual

34. The Great Compromise provided for
- a bicameral legislature with one house elected by the people and a second house selected by the first.
 - a unicameral legislature with the members selected by each state legislature.
 - a unicameral legislature elected by the people.
 - a bicameral legislature elected by the people.
 - a bicameral legislature with one house elected by the people and the second house chosen by state legislatures.

ANS: E

REF: 33

NOT: factual

35. In opposition to the recommendations of the Virginia delegates during the Constitutional Convention, the New Jersey Plan advocated a single-chamber legislature with
- equal representation among the states regardless of population.
 - slaves counting as three-fifths of a whole person.
 - the Supreme Court determining the number of representatives from each state.
 - no executive branch.
 - lifelong appointments for representatives.

ANS: A

REF: 33

NOT: factual

36. The Great Compromise, (or the Connecticut Compromise) of the Constitutional Convention of 1787 in essence saved the convention and created a new federal government. This compromise created a two-chamber legislature with
- equal representation in both chambers from each state.
 - representation in both chambers determined by population of the state.
 - representation in one chamber determined by population of the state and in the other chamber by equal representation.
 - one chamber that had effective powers and the second chamber that acted as a figurehead for nobility.
 - each state determining the number of representatives that it will send.

ANS: C

REF: 33

NOT: factual

37. For the purpose of determining representation in the new Congress the slave-holding southern states
- were opposed to any enumeration of slaves.
 - wanted to count each slave as a whole person.
 - refused to ratify the new constitution if slavery was acknowledged.
 - demanding extra representation to protect them from slave uprisings.
 - wanted additional representation to protect their interests from northern intrusion.

ANS: B

REF: 35

NOT: conceptual

38. During the writing of the Constitution in 1787 some states had already abolished slavery while other states had large slave populations. Concerning slavery, the new U.S. Constitution
- allowed it in southern states and upheld its abolition in northern states.
 - left the issue for the courts to decide.
 - reaffirmed its use as legitimate in the United States.
 - said nothing about either preserving or outlawing slavery.
 - called for its abolition.

ANS: D

REF: 35

NOT: factual

39. What was the Three-Fifths Compromise?
- a. A three-fifths majority would be necessary to amend the constitution.
 - b. A three-fifths majority would be necessary to appoint members of the Supreme Court.
 - c. Three states would be “slave states,” five states would be “free states,” and the remaining states would be able to decide their own fate after 1820.
 - d. Five slaves would count as the equivalent of three “free persons” for purposes of taxes and representation.
 - e. An agreement reached by three-fifths of the states to revoke the Articles of Confederation and install the Constitution.

ANS: D

REF: 35

NOT: conceptual

40. With the original Constitution completed on September 17, 1787, how many states were needed to ratify the new governmental structure in order for it to become operative?
- a. Zero
 - b. Three
 - c. Six
 - d. Nine
 - e. Thirteen

ANS: D

REF: 35

NOT: factual

41. The Constitution’s specific provision about slavery
- a. provided for gradual emancipation.
 - b. provided for counting slaves equally for apportioning taxes among the states.
 - c. provided that Congress could not ban slave importation before 1807.
 - d. Options A, B, and C are true.
 - e. None of the above is true.

ANS: C

REF: 35

NOT: factual

42. One of the foundation principles of the U.S. Constitution is popular sovereignty, which means that
- a. the people are tightly controlled by the government.
 - b. the president is the ultimate governmental power.
 - c. Congress is supreme.
 - d. the people are ultimately in charge of their political and social destiny.
 - e. the Supreme Court is subordinate to no other agency or group.

ANS: D

REF: 35 | 36

NOT: conceptual

43. “Checks and balances” helped insure that no one interest could dominate the government through
- a. presidential vetoes.
 - b. Senate advice and consent.
 - c. judicial interpretations.
 - d. Options A, B, and C are true.
 - e. None of the above is true.

ANS: D

REF: 36

NOT: conceptual

44. Which of the following is a check by the legislative branch on the powers of the executive branch?
- a. Congress may rule that a presidential action is unconstitutional.
 - b. The Supreme Court may veto presidential orders.
 - c. The Supreme Court recommends legislation to the judicial branch that is assured to pass constitutional muster.
 - d. The president may veto a law passed by the legislative branch.

e. The Senate must consent to all presidential appointees to the U.S. Supreme Court.

ANS: E REF: 36 NOT: factual

45. "Separation of powers" is an application of the political philosophy of

- a. Montaigne.
- b. Montesquieu.
- c. de Tocqueville.
- d. Rousseau.
- e. Locke.

ANS: B REF: 36 NOT: conceptual

46. The underlying concept of the principle of separation of powers is

- a. that all three branches of government are equally powerful.
- b. that when legislative, judicial, and executive power are not exercised by the same institution, power cannot be so easily abused.
- c. that the people are responsible to elect the representatives in all three branches of government, including the judicial branch.
- d. that one branch has a veto power over the other branches.
- e. that the people's power to elect representatives is separate and different from that of the branches of the government.

ANS: B REF: 36 NOT: conceptual

47. The primary purpose of the system of checks and balances is

- a. to ensure that no one interest or faction could easily dominate the government.
- b. to ensure that the people do not become too powerful and attempt to control the government.
- c. to protect the executive branch from abuses of the judicial branch.
- d. to allow the president to be removed from office.
- e. to ensure that the government remains powerful and supreme.

ANS: A REF: 36 NOT: factual

48. A very important aspect of the American constitutional arrangement, which distributes powers between two levels of government (state and federal), is called

- a. sovereignty.
- b. enumeration.
- c. ratification.
- d. compromise.
- e. federalism.

ANS: E REF: 37 NOT: factual

49. The U.S. Constitution allows some powers while denying others. Such explicitly stated powers are referred to as

- a. constitutionally mandated powers.
- b. amended powers.
- c. natural rights.
- d. enumerated powers.
- e. inherent powers.

ANS: D REF: 37 NOT: factual

50. At the Constitutional Convention in 1787, the Federalists

- a. strongly objected to ratification and enactment of the new constitution.
- b. were opposed to a strong central government.
- c. were in favor of a strong central government and for ratification of the new constitution.
- d. favored states' rights and were opposed to any form of national government.
- e. favored a central government only if the states were given veto powers over the central government.

ANS: C REF: 37 NOT: conceptual

51. Which of the following rules governing ratification did NOT give a tactical advantage to the Federalists?
- a. Requirement that ratification require approval of nine states
 - b. Requirement that ratification take place through special state conventions
 - c. Requirement that at least two-thirds of the states approve the Constitution
 - d. Requirement prohibiting disclosure of day-to-day proceedings in the Constitutional Convention
 - e. Requirement that ratification decisions be made during the winter

ANS: C REF: 37 | 38 NOT: conceptual

52. Which of the following statements is NOT true?
- a. Federalism divides powers between two levels of government: the state (that deals with local concerns) and the federal government (that deals with national concerns).
 - b. The Framers of the Constitution drafted the Constitution having experienced abuse of government power.
 - c. The Constitution was written with awareness that competing interests would have to compromise to pass desired programs.
 - d. The Framers' detailed list of enumerated powers limits the exercise of power by the national government to those powers.
 - e. Some of the Framers believed that the Constitution should be flexible to meet the varying challenges time would create.

ANS: D REF: 37 | 42 NOT: conceptual

53. What was the practical purpose for publication of *The Federalist* essays in 1788?
- a. To allow an avenue for posting opposing political viewpoints
 - b. To act as a political party platform for the Federalist party
 - c. To explain and defend the new Constitution and to urge its ratification
 - d. To expose the immorality inherent in eighteenth-century society
 - e. To advocate for James Madison's campaign for president

ANS: C REF: 38 NOT: applied

54. Hamilton attacked the Articles of Confederation based on the impossibility of governing if each state is essentially sovereign in
- a. *Federalist* No. 15.
 - b. *Federalist* No. 46.
 - c. *Federalist* No. 51.
 - d. *Federalist* No. 70.
 - e. *Federalist* No. 78.

ANS: A REF: 38 NOT: conceptual

55. Madison declared that a federal system allows the states the ability to counter "ambitious encroachments of the federal government" in

- a. *Federalist* No. 15.
- b. *Federalist* No. 46.
- c. *Federalist* No. 51.
- d. *Federalist* No. 70.
- e. *Federalist* No. 78.

ANS: B REF: 38 NOT: conceptual

56. Madison explains how the many different parts of the government and its attendant “multiplicity of interests” significantly reduces the chance of a majority coalition to oppress an individual or minority in
- a. *Federalist* No. 15.
 - b. *Federalist* No. 46.
 - c. *Federalist* No. 51.
 - d. *Federalist* No. 70.
 - e. *Federalist* No. 78.

ANS: C REF: 38 NOT: conceptual

57. As evidenced in James Madison’s *Federalist No. 10*, many of the writers of the Constitution were cautious regarding
- a. the right of people to vote because they tended to rely on emotion rather than rationality.
 - b. factions, by which he meant groups of people motivated by a common economic and/or political interest.
 - c. the office of president.
 - d. the ability of the people to amend the Constitution and thus, in Madison’s opinion, to undermine its authority.
 - e. state powers.

ANS: B REF: 38 NOT: conceptual

58. Hamilton argues that the executive must be a single person to achieve “energy,” which is a “leading character in the definition of good government” in
- a. *Federalist* No. 15.
 - b. *Federalist* No. 46.
 - c. *Federalist* No. 51.
 - d. *Federalist* No. 70.
 - e. *Federalist* No. 78.

ANS: D REF: 39 NOT: conceptual

59. Hamilton argues that the judiciary is the weakest branch of the government in
- a. *Federalist* No. 15.
 - b. *Federalist* No. 46.
 - c. *Federalist* No. 51.
 - d. *Federalist* No. 70.
 - e. *Federalist* No. 78.

ANS: E REF: 39 NOT: conceptual

60. The most effective complaint raised by the Anti-Federalists against the proposed Constitution in 1788 was
- a. the inability of the states to tax the federal government.
 - b. its lack of state power to raise an army.
 - c. its lack of a bill of rights to protect individuals against abuses by the government.

- d. the creation of the office of president.
- e. the retention of too much power at the state level.

ANS: C REF: 39 NOT: factual

61. Which of the following is NOT true concerning the Bill of Rights in our U.S. Constitution?
- a. The Bill of Rights was added as the first amendments to the Constitution after it was ratified by the states.
 - b. Several prominent members of the Constitutional Convention, such as James Madison, actually opposed the Bill of Rights.
 - c. Most states already had existing constitutions that enumerated the rights of the individual.
 - d. The Bill of Rights was a prominent element of the new Constitution and it was written into the document early in the process.
 - e. Several states at first refused to ratify the new Constitution because of its lack of a Bill of Rights.

ANS: D REF: 41 NOT: factual

62. What is the most common method used to amend the U.S. Constitution?
- a. A two-thirds vote in both chambers of Congress
 - b. Simple majority of the voters of the United States
 - c. Approval from two-thirds of the state legislatures and the signature of the president
 - d. Voter approval and the ruling of the Supreme Court on its constitutionality
 - e. Two-thirds of both chambers of Congress or two-thirds of state legislatures, then ratified by three-fourths of state legislatures

ANS: E REF: 42 NOT: factual

63. Why would the writers of the Constitution have created such a difficult amendment process?
- a. They distrusted the motives of the people to make rational choices.
 - b. They protected the Constitution from short-lived or temporary passions.
 - c. They did not want any person or institution to tamper with their original work.
 - d. They ensured that the branches of government work together.
 - e. They distrusted the motives and abuses of powers by state governments.

ANS: B REF: 42 NOT: applied

64. Including the Bill of Rights, the U.S. Constitution has _____ Amendments.
- a. twelve
 - b. one
 - c. ten
 - d. twenty-seven
 - e. fifty-three

ANS: D REF: 42 NOT: factual

65. Who believed in a loose construction or interpretation of the Constitution?
- a. Thomas Jefferson
 - b. James Madison
 - c. John Marshall
 - d. Alexander Hamilton
 - e. John Jay

ANS: C REF: 45 NOT: factual

66. The concept of strict construction requires that the Constitution

- a. may be changed by the formal amendment process and not by discretionary Congressional actions or judicial rulings.
- b. remain a flexible and fluid document that changes with the times.
- c. may be modified only by rulings of the Supreme Court.
- d. remain true to the intent of the writers of the Constitution and that it remain rigid and without any amendments.
- e. should be modified as popular opinion changes.

ANS: A

REF: 45

NOT: applied

67. The 1819 Supreme Court ruling in *McCulloch v. Maryland* seemed like a minor issue, but the ruling had a long-lasting impact. What was the primary impact of this ruling?
- a. A national bank was unconstitutional.
 - b. The state of Maryland had every right under the Constitution to tax the federal government's property and assets in the state.
 - c. In some cases certain powers that are not explicitly given to the government in the Constitution may be considered "necessary and proper" and thus they are legitimate under the concept of the "living Constitution."
 - d. Congress acted improperly in creating the U.S. Department of the Treasury.
 - e. In ruling on matters involving the Constitution, the Supreme Court must adopt a "strict constructionist" approach and not read anything into the Constitution that is not explicitly stated.

ANS: C

REF: 45 | 47

NOT: applied

68. The power of the United States Supreme Court to determine the constitutionality of an act of Congress was established in
- a. *Marbury v. Madison*.
 - b. *McCulloch v. Maryland*.
 - c. *Bas v. Tingy*.
 - d. *Hawkins v. McGee*.
 - e. All of the above are true.

ANS: A

REF: 47

NOT: conceptual

ESSAY

1. In 1776, delegates to the Second Continental Congress appointed a committee to draft a document that would state their list of grievances and articulate their intention to seek independence. List the writers of the Declaration of Independence, and name the primary writer and the reasons for (and objections to) his prominence. Discuss the philosophies and theories embodied in this revolutionary document.

ANS:

Answers may vary.

2. Describe the Constitutional process for impeachment and removal of the president and include a discussion about the impeachment of President Clinton in 1998. Did the constitutional process work in this particular case? Why would the writers of the Constitution make this process so difficult?

ANS:

Answers may vary.

3. Americans, especially legal scholars, view the U.S. Constitution in different ways. Discuss the differences between the theories of strict constructionism versus the living constitution.

ANS:

Answers may vary.

4. The U.S. Constitution was created through much compromise. Discuss some of the important compromises that developed during the Constitutional Convention in Philadelphia in the summer of 1787. How did these compromises impact our structure of government and its daily functions?

ANS:

Answers may vary.

5. What is the difference between enumerated and implied powers? How do these different concepts of political power impact the balance of power within the federal system of governance?

ANS:

Answers may vary.

6. Compare and contrast the rhetoric of the Federalist and Anti-Federalist movements. Who made up the body of each group? What did they think about the proposed Constitution? What were some of the primary arguments on each side?

ANS:

Answers may vary.

7. Describe the principles of separation of powers and checks and balances. How have they evolved? How have they been incorporated into the Constitution?

ANS:

Answers may vary.

8. Describe the ways in which Madison's view that a "multiplicity of interests" could significantly reduce the possibility of a majority emerging to oppress individual rights. Explain the reasons both in favor of and opposed to his analysis.

ANS:

Answers may vary.

9. Hamilton expressed the view that the judiciary was the weakest branch because it "only possessed the power of judgment." In light of the power of the judiciary to determine constitutionality of federal statutes established in *Marbury v. Madison*, indicate whether Hamilton's apposition is valid or invalid.

ANS:

Answers may vary.

10. Hamilton expressed the view that the executive must be a single person in order to realize "energy," which "is a leading character of good government." Analyze the experience of the United States under the Articles of Confederation to show whether or not events supported Hamilton's position.

ANS:

Answers may vary.