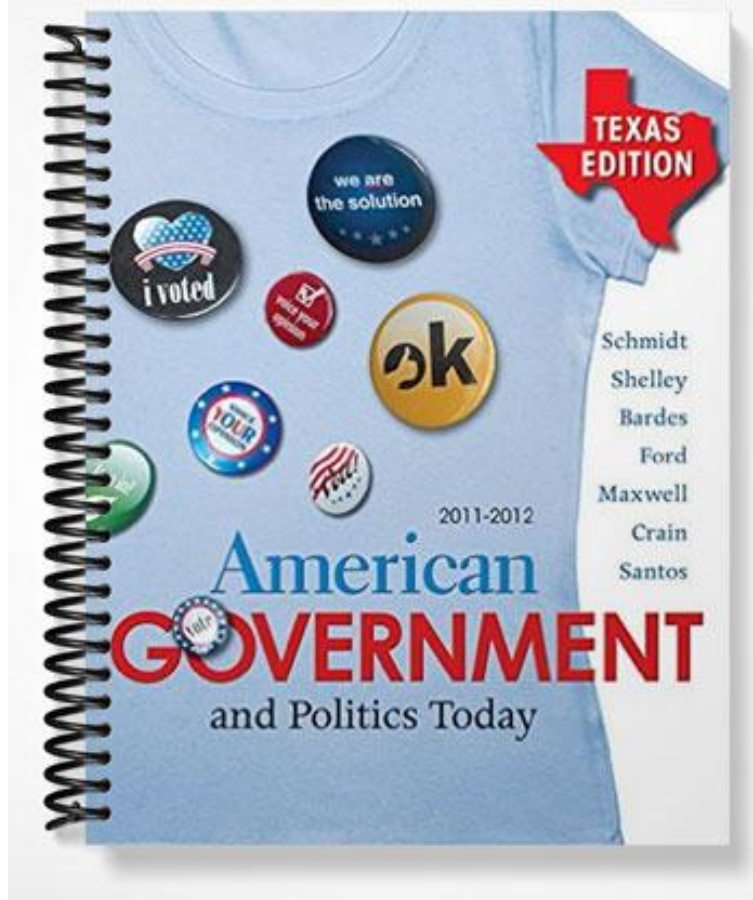


TEST BANK



Chapter 2: The Constitution

MULTIPLE CHOICE

1. The Constitution has remained largely intact for more than 200 years because the principles set forth in the Constitution
 - a. meet the needs of the states and nation.
 - b. are impracticable to amend.
 - c. can only be changed in certain parts.
 - d. are unchallenged principles of the founding fathers.
 - e. are in a direct lineage from the Mayflower Compact to the Articles of Confederation to the Constitution.

ANS: A REF: 35

2. The _____ represented a willingness of the first colonists to submit to the authority of a government and established a prototype for other agreements that depended on the consent of the governed.
 - a. Waterfront Protocol
 - b. Articles of Confederation
 - c. Mayflower Compact
 - d. Constitution
 - e. Declaration of Independence

ANS: C REF: 36

3. The First Continental Congress that met in 1774
 - a. approved a declaration of war against England.
 - b. called for King George to step down from the throne.
 - c. approved a resolution calling for a declaration of independence from England.
 - d. called on the colonies to raise armies but encouraged colonies to continue trade with England so as to improve economic conditions.
 - e. called for individuals to watch their neighbors and report their actions.

ANS: E REF: 38

4. The Second Continental Congress that met in 1775
 - a. established an army and named George Washington as Commander in Chief.
 - b. established a navy and named John Paul Jones supreme commander.
 - c. entered into an agreement with France to go to war with Great Britain.
 - d. declared war on Great Britain, France, and Spain.
 - e. drafted a peace treaty that was rejected by Great Britain.

ANS: A REF: 38

5. *Common Sense*, written by _____, argued in favor of declaring independence from Great Britain and establishing a new government for the citizens of a new country.
 - a. Thomas Jefferson
 - b. James Madison
 - c. Patrick Henry
 - d. Thomas Paine
 - e. Paul Revere

ANS: D REF: 38

6. Thomas Paine's work, *Common Sense*, was important for both his ideas and his
- continuing loyalty to aristocratic ideals.
 - ability to make the arguments in plain language for the readers.
 - ties to Thomas Jefferson, George Washington, and George III.
 - orations in local stump speeches.
 - command of the armies of Rhode Island.

ANS: B REF: 39

7. The Declaration of Independence was written by
- Thomas Jefferson.
 - Thomas Paine.
 - Paul Revere.
 - James Madison.
 - Patrick Henry.

ANS: A REF: 39

8. The Declaration of Independence was necessary to
- establish a framework for a new system of government.
 - establish the legitimacy of the new nation before the governments in Europe and the colonists.
 - create for a delicate balance of federal and state power.
 - identify the reasons the British saw separation from the colonies as necessary.
 - demand a separation of church and state.

ANS: B REF: 39

9. The _____ identified the reasons the colonists saw for independence from Britain.
- Waterfront Protocol
 - Articles of Confederation
 - Mayflower Compact
 - Constitution
 - Declaration of Independence

ANS: E REF: 39

10. Which provision in the original draft of the Declaration of Independence had to be removed to gain the unanimous approval of all the colonies?
- Calling for the separation of church and state
 - Establishing that the United States would be a Christian nation
 - Arguing the necessity of allowing women to vote
 - Calling for the assassination of King George
 - Condemning the slave trade

ANS: E REF: 39

11. The Declaration of Independence reflects the philosophy of John Locke, who argued that
- government must pledge its allegiance to God before it can claim legitimacy.
 - government cannot interfere with the reality that life is nasty, brutish, and short.
 - government must be divided into executive, legislative, and judicial branches in order to be effective.
 - all people possess certain natural rights, and it is the duty of the government to protect those rights.
 - people possess only those rights that government grants to them.

ANS: D REF: 40

12. An agreement by the people to form a government and abide by its rules is called
- natural law.
 - social contract.
 - community agreement.
 - unification authority.
 - nullification.

ANS: B REF: 40

13. After the United States gained its independence, the first system of government was created by the
- Declaration of Independence.
 - Mayflower Compact.
 - Constitution.
 - Articles of Confederation.
 - Franklin Proclamation.

ANS: D REF: 41

14. The Article of Confederation established a voluntary association of independent states that
- relied on the national government to resolve all regional conflicts.
 - paid a yearly levy to the national government to enforce state laws.
 - agreed to only limited restraint on their freedom of action.
 - were represented on the basis of population in the Confederate Assembly.
 - did not collect tariffs on goods coming into the state.

ANS: C REF: 41

15. Because of the frustrations with King George, the Continental Congress used the Articles of Confederation to create a government that had
- very little power.
 - very strong, broad powers.
 - strong economic but weak military powers.
 - strong military but weak economic powers.
 - strong diplomatic powers.

ANS: A REF: 41

16. The actions of _____ demonstrated the inability of the federal government under the Articles of Confederation to protect the citizenry from armed rebellion or provide adequately for the public welfare.
- George Washington
 - Daniel Shays
 - Paul Revere
 - Patrick Henry
 - John Locke

ANS: B REF: 43

17. The two major accomplishments that occurred under the Articles of Confederation were
- passage of the Northwest Ordinance and ending the French and Indian War.
 - ending the French and Indian War and passage of the Bill of Rights.
 - passage of the Bill of Rights and settlement of states' claims to western lands.
 - settlement of states' claims to western lands and passage of the Northwest Ordinance.

- e. establishment of the Supreme Court and payment of damages that occurred during the Revolutionary War.

ANS: D REF: 42

18. Under the Articles of Confederation, Congress had the power to
- a. establish and control armed forces.
 - b. compel states to meet military quotas.
 - c. collect taxes directly from the people.
 - d. regulate interstate and foreign commerce.
 - e. compel states to pay their share of government costs.

ANS: A REF: 42

19. The publicly stated purpose of the convention to be held in 1787 was to
- a. develop and write a new Constitution.
 - b. revisit the principles established in the Declaration of Independence.
 - c. revise the Articles of Confederation.
 - d. expand the rights of individuals who did not own property.
 - e. create a system of government that would abolish the institution of slavery.

ANS: C REF: 44

20. Functioning of the national government under the Articles of Confederation
- a. depended on the goodwill of the states.
 - b. depended on the strength of the Army of Confederation.
 - c. depended on tariffs collected by the government.
 - d. was in direct correlation to the popularity of the President of the Continental Congress.
 - e. depended on the goodwill of the people of the Republic.

ANS: A REF: 42

21. The most fundamental weakness of the Articles of Confederation was a lack of
- a. a bicameral legislature.
 - b. a national system of courts.
 - c. power to raise funds for the militia.
 - d. power to tax exports.
 - e. state-supported currencies.

ANS: C REF: 42

22. Generally speaking, the delegates to the Constitutional Convention were
- a. representative of a wide cross section of American society of the 1700s.
 - b. inexperienced legislators.
 - c. members of the working class.
 - d. diverse in terms of gender and race.
 - e. experienced in political office or military service.

ANS: E REF: 45

23. Edmund Randolph's Virginia Plan
- a. called for all states to be represented equally in the national legislature.
 - b. called for a unicameral legislative body.
 - c. was basically a minor variation on the Articles of Confederation.
 - d. called for a national executive that would be elected by the legislative body.
 - e. included no provision for a president because of the distrust of so much power being given

to a single individual.

ANS: D REF: 46

24. The Virginia Plan favored
- small, less populous states.
 - western states.
 - southern states.
 - New England states.
 - large, more populous states.

ANS: E REF: 46

25. The most important part of the New Jersey Plan was its
- reference to a supremacy doctrine.
 - provisions for a Supreme Court.
 - plan for taxation.
 - interstate commerce clause.
 - specific mention of checks and balances.

ANS: A REF: 47

26. The Great Compromise resolved the impasse between the
- large and small states regarding the executive branch.
 - large and small states regarding representation.
 - northern and southern states regarding representation.
 - northern and southern states regarding slavery.
 - Federalists and Anti-Federalists regarding the executive branch.

ANS: B REF: 47

27. The Great Compromise
- established that all states would be represented equally in the House of Representatives.
 - created a Congress composed of two chambers: one with representation based on population and the second with equal state representation.
 - created a unicameral Congress.
 - provided that slavery would not be allowed to exist under the new Constitution.
 - established that states would be represented according to the size of their populations in the Senate.

ANS: B REF: 47

28. The Three-fifths Compromise, which was crafted to address the impasse on slavery,
- avoided the use of the word "slave," instead referring to "all other persons."
 - did not abolish slavery but did bring an immediate end to the importation of slaves into this country.
 - illustrated the power of the northern states at the convention.
 - brought an immediate end to the institution of slavery.
 - enhanced the influence that northern states would have in a newly created Congress.

ANS: A REF: 48

29. At the Constitutional Convention, the South insisted that
- export taxes not be imposed.
 - an income tax never be imposed.
 - lower federal courts be created as well as a Supreme Court.

- d. slavery be abolished.
- e. the power to regulate interstate commerce must belong to Congress.

ANS: A REF: 49

30. James Madison argued in *Federalist Paper* No. 51 that "the greatest security against a gradual concentration of the several powers in the same department" was the
- a. selection by the voters of men of good character and conscience who would resist the temptation to extend their power.
 - b. establishment of a Bill of Rights that limited governmental power.
 - c. granting of the means and the motive to each branch of government to resist encroachment upon their areas of authority.
 - d. identification in the Constitution of each specific power that the branches of government would possess.
 - e. establishment of a single branch of government that would be clearly superior to the other branches, thus ensuring consistency and regularity.

ANS: C REF: 50

31. James Madison's "constitutional means" found in *Federalist Paper* No. 51 refers to
- a. separation of powers.
 - b. the Supremacy Clause in Article VI of the Constitution.
 - c. the Full Faith and Credit Clause in Article IV of the Constitution.
 - d. checks and balances.
 - e. *de jure* stability.

ANS: D REF: 50

32. The Electoral College
- a. ensured that Congress would be able to control the presidency.
 - b. has guaranteed that the candidate who wins the presidency is the one with the greatest public support.
 - c. insured that the president would be subjected to direct popular control.
 - d. was designed to select a plural executive composed of representatives from various regions of the country.
 - e. was seen by some delegates as an alternative to allowing Congress to choose the president.

ANS: E REF: 50

33. The Electoral College created a system in which
- a. political parties became less important than intra-regional alliances.
 - b. the president was insulated from direct popular control.
 - c. the president relied on intermediaries to strike a deal with political leaders in each state.
 - d. interest groups became important in the election of the president.
 - e. the smaller, less populous states held more power in the election process than did the more populous state.

ANS: B REF: 50

34. The Constitution created a
- a. confederal system of government that grants fewer powers to the national government than the Articles of Confederation.
 - b. federal system of government that grants fewer powers to the national government than the Articles of Confederation.
 - c. confederal system of government that divides powers between the states and national

- government.
- d. federal system of government that divides powers between the states and national government.
- e. unitary system of government that divides powers between the states and national government.

ANS: D REF: 50

35. Special conventions in each state were used to ratify the Constitution because
- a. conventions were more democratic than legislatures.
 - b. conventions could meet more quickly than legislatures.
 - c. most legislatures were unlikely to approve the document.
 - d. legislatures were likely to take far too long to approve the document.
 - e. legislatures were far more likely to attempt to amend the document.

ANS: C REF: 52

36. What was significant in having the approval of nine states to bring the Constitution into being?
- a. A unanimous vote of the states was necessary to change the Articles of Confederation that was unlikely to happen.
 - b. Nine-thirteenths provided an unequal percentage.
 - c. In most federal constitutions a three-fourths vote is required to amend or create a constitution.
 - d. A super majority was unusual in the eighteenth century, but necessary to achieve ratification.
 - e. Nine was an odd number.

ANS: A REF: 52

37. The *Federalist Papers* were written by
- a. Madison, Hamilton, and Jay.
 - b. Madison, Jefferson, and Hamilton.
 - c. Madison, Jefferson, and Franklin.
 - d. Madison, Hamilton, and Franklin.
 - e. Washington, Franklin, and Jefferson.

ANS: A REF: 53

38. The Anti-Federalists
- a. favored ratification of the Constitution.
 - b. represented a radical fringe and constituted a very small minority in their position on the Constitution.
 - c. believed the Constitution created an overly powerful central government that would be hostile to personal liberty.
 - d. were mainly wealthy bankers, lawyers, and plantation owners.
 - e. were at a disadvantage because they were arguing in favor of changing the status quo and thus had the burden of advocating change.

ANS: C REF: 53

39. Charles Beard argued that the Framers of the Constitution were
- a. flawed, but well-meaning human beings who did the best they could under extraordinary circumstances.
 - b. the best and the brightest of their time and wanted a strong government so that they could expand the rights of all people.

- c. inspired by God and wanted a strong government so that good works could be performed.
- d. incompetents, who ascended to power only through their families' wealth and influence.
- e. wealthy property owners who wanted a powerful government that could protect their property interests.

ANS: E REF: 54

40. The first federal system was created by
- a. Great Britain.
 - b. the United States.
 - c. France.
 - d. Italy.
 - e. Mexico.

ANS: B REF: 52

41. Making one liable for an act that has already taken place is a(n)
- a. bill of attainder.
 - b. example of natural law.
 - c. example of constitutional law.
 - d. *ex post facto* law.
 - e. statutory law.

ANS: D REF: 55

42. A process through which Congress could pass judgment on someone without legal process is a(n)
- a. constitutional law.
 - b. example of natural law.
 - c. bill of attainder.
 - d. *ex post facto* law.
 - e. statutory law.

ANS: C REF: 55

43. Bills of attainder and *ex post facto* laws are
- a. not prohibited in the United States.
 - b. are prohibited in the body of the U.S. Constitution.
 - c. not allowed under provisions of the Third Amendment.
 - d. outlawed under the Fourteenth Amendment.
 - e. outlawed under *Avalon v. The U.S. Congress*.

ANS: B REF: 55

44. The Framers established that the Constitution would be ratified by
- a. all thirteen state legislatures.
 - b. nine of thirteen state legislatures.
 - c. nine of thirteen ratifying conventions to be held in the states.
 - d. all thirteen ratifying conventions to be held in the states.
 - e. nine of thirteen state legislatures and both houses of Congress.

ANS: C REF: 52

45. Originally, the Bill of Rights
- a. applied only to local governments.
 - b. did not apply to the state governments.
 - c. did not apply to the national government.

- d. applied only to states that entered into regional agreements.
- e. applied to both the national and state governments.

ANS: B REF: 58

46. The Bill of Rights limited the power of
- a. government over the rights and liberties of individuals.
 - b. the national government over the rights of the states.
 - c. state governments over the inherent powers of the national government.
 - d. the national and state governments to tax individuals.
 - e. the power of the state governments to tax the national government.

ANS: A REF: 57

47. Some opponents of the Bill of Rights argued that
- a. carefully articulating certain rights might encourage the national government to abuse any rights that were not specifically defined.
 - b. most people opposed the idea of strong individual rights.
 - c. the Federalists outnumbered the Anti-Federalists.
 - d. specifying particular rights might lead state governments to abuse rights that were not carefully defined.
 - e. most people opposed the principle of strong national government.

ANS: A REF: 55

48. Informal methods of changing the U.S. Constitution include
- a. decisions of state courts, constitutional legislation, judicial review, and presidential action.
 - b. congressional legislation, judicial review, and presidential action.
 - c. acts of international legislatures, *stare decisis*, and presidential action.
 - d. *stare decisis*, *mens rea*, and judicial review.
 - e. *ad hoc juris*, judicial review, and bureaucratic action.

ANS: B REF: 61

49. The power of the Supreme Court to declare acts unconstitutional was established by
- a. the Judiciary Act of 1812.
 - b. Seventeenth Amendment.
 - c. Judicial Review Act of 1789.
 - d. *Marbury v. Madison*.
 - e. *Gibbons v. Ogden*.

ANS: D REF: 62

50. The Supreme Court adapts the Constitution to modern situations using
- a. formal methods to amend the Constitution.
 - b. the concept of *stare decisis*.
 - c. natural law.
 - d. judicial review.
 - e. bills of attainder.

ANS: D REF: 62

51. The modern process for nominating candidates for office
- a. is the creation of the two major political parties and not the Constitution.
 - b. reflects the resistance of the Constitution to the ways of doing political business.
 - c. is detailed in Article II of the Constitution.

- d. shows that the founding fathers understood how government would develop over time.
- e. suggests how the party system has failed to change the way the president is elected.

ANS: A REF: 63

52. Article ___ specifies how the Constitution can be amended.
- a. I
 - b. II
 - c. III
 - d. V
 - e. VII

ANS: D REF: 58

53. Constitutional amendments can be proposed by
- a. a majority vote in both houses of Congress.
 - b. a majority vote in either house of Congress.
 - c. unanimous votes in both houses of Congress.
 - d. two-thirds of both houses of Congress.
 - e. two-thirds of either house of Congress.

ANS: D REF: 59

54. According to the Constitution, a national constitutional convention can be called by
- a. a majority of the states.
 - b. a majority vote in both houses of Congress.
 - c. two-thirds vote of either the U.S. House or U.S. Senate.
 - d. by Congress at the request of two-thirds of the states.
 - e. three-fourths of the states.

ANS: D REF: 59

55. Constitutional amendments can be ratified by
- a. a majority vote in both houses of Congress.
 - b. two-thirds of state legislatures.
 - c. two-thirds of state conventions.
 - d. two-thirds of both houses of Congress.
 - e. three-fourths of state legislatures.

ANS: E REF: 59

56. Congress chose to use state conventions instead of state legislatures as the method of ratification of the amendment
- a. requiring equal protection of the laws.
 - b. repealing Prohibition.
 - c. establishing Prohibition.
 - d. giving women the right to vote.
 - e. abolishing slavery.

ANS: B REF: 59

57. The constitutional amendment process has been used to
- a. require the president to get the approval of Congress before committing the armed forces to battle.
 - b. limit the president's ability to employ the power of the pardon.
 - c. define the actions for which the president can be impeached.

- d. limit the number of terms a president can serve.
- e. require the president to deliver a State of the Union address.

ANS: D REF: 60

58. The Twenty-sixth Amendment to the Constitution extended the right to vote to
- a. those pardoned by governors.
 - b. convicted felons.
 - c. eighteen-year-olds.
 - d. twenty-one-year-olds.
 - e. citizens of the U.S. territory of Puerto Rico.

ANS: C REF: 60

59. The constitutional amendment process has been used to
- a. limit Senators to serving two terms.
 - b. limit members of the House of Representatives to serving five terms.
 - c. limit the total time any individual can spend in Congress to twenty years.
 - d. require Congress to construct a balanced budget.
 - e. allow Congress to impose an income tax.

ANS: E REF: 60

60. The Constitution was amended to prohibit which of the following?
- a. Poll taxes
 - b. Literacy tests
 - c. Grandfather clauses
 - d. White primaries
 - e. Separate drinking fountains

ANS: A REF: 60

61. Which practice was abolished by a constitutional amendment?
- a. Dueling
 - b. Flag burning
 - c. Slavery
 - d. Execution by the electric chair
 - e. Polygamy

ANS: C REF: 60

62. The practice of slavery in the United States was abolished by the _____ Amendment?
- a. Thirteenth
 - b. Fifteenth
 - c. Nineteenth
 - d. Twenty-first
 - e. Twenty-fifth

ANS: A REF: 60

63. An amendment designed to _____ was approved by Congress but ultimately the amendment never received the support necessary to become a part of the Constitution.
- a. abolish the death penalty
 - b. guarantee equal rights for women
 - c. forbid abortion
 - d. restrict immigration

e. restrict flag burning

ANS: B REF: 59

64. Which amendment gave former male slaves the right to vote?

- a. Thirteenth Amendment
- b. Fifteenth Amendment
- c. Eighteenth Amendment
- d. Twenty-first Amendment
- e. Twenty-sixth Amendment

ANS: B REF: 60

65. Which amendment gave women the right to vote in national elections?

- a. Ninth Amendment
- b. Fourteenth Amendment
- c. Fifteenth Amendment
- d. Nineteenth Amendment
- e. Twenty-second Amendment

ANS: D REF: 60

66. Freedom of the press is protected by the

- a. First Amendment.
- b. Third Amendment.
- c. Eighth Amendment.
- d. Tenth Amendment.
- e. Eleventh Amendment.

ANS: A REF: 78

67. The right of people to peaceably assemble is protected by the

- a. First Amendment.
- b. Third Amendment.
- c. Ninth Amendment.
- d. Twelfth Amendment.
- e. Thirteenth Amendment.

ANS: A REF: 78

68. Protection from unreasonable searches and seizures is guaranteed by the

- a. First Amendment.
- b. Fourth Amendment.
- c. Fifth Amendment.
- d. Eighth Amendment.
- e. Tenth Amendment.

ANS: B REF: 78

69. Protection from self-incrimination—a person being forced to give evidence against himself or herself—is guaranteed by the

- a. First Amendment.
- b. Fourth Amendment.
- c. Fifth Amendment.
- d. Eighth Amendment.
- e. Tenth Amendment.

ANS: C

REF: 78

70. A constitutional guarantee not to be tried twice for the same crime is found in the
- First Amendment.
 - Fourth Amendment.
 - Fifth Amendment.
 - Eighth Amendment.
 - Tenth Amendment.

ANS: C

REF: 78

71. The right to counsel for those accused of a crime is guaranteed by the
- First Amendment.
 - Fourth Amendment.
 - Fifth Amendment.
 - Sixth Amendment.
 - Tenth Amendment.

ANS: D

REF: 78

72. Cruel and unusual punishment is prohibited by the
- Third Amendment.
 - Sixth Amendment.
 - Seventh Amendment.
 - Eighth Amendment.
 - Ninth Amendment.

ANS: D

REF: 79

73. Article ___ describes the powers of Congress.
- I
 - II
 - IV
 - V
 - VI

ANS: A

REF: 67

74. Article ___ establishes the Supreme Court.
- II
 - III
 - IV
 - VI
 - X

ANS: B

REF: 74

75. Which of the following is true?
- The significance of the slavery issue at the constitutional convention is greatly exaggerated, given the fact that there were less than 50,000 slaves in the United States in 1787.
 - James Madison characterized slavery as "evil" and argued that there would be nothing worse than allowing it to continue.
 - Benjamin Franklin, the president of the Pennsylvania Society for the Abolition of Slavery, insisted that the Constitution be written to prohibit slavery.

- d. George Washington, a slave owner from Virginia, was one of the few delegates to state firmly and unapologetically his support of the institution of slavery.
- e. It was feared that the delegates from Georgia, North Carolina, South Carolina, and Virginia would withhold their support if the Constitution threatened the existence of slavery.

ANS: E

REF: 48

ESSAY

1. Describe the relationship between unalienable rights and the social contract.

ANS:

Students' answers will vary.

2. Discuss accomplishments under the Articles of Confederation and how the weaknesses of the Articles made it necessary to come up with a new system of government in the Constitution.

ANS:

Students' answers will vary.

3. Examine the major conflicts at the Constitutional Convention and how they were ultimately resolved.

ANS:

Students' answers will vary.

4. Should the Framers have abolished slavery in the new Constitution?

ANS:

Students' answers will vary.

5. Explain and provide concrete examples of how each branch checks, and is checked by, the other branches of government.

ANS:

Students' answers will vary.

6. Describe the Virginia Plan and the New Jersey Plan, and discuss which parts of each plan were incorporated into the Constitution.

ANS:

Students' answers will vary.

7. Explain and give examples of the processes of constitutional change.

ANS:

Students' answers will vary.

8. Discuss three major constitutional changes that were achieved by amending of the Constitution.

ANS:

Students' answers will vary.

9. Explain at least three specific examples of how the Constitution changed on an informal basis.

ANS:

Student' answers will vary.

10. How did the Bill of Rights reflect the Framers' concern with the natural rights to "life, liberty, and the pursuit of happiness" as presented in the Declaration of Independence?

ANS:

Students' answers will vary.