

# **U.S. CONSTITUTION**

## **TEST PREPARATION GUIDE**

This is only a study guide with some examples. The Education Department strongly recommends that you utilize the following sources to study for this exam:

1. ***The Constitution of the United States of America***, including full texts of all Amendments (see *attached copy* from the National Constitution Center in Philadelphia).
2. A history of landmark Supreme Court cases such as Saul K. Padover's ***The Living U.S. Constitution***. (McHenry Library, call # KF 4550.U5)
3. ***The Constitution of the U. S.***, Floyd G. Cullop, Mentor, \$5.99 (especially the questions and answers in the last section).
4. A general American History textbook, particularly the sections on the Revolution through 1865 (special focus on the Constitutional Convention).

# THE CONSTITUTION

**The Preamble to the Constitution:** "We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of the liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America."

## **Amendments**

Procedures for passing an amendment to the Constitution (Article V):

- 2/3rds of both Houses propose Amendment to the Constitution.

**OR**

- On the Application of the legislatures of 2/3rds of the states, shall call a Convention for proposing an Amendments to the Constitution.

→ In either case, must be ratified by the legislatures of 3/4ths of the states or by conventions in 3/4ths of the states.

## **First Ten Amendments: *Bill of Rights* (ratified in 1791)**

Brief description—Read full text in U.S. Constitution):

- I. Freedom of religion, speech, press, assembly, and petition
- II. Right to bear arms
- III. Housing of troops in time of by owner's consent. In time of war, in manner prescribed by law.
- IV. Prohibits unreasonable search and seizure
- V. No person can be tried for the same offense twice (double jeopardy), nor witness against him/herself; nor be deprived of life, liberty or property without due process; nor have property taken for public use without compensation.
- VI. Right to a speedy trial by an impartial jury of the state; informed of nature and cause of accusation, confronted by witnesses against him and obtain witnesses in favor; right to legal counsel.
- VII. Right to a trial jury in suits at common law where value exceeds \$20.
- VIII. Prohibits excessive bail fines & cruel or unusual punishment
- IX. Rights outlined in the Constitution do not deny others retained by the people.
- X. Powers not given to federal government nor prohibited by it to the Senate, are reserved to the States, or to the people.

## **Amendments Eleven through Twenty-six:**

- XI. Suits against a state must be tried in state courts
- XII. Prescribes procedures by which President & Vice President are elected: Determined by electoral college in states; majority of votes wins. If no person has a majority of votes the House of Representatives shall elect by ballot.
- XIII. Slavery or involuntary servitude shall not exist in US except as a punishment for crime where the party has been duly convicted.
- XIV. States cannot make or enforce law that abridge privileges of citizenship.
- XV. Guarantees the right to vote regardless of race, color, or previous condition of servitude

- XVI. Gives Congress the power to establish and collect taxes on income
- XVII. Establishes 2 senators from each state elected by citizens of the state for a term of 6 years.
- XVIII. Prohibition of the manufacture, sale, transportation, importation or exportation of liquor.
- XIX. Guarantees women the right to vote: the right to vote cannot be denied or abridged based on sex.
- XX. Terms of President and V.P. begin on Jan 20th; terms of Congress on Jan 3<sup>rd</sup>. Congress will assemble at least once each year beginning Jan. 3<sup>rd</sup>. If the President-elect dies before assuming office, the V.P.-elect shall become President. If the President-elect fails to qualify before assuming office, the VP- elect will act as President until a President shall have qualified. If neither qualify, Congress may declare who will act as President until the President-elect or V.P.-elect qualify.
- XXI. Repeal of prohibition (18<sup>th</sup> Amendment).
- XXII. The President is limited to serving 2 terms. get vote for pres/VP.
- XXIII. The District of Columbia may appoint a number of electors of President and Vice President equal to the number allowed if they were a state.
- XXIV. Right of citizens to vote in any primary or other election for Pres., VP & Congress w/out poll tax.
- XXV. If case of the President's removal from office, death or resignation, VP becomes President. If vacancy in VP, president nominates replacement. If President is unable to fulfill powers and duties (through written declaration by the President *or* VP and principal officers of the exec. Cmte.), they are discharged by the VP (acting President). President resumes duties after he *or* VP and principal officers of the exec. cmte. submit written declaration that no inability exists.
- XXVI. Right to vote of citizens 18 or older.

## COURT CASES

### Individual Rights Vs. The State

1857: Dred Scot vs. Sanford, *Ruling by the U.S. Supreme Court that people of African descent imported into the United States and held as slaves (or their descendants, whether or not they were slaves) were not protected by the constitution and could never be U.S. citizens. (this part overruled by the 14<sup>th</sup> Amendment).*

1919: Schenck vs. U.S., *Free speech can be limited when clear & present danger present to the country (defendants accused of persuading draftees to break law).*

1961: Mapp vs. Ohio, *Evidence obtained in violation of the Fourth Amendment, which protects against "unreasonable searches and seizures," may not be used in criminal prosecutions in state courts, as well as federal courts. (4th Amendment applies to states).*

1966: Miranda vs. Arizona—*In order for any inculpatory or exculpatory statements to be used against the defendant in court, while in police custody, he or she must be informed of his or her rights: right to an attorney, right against self-incrimination. Limits the power of local police to extract confession from persons accused of crimes. ("You have the right to remain silent ... ")*

### School Related Decisions

1896: Plessey vs. Ferguson, *Upheld the constitutionality of state laws requiring racial segregation in private businesses (particularly railroads), under the doctrine of "separate but equal." Provided the legal foundation to justify many other actions by state and local governments to socially separate blacks and whites. (Overturned in 1954 by Brown v. Board of Education).*

1943: W. Virginia School Board vs. Barnette, *Held that the Free Speech Clause of the First Amendment to the United States Constitution protected students from being forced to salute the American flag and say the Pledge of Allegiance in school.*

1954: Brown vs. Board of Education-- *Landmark decision of the United States Supreme Court that declared state laws establishing separate public schools for black and white students and denying black children equal educational opportunities unconstitutional. (Overturned the Plessy v. Ferguson, 1896)*

1955: Brown vs. Topeka Board of Education, *Separate but equal has no place in schools.*

1963: Abington School District, Pa vs. Schempp, (combined with the case Murray vs.

Curlett) *Declared school-sponsored Bible reading and state sponsored prayer in U.S. public schools to be unconstitutional.*

### **State vs. Federal Rights**

1824: Gibbons vs. Ogden, A case related to the “Commerce Clause” empowering Congress to regulate interstate and foreign commerce (Article I, sec. 8). Defined commerce expansively, far beyond mere exchange of goods to include new forms of transportation (steamboats), etc.

1920: MO vs. Holland, *Supremacy of U.S. Congress' treaties over state constitutions.*

1937: West Coast Hotel vs. Parrish, *State & Congress can regulate minimum wage.*

1962: Baker vs. Carr-- *Reapportionment (attempts to change the way voting districts are delineated) issues present justifiable questions, thus enabling federal courts to intervene in and to decide reapportionment cases. States need to draw their electoral districts according to population.*

1793: Chisholm vs. GA. *A state could be sued by non-resident (federal courts had jurisdiction between a state and citizen of another state or country). Later overruled by the 11<sup>th</sup> Amendment.*

1803: Marbury vs. Madison, *A landmark case, formed the basis of the exercise of judicial review in the U.S. (the idea that courts may oversee and nullify the actions of another branch of government). The landmark decision helped define the "checks and balances" of the American form of government.*

1937: Natl. Labor Relations Board vs. Jones Laughlin Steel Corp--*Effectively spelled the end to the Court's striking down of New Deal economic legislation, and greatly increased Congress's power under the Commerce Clause. Congress and their agencies can regulate intrastate commerce activities and labor “if they have such a close and substantial relation to interstate commerce that their control is essential or appropriate to protect that commerce from burdens and obstructions.”*

## **EXECUTIVE AND LEGISLATIVE BRANCHES**

### **President**

- Commander & Chief of Army, Navy and State Militia.
- Has the power, by advice and consent of the Senate to make treaties (2/3rds of Senate must approve).
- May nominate, and by and with the advice and consent of the Senate, Ambassadors and Supreme Court Justices.
- Requirements to hold office: 35 yrs old, US native born citizen, resident of U.S. for 14 years.
- Oath-preserve, protect, and defend Constitution.
- Bills to law: President may veto or sign in 10 days, or the bill is returned to Congress for 2/3rds vote in order to overcome the veto. If more than 10 days passes before returning the bill, the bill automatically becomes law.
- Pocket Veto – President does not sign (“holds in pocket”) and Congress has already left, results in a veto.

### **Vice President**

- VP: In Constitution of 1787, the VP was originally the candidate with second highest # of votes received for President. 12<sup>th</sup> Amendment established separate ballots for president and vice-president.
- Requirements to hold office: Same as the President.
- President of the Senate, but votes only if tie; (if VP is not in attendance the pro-tempore votes).
- In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the office, the powers and duties of the office devolve to the Vice President.

### **Congress**

- Comprised of U.S. House of Representatives and the Senate.
- Only Congress can declare war.
- Congress has responsibility for naturalization laws and ratifying treaties.
- Must meet annually.

### **House of Representatives**

- Powers that H of R has that Senate doesn't have
  - a) Revenue bills originate in the H. of R. (can be amended to & are approved by Senate)
  - b) Bring charges of impeachment for President/V.P.
    - Majority of H of R required to 'impeach';
    - Then senate holds trial- with 2/3rds vote required to convict
    - Chief Justice is President of Senate; rather the VP
    - Andrew Johnson & Bill Clinton both impeached.
    - Majority of the H. of R. voted to impeach; both were tried in the Senate but neither was convicted of charges.
- Has 435 Members, apportioned based on population
- Lead by Speaker of House (selected by majority party; presides over debate-not

- excluded from vote like the VP/Pres. of Senate)
- House members must be 25 yrs old, 7 yrs. as a US citizen at the time of election, and a resident at the time of election of the congressional district within the state he/she represents. Serve for a 2 year term.

### **Senate**

- Initially in the Constitution: appointed by their state legislatures (changed to vote by the people-- 17<sup>th</sup> Amendment)
- 2 Senators per state. Number NEVER to be changed by amendment (Constitution does not allow changes in Senate representation) = 100 members.
- Senators must be at least 30 yrs old, 9 yrs. as a US citizen at time of election; term is 6 years; 1/3 elected every 2 yrs.
- Impeachments are tried in the Senate
- Ratify treaties
- President of the Senate (VP) only votes in the case of tie.

## CONSTITUTIONAL CONVENTION (*Facts in Brief*)

### *Constitutional Convention* 1787 Philadelphia

- Washington presided over the Constitutional Convention; first to sign the Constitution.
- William Johnson (secretary of the Convention) last person to sign the Constitution.
- 55 Delegates from 12 States (12 delegates did not attend, including all from Rhode Island).
- One important issue: Federal vs. State Rights. The previous Articles of Confederation gave more rights to state governments. The states were also equally represented regardless of size of population (VA had the largest population, NJ and NH had the smallest).
- Federalists: Statesmen and public figures supporting ratification of the U.S. Constitution. Hamilton, author of The Federalist Papers, Washington and John Adams.
- Anti-Federalists: Believed the central governing authority of a nation should be equal or inferior to, but not have more power than the states. Patrick Henry and Samuel Adams.
- Convention required 9 of 13 states to ratify Constitution; NH was the 9th state to ratify in 1791; last state was R.I.
- Determining state to be ratified in 1788.
- Slaves were referred to as "other persons" counted as "3/5ths" a person in determining representation in Congress.
- Constitution mentioned slavery in none of its provisions.
- Writ of Habeas Corpus: Legal document stating right of a jailed person to be released if proper charge cannot be brought.
- Treason: Levying war and aiding/comforting any persons waging war against the US. ; 2 witnesses to act or confession needed.

E. H. Hiebert developed this study guide based on information provided by the UCSC Ed. Dept. Revised 2010. No claims are made for accuracy. Aim of this section is to demonstrate how to use conceptual clustering for learning content. Refer to the US Constitution including all amendments and other sources cited on page 1.

<b>INDIVIDUAL RIGHTS VS. THE STATE</b>		
<ul style="list-style-type: none"> <li>• Prohibits illegal search and seizure-4th amendment applies to states (Mapp vs. Ohio, 1961)</li> <li>• Miranda Rights- "You have the right to remain silent..." (Miranda vs. AZ)</li> <li>• Free speech can be limited when clear &amp; present danger present (defendants accused of persuading draftees to break law (Schenck vs. U.S., 1919)</li> <li>• Slavery deemed legal--Dred Scott, a slave, lost (Dred Scott vs. Sanford, 1857) (overturned by the 13<sup>th</sup> Amendment)</li> </ul>		
<b>SCHOOL-RELATED DECISIONS</b> <ul style="list-style-type: none"> <li>• Bible verse recitation not allowed in schools (Abington School District, PA vs. Schernp, 1963); Prayer not allowed in schools (Murry vs. Curlett, MD, 1963).</li> <li>• Refusal to salute allowed based on religious grounds (W VA School Board vs. Barnette, 1943).</li> <li>• Separate but equal facilities based on race upheld by court (Plessey vs. Ferguson, 1896) (reversed by Brown vs. Topeka, 1955).</li> <li>• Separate but equal has no place in schools (Brown vs. Topeka Board of Ed, 1955).</li> </ul>	<b>STATE VS. FEDERAL RIGHTS</b> <ul style="list-style-type: none"> <li>• State (&amp; Congress) can regulate minimum wage (West Coast Hotel vs. Parrish, 1937).</li> <li>• States must draw their electoral districts according to population (Baker vs. Carr, 1962).</li> <li>• Supremacy of U.S. Congress's treaties over state constitutions (MO vs. Holland, 1920).</li> <li>• Congress regulates commerce with foreign nations &amp; Indian tribes - interstate commerce power (Gibbons vs. Ogden, 1824).</li> </ul>	<b>FEDERAL POWER</b> <ul style="list-style-type: none"> <li>• Congress &amp; their agencies can regulate labor since commerce crosses state lines (Natl. Labor Relations Bd. vs. Jones Laughlin Steel Corp., 1937).</li> <li>• Act of Congress ruled as unconstitutional; Supreme Court has final interpretation of Constitution; established the power of judicial review (Marbury vs. Madison, 1803).</li> <li>• State may be sued by nonresident (federal courts had jurisdiction between a state &amp; citizen of another state or country). Overturned by 11th Amendment. (Chisholm vs. GA 1793).</li> </ul>
<b>STATE VS. FEDERAL RIGHTS</b> <ul style="list-style-type: none"> <li>• 10<sup>th</sup> Amendment: Powers not given to federal government reside with the states. *</li> <li>• 11<sup>th</sup> Amendment: Suits against a state must be tried in state courts.</li> <li>• 14<sup>th</sup> Amendment: States cannot make or enforce a law that abridges privileges of US Constitution; state representatives should apportioned counting "the whole number of persons in each state." The state shall not deprive any person of life, liberty or property without due process.</li> <li>• 16<sup>th</sup> Amendment: Establishes Federal income tax.</li> </ul>	<b>PROCEDURES FOR NEW AMENDMENTS</b> <ul style="list-style-type: none"> <li>• Proposed by 2/3 votes in both houses of Congress or by a National Convention called by Congress at request of 2/3 states.</li> <li>• Ratified by legislators of 3/4 states or by conventions in 3/4 states.</li> </ul> <b>OTHER AMENDMENTS</b> <ul style="list-style-type: none"> <li>• 3<sup>rd</sup> Amendment: No soldier should be quartered in time of peace without the owner's consent. In time of war only as prescribed by law.</li> <li>• 18<sup>th</sup> Amendment: Prohibition of the manufacture, sale or transportation of liquor.</li> <li>• 21<sup>st</sup> Amendment: Repeal of Prohibition.</li> <li>• 23<sup>rd</sup> Amendment: Permits citizens of the District of Columbia to vote for President and V.P.</li> </ul>	<b>RIGHTS OF ACCUSED</b> <ul style="list-style-type: none"> <li>• 5<sup>th</sup> Amendment: No person can be tried for same offense twice, witness against him or herself, nor be deprived of life, liberty or property without due process; or have property taken for public use without compensation. *</li> <li>• 6<sup>th</sup> Amendment: Right to a speedy trial by an impartial jury of the state; informed of nature and cause of accusation, confronted by witnesses against him and obtain witnesses in favor; right to legal counsel *</li> <li>• 7<sup>th</sup> Amendment: Right of trial by jury "in suits at common law" (where value exceeds \$20). *</li> <li>• 8<sup>th</sup> Amendment: Prohibits excessive bail fines &amp; cruel or unusual punishment. *</li> </ul>
<b>CITIZEN RIGHTS</b> <ul style="list-style-type: none"> <li>• 1<sup>st</sup> Amendment: Freedom of religion, speech, press, assembly &amp; petition. *</li> <li>• 2<sup>nd</sup> Amendment: Right to bear arms. *</li> <li>• 4<sup>th</sup> Amendment: Prohibition against unreasonable search &amp; seizure. *</li> <li>• 9<sup>th</sup> Amendment: Rights not limited to those outlined in the Constitution. *</li> </ul>	<b>COMPOSITION OF EXECUTIVE &amp; CONGRESS:</b> <ul style="list-style-type: none"> <li>• 12<sup>th</sup> Amendment: Prescribes procedures by which President &amp; Vice President are elected: Determined by electoral college in states; majority of votes wins. If no person has a majority of votes the House of Representatives shall elect by ballot.</li> <li>• 17<sup>th</sup> Amendment: State citizens vote for senators (not appointed by state legislatures).</li> </ul>	

<ul style="list-style-type: none"> <li>• 13<sup>th</sup> Amendment: Slavery or involuntary servitude shall not exist in US except as a punishment for crime where the party has been duly convicted.</li> <li>• 15<sup>th</sup> Amendment: Guarantees the right to vote regardless of race, color, or previous condition of servitude.</li> <li>• 19<sup>th</sup> Amendment: Guarantees women the right to vote: the right to vote cannot be denied or abridged based on sex.</li> <li>• 24<sup>th</sup> Amendment: Right to vote for President, V.P. &amp; Congress without poll tax or other tax.</li> </ul>	<p>20<sup>th</sup> Amendment: The terms of President &amp; Vice President begin on Jan. 20; terms of Congress on Jan. 3. "If, at the time fixed for the beginning of the term of President, the President elect shall have died, the Vice President elect shall become President."</p> <ul style="list-style-type: none"> <li>• 22<sup>nd</sup> Amendment: The President is limited to serving 2 consecutive terms.</li> <li>• 25<sup>th</sup> Amendment: In the case of removal of the president from office, death or resignation, the VP assumes office. Outlines procedures by which the VP assumes the powers and duties as the Acting President. If vacancy in VP, President nominates a VP and both houses must confirm by majority vote.</li> </ul>
<ul style="list-style-type: none"> <li>• <b>The Bill of Rights:</b> The first 10 amendments; ratified in 1791.</li> <li>• <b>THE PREAMBLE to the Constitution:</b> "We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America."</li> </ul>	

## EXECUTIVE & LEGISLATIVE BRANCHES

<u>PRESIDENT</u>	<u>CONGRESS</u>	<u>CONSTITUTIONAL CONVENTION</u>
<ul style="list-style-type: none"> <li>• Commander &amp; Chief of the Army, Navy &amp; State Militia.</li> <li>• At least 35 yrs. old, a US "natural born" citizen, and have been a resident in US for 14 yrs.</li> <li>• Oath of Office: "... preserve, protect, and defend the Constitution of the United States."</li> <li>• Bill to law: After passing both houses of Congress, Pres. must sign bill in 10 days or veto it and return it to Congress (requires 2/3rds vote to override veto). If more than 10 days has elapsed, the bill becomes law. Pocket veto: Allows President to indirectly veto bill if Congress is adjourned before the end of 10 days and president fails to sign a bill.</li> </ul> <p><b><u>VICE PRESIDENT</u></b></p> <ul style="list-style-type: none"> <li>• Same eligibility requirements as president.</li> <li>• VP: In Constitution of 1787: VP was the presidential candidate with the second highest # of votes received.</li> <li>• Pres. of Senate but only votes if there is a tie. If V.P. is absent, the pres. Pro-tempore (pro tem) may preside over Senate.</li> </ul>	<ul style="list-style-type: none"> <li>• Only Congress can declare war.</li> <li>• Congress has responsibility for naturalization laws &amp; ratifying treaties.</li> <li>• Must assemble at least once each year.</li> </ul> <p><b><u>HOUSE OF REPRESENTATIVES:</u></b></p> <ul style="list-style-type: none"> <li>• 2 powers reside with H. of R. that Senate doesn't have:</li> <li>• a) All revenue bills originate in H. of R. (can be amended to &amp; are approved by Senate).</li> <li>• b) Bring charges of impeachment for Pres/V.P. A simple majority of H. of R. required to "impeach"; then Senate holds a trial and may convict with a 2/3rds vote required. Chief Justice-rather than VP-serving as Pres. of Senate. --Andrew Johnson &amp; Bill Clinton both impeached (i.e., majority of the H. of R. voted to impeach). Senate held trial; neither was convicted.</li> <li>• Have 435 members, regardless of population. Currently, 1 member represents 650,000 people.</li> <li>• Led by Speaker of House (chosen by majority).</li> <li>• Rep. must be 25 yrs. old, 7</li> </ul>	<ul style="list-style-type: none"> <li>• Constitutional Convention: 1787 in Philadelphia with 55 delegates from 12 states (19 didn't attend, including all from Rhode Island); Washington presided over Convention and was 1st to sign the Constitution (Wm. Johnson last to sign). Greatest issue: state rights.</li> <li>• Federalists: supporters of Constitution, A. Hamilton, author of The Federalist Papers (vs. anti-Federalists led by Patrick Henry).</li> <li>• A convention of 9 of 13 states needed to ratify -9th state was NH in 1791 (last: RI).</li> <li>• In original Constitution: Slaves (who were referred to as "other persons") counted as "3/5ths" a person for determining # of representation in Congress.</li> <li>• Writ of Habeas Corpus: Legal document stating right of a jailed person to be released if proper charge cannot be brought.</li> <li>• Treason: levying war against US or adhering to their enemies, giving them aid &amp; comfort; 2 witnesses to act or confession in open court.</li> </ul>

<p><b><u>AMERICAN CITIZENSHIP</u></b></p> <ul style="list-style-type: none"> <li>• Accorded to those born in American territories, including Puerto Rico &amp; Virgin Islands.</li> <li>• Requirements to be "naturalized" as a citizen: 18 years (unless child of a citizen), lived in US 5+ yrs., speak &amp; read English; swear to support Constitution, and judged of good moral character.</li> </ul>	<p>yrs. as a US Citizen &amp; must be a resident of the district and state at the time of election. All are elected every 2 yrs.</p> <p><b><u>SENATE</u></b></p> <ul style="list-style-type: none"> <li>• In initial Constitution: appointed by their state legislatures (changed with 17<sup>th</sup> Amendment).</li> <li>• Allocation of 2 Senators per state can NEVER be changed by amendment (per Constitution only item on which there can't be an amendment).</li> <li>• Senator: 30 yrs. old, 9 yrs. as a US citizen, must be resident of the state at the time of election.</li> <li>• Senate: 1/3 elected every 2 years (for 6 year term).</li> <li>• Sole power to try impeachments.</li> </ul>	
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### **US CONSTITUTION-Sample Test Items**

1. Commander & Chief of Army, Navy, State Militia?
2. Naturalization laws are enacted by?
3. How are the seats in the House of Representatives apportioned? What is the number of House members?
4. Amendments can be proposed by?
5. Who can declare war?
6. Who is President of the Senate and what is his/her role?
7. Who refused to send delegates to the Constitutional Convention?
8. What is a writ of Habeas Corpus?
9. House of Representatives are limited to how many members? (Regardless of increase in population).
10. What are the requirements to be a US Representative?
11. Who was opposed to the Constitution?
12. What is the process for a bill becoming a law?
13. What are the requirements to become a Senator and what sole power lies with the Senate?
14. What is the definition of treason?
15. What are the requirements to be President?

16. How are finance bills proposed and approved?
17. How often are Senators and the House of Representatives elected?
18. Describe some important facts about the Constitutional Convention.
19. Which president (s) were impeached?
20. How are Amendments ratified?
21. How are Amendments proposed?
22. Amendment XXVI [26]
23. Amendment XXV [25]
24. Amendment XXIV [24]
25. Amendment XXIII [23]
26. Amendment XXII [22]
27. Amendment XXI [21]
28. Amendment XX [20]
29. Amendment XVIII [18]
30. Amendment XVII [17]
31. Amendment XVI [16]
32. Amendment XV [15]
33. Amendment XIV [14]
34. Amendment XIII [13]
35. Amendment XII [12]
36. Amendment XI [11]
37. Amendment X [10]
38. Amendment IX [9]
39. Amendment VIII [8]
40. Amendment VII [7]
41. Amendment VI [6]
42. Amendment V [5]
43. Amendment IV [4]
44. Amendment XIX [19]
45. Amendment III [3]
46. Amendment II [2]
47. Amendment I [1]
48. Chisholm Vs. Georgia (1793)
49. Constitution was adopted when? Ratified when?

50. Marbury Vs. Madison (1803)
51. Gibbons Vs. Ogden (1824)
52. Dred Scott Vs. Sanford (1857)
53. Plessy Vs. Ferguson (1896)
54. Schenck Vs. US. (1919)
55. Missouri Vs. Holland (1920)
56. National Labor Relations Board (NRLB) Vs. Jones & Laughlin Steel Corp. (1937)
57. West Coast Hotel Vs. Parrish (1937)
58. W. Virginia State Board of Ed. Vs. Barnette (1943)
59. Brown Vs. Board of Education; Topeka (1955)
60. Mapp Vs. Ohio (1961)
61. Baker Vs. Carr- (1962)
62. School District of Abington (Pa.) Vs. Schemp (1 963)
63. Murray Vs. Curlett (Md.) (1963)
64. Miranda Vs. Arizona (1966)

## Sample Test Question-Answers

1. The President
2. The Congress
3. The seats in the House of Representatives are apportioned among the states by population, as determined by the census conducted every ten years. 435 members.
4. Amendments to the Constitution can be proposed by a 2/3rds vote of both houses or by 2/3rds of the state legislatures. An amendment is ratified by approval of 3/4ths of the state legislatures or by convention in 3/4ths of the states.
5. Only Congress.
6. Vice President. Presides over the Senate. Can only vote if there is a tie. If V.P. isn't in attendance a pro-tempori (or President Pro-tem) is used.
7. Rhode Island
8. Legal document stating the right of a jailed person to be released if proper charges cannot be brought against him.
9. They have the power to impeach the president, propose finance bills, select their own speaker.
10. 25 years old, 7 years resident of U.S. and must live in the district and state in which elected.
11. Anti-Federalists. Supporters were the Federalists.
12. Congress proposes bills. President must sign in 10 days or bill is returned to Congress to be passed by a 2/3rds vote in order to override veto. If not signed or returned in 10 days, bill automatically becomes law. Pocket veto-- President does not sign, but Congress has adjourned before the 10 days.
13. 30 yrs. old, 9 years as U.S. resident. President of Senate is the V.P.; votes only in a tie. The Senate has the sole power to convict an impeached president by a 2/3rds vote. (Chief Justice takes V.P.'s place in Senate during trial).
14. Levying war and or aiding and comforting the enemy. Requires: 2 witnesses to the act or a confession in court.
15. 35 years old, natural-born citizen and at least 14 years residency in U.S. President's oath: "...preserve, protect and defend the Constitution of the U.S."
16. Must start in the House of Representatives then approved by Senate. President may sign the bill into law or veto.
17. Senators: 1/3rd of Senate elected every 2 yrs. (serve a 6 year term). House of Representatives: All members are elected every 2 years (they serve a 2 year term).

18. Held in Philadelphia in 1787. First to sign was George Washington & William Johnson was the last. 12 states were represented.
19. Andrew Johnson and Bill Clinton were both impeached by the House of Representatives. Johnson was tried by the Senate, but acquitted by 1 vote (a 2/3rds majority is required). Clinton was tried in the Senate and found not guilty of the charges brought against him (the vote on both counts falling short of the 2/3rds majority).
20. a.) By 2/3 vote in both houses of Congress or b) By a National Convention called by Congress at the request of 2/3rds of the states.
21. a) By the legislators of 3/4ths of the states or b) By conventions in 3/4ths of the states.
22. Voting age is lowered: citizens of the U.S., 18 years or older may not be denied the right to vote.
23. Presidential succession: a) If Pres. resigns, is removed or dies in office, V P. becomes President b) If vacancy in V.P. office - Pres. nominates. c) If President is unable to carry out his/her duties then V.P. assumes office as acting President.
24. The right of citizens of U.S. to vote for President, V.P., Senators or representatives shall not be denied due to failure to pay poll tax or other tax.
25. Gives Washington D.C. residents the right to vote for President and Vice President.
26. President cannot be elected more than twice.
27. 18th Amendment prohibiting the manufacture, sale or transportation of liquor is repealed.
28. The terms of Pres. and V.P. shall end at noon the 20th day of January - Terms of Senators and Reps shall end on the 3rd day of January at 12:00 noon.
  - a) Congress assembles at least once per year
  - b) If President-elect dies, V.P.-elect becomes President.
  - c) If neither the President or the VP qualifies, the Congress can select the President until a President or VP shall have qualified.
29. The manufacture, sale or transportation of intoxicating liquors is prohibited.
30. The Senate shall be composed of 2 Senators from each state elected by the people for 6 years.
31. Income Tax: Congress shall have the power to lay and collect taxes on incomes whatever source derived without regard to any census or enumeration.
32. The right of US. citizens to vote no matter race, color or previous condition of servitude- Congress has the power to enforce this.
33. No state shall make or enforce any law that abridges the privileges or immunities of

citizens of the U.S., nor shall the state deprive any person of life, liberty or property without due process of law; nor deny any person equal protection under the law.

**Part 2** - Each state will count its representatives as whole numbers of persons.

34. Neither slavery nor involuntary servitude except as punishment for a crime shall exist in the U.S. or anywhere subject to its jurisdiction.
35. Pres. & Vice Presidential electoral procedure revised:
  - a) Electors meet in states to vote.
  - b) Majority of votes wins
  - c)** Names of candidates for VP and Presidential appear on distinct ballots.
  - d) If Electoral College doesn't reach a majority vote, the House of Representatives vote.
36. Suits against the state must be tried in state courts: The judicial power of U.S. cannot extend to any suit in law or equity, commenced or prosecuted against one of the U.S. by citizens of another state or by citizens of a foreign state.
37. Powers not given to the federal Government belong to the states or to the people - The powers not delegated to the U.S. by the Constitution, nor prohibited by it to the states respectively, or to the people.
38. The enumeration in the Constitution of certain rights shall not be constructed to deny or disparage other rights retained by the people.
39. Prohibits excessive bail fines and cruel and unusual punishment - Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.
40. Right of trial by jury: In suits at common law where the value in controversy shall exceed \$20.
41. Right of a person accused of a crime. Right to a speedy trial: In all criminal prosecutions, the accused shall enjoy the right to a speedy trial and public trial, by an impartial jury of the senate and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witness against him; to have compulsory process for obtaining witness in his favor, and have the assistance of counsel for his defense.
42. Rights of Accused persons: No persons shall be held to answer for capital, or otherwise infamous crime unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces or in the Military when in actual service in time of war

- or public danger; nor shall any person be subject for the same offense to be twice in jeopardy of life or limb; nor shall be compelled in any case (crime) to be a witness against himself nor have his property taken for public use without compensation.
43. Prohibition of Unreasonable Search & Seizure: The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, support by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.
  44. The rights of citizens to vote shall not be denied on the account of sex. Congress shall enforce.
  45. Housing of Troops: No soldier, shall in, times of peace be quartered in any house without consent of the owner, nor in any time of war, but in a manner to be prescribed by law.
  46. Rights to bear arms: A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.
  47. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of people to peaceably assemble, and to petition the Government for a redress of grievances.
  48. A state could be sued by a non-resident for the payment of debts giving federal courts jurisdiction over disputes between a state and a citizen of another state or foreign country. Chisholm won. Overturned by 11th Amendment.
  49. Delaware was 1st to approve; adopted (accepted) in 1788; ratified 1791, last state to ratify was Rhode Island.
  50. Established the Supreme Court as the nation's final arbiter of the Constitution. Ruled a provision of an act of Congress to be unconstitutional. (Marbury won this commission).
  51. Further defined commerce in the Constitutional clause. Congress shall have the power to regulate commerce with foreign nations among several states, and with the Indian tribes—extended definition of commerce beyond goods—transportation, etc. (resulted in the explosion of the steam boat commerce).
  52. Ruled slavery legal - court held that Congress had no constitutional power to forbid slavery in the New Territories of the west. Dred Scott lost and was denied his freedom.
  53. Separate but Equal: Separate but equal facilities were neither unreasonable nor illegal - condemned Blacks to second-class citizenship (inferior facilities including schools, etc. ). (Later reversed in 1954- Brown vs. Board of Education)

54. Defendants were convicted for mailing circulars to draftees urging them to resist. Court rules they, shouldn't be protected under the 1st amendment because there was "clear & present danger" of persuading draftees to break the law.
55. Migratory Bird Treaty Act of 1918 where Missouri argued the unconstitutionality of the act under the 10th Amendment an invasion of its sovereign right. All treaties made under authority of the U.S. shall be supreme law. Supremacy of treaties over - state constitutions. Missouri lost.
56. Jones Laughlin Steel Corp. Refused to comply with the National Labor Relations Board that protected labor's right to organize. Court upheld constitutionality of NLRB. Congress has the power to regulate labor.
57. A Washington State law regulating wage minimums for women & children. Political branches of govt. have the power to regulate the Nation's economy- West Coast Hotel lost suit - had to follow Washington law of wage minimum.
58. Board of Education wanted to expel students who didn't do flag salute. Freedom of religion. Barnette (the Jehovah witnesses won this case).
59. "Separate but equal has place in Education." Ruled that Linda Brown had been deprived of equal protection under the 14th Amendment (this amendment was followed by the guidelines for desegregation of the schools.) Declared segregated schools n& equal.
60. Mrs. Mapp's home was searched illegally and she was charged in Ohio for obscene material. The Supreme Court overruled the state court and stated that the 4th Amendment is applicable to the states.
61. State courts have authority to supervise an appointment of a state legislator. High court did not rule in favor of Baker but said that he had a point. Feds - supervise a proportion of state legs.
62. The law or constitution cannot enhance or inhibit religion. Schemp's didn't want prayer in school; they were upheld.
63. (Prayer) Result religious exercises in public schools were "unconstitutional"; state is neutral, Separation of church & state. Mrs. Murray (atheist) didn't want prayer in school. She won the case.
64. Supreme court underlined its intention to accused persons from being forced to confess. Suspects had to be immediately informed that they have the following rights:
  - Right to remain silent, right to legal representation, and to be informed that anything they say can be used against them in a court of law.