

Constitutional Law Quiz

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Q1. Who does the Constitution say ordains and establishes the Constitution for the United States of America?

- (a) George Washington
- (b) The United States of America
- (c) We the People of the United States
- (d) The 13 Colonies of North America
- (e) God

Q2. Who does the Constitution (prior to any amendments) say gets to vote for the members of the House of Representatives?

- (a) all free white males over the age of 21 inhabiting the district wherein the member shall serve
- (b) whoever gets to vote for the members of "the most numerous Branch of the State Legislature"
- (c) all freeholders inhabiting the district wherein the member shall serve
- (d) whoever is entitled to vote for the "most numerous Branch of the State Legislature"
- (e) whoever the House of Representatives shall, by vote of two-thirds present, deem appropriate from time to time

Q3. Which of the following best represents the formula under the Constitution (prior to any amendments) for determining the number of representatives in the House of Representatives.

- (a) a proportion of the sum of (a) the number of free Persons, including those bound to Service for a Term of Year but excluding Indians not taxed and (b) three fifths of other persons
- (b) a proportion of the sum of (a) the number of free white Persons, including those bound to Service for a Term of Year but excluding Indians not taxed and (b) three fifths of other persons
- (c) a proportion of the sum of (a) the number of free white Persons, including those bound to Service for a Term of Year but excluding Indians not taxed and (b) three fifths of other persons
- (d) a proportion of the sum of (a) the number of free white males, including those bound to Service for a Term of Year but excluding Indians not taxed and (b) three fifths of other persons
- (e) a proportion of the product of (a) the number of square miles in the state and (b) the number of inhabitants thereof, excluding Indians not taxed and three fifths of persons of African descent

Q4. What does the Constitution say happens when vacancies occur in the Representation from any State in the House of Representatives?

- (a) it shall lie empty until the next regular election
- (b) it shall be filled by that person who pays the governor of the state the greatest amount of money; and if no person shall pay an adequate sum, it shall be filled by the governor himself
- (c) the Executive Authority of that state selects the representative who shall serve until the next regularly scheduled election
- (d) the Executive Authority of that state issues a "Writ of Election" to fill the vacancy
- (e) it shall be filled by a person chosen by the remaining representatives from that state or, in the event there be no extant representatives, by majority vote of the representatives of any neighboring state

Q5. To whom does the Constitution give the power of impeachment?

- (a) to the House of Representatives, exclusively
- (b) to the Senate, exclusively
- (c) to both the House of Representatives and Senate, jointly
- (d) to the House of Representatives, except in cases of impeachment of a Supreme Court Justice or President, in which event the power is allocated to the Senate
- (e) none of the above

Q6. X has been a United States citizen for 8 years and is 32 years old. Which of the following offices can X hold?

- (a) a member of the House of Representatives
- (b) a United States Senator
- (c) President of the United States
- (d) Supreme Court Justice
- (e) (a) and (d)

Q7. Which of the following is, according to the Constitution, a permissible consequence of a judgment of impeachment

- (a) removal from office
- (b) disqualification to hold and enjoy any Office of Honor, Trust, or Profit under the United States
- (c) imprisonment of a term not to exceed 10 years
- (d) (a) and (b)
- (e) (a) and (b) and (c)

Q8. Which of the following sentences are actually in the Constitution:

- (a) "Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members"
- (b) "Each House shall be the Judge of the Elections, Returns and Qualifications of the Members of its counterpart House"
- (c) "The Speaker of the House or President Pro Tempore of the Senate shall be the Judge of the Elections, Returns and Qualifications of members of the House of Representatives and Senate, respectively"
- (d) "Each House shall be the Judge of the Elections, Returns and Qualifications of the Members of its own Members, but shall lack power to decline to seat a Member"
- (e) "The Sergeant of Arms shall, with the advice and consent of the members of the Senate, determine whether the Qualifications of its members are met."

Q9. Which of the following would, under the original Constitution as written, constitute a potential obstacle to Hillary Clinton becoming Secretary of State.

- (a) the emoluments of that office were increased during the time for which Ms. Clinton was elected Senator
- (b) the fact that she is a woman
- (c) that her husband served as President of the United States for two full terms
- (d) (a) and (b)
- (e) none of the above

Q10. Under which of the following circumstances can the President veto a Bill without being subject to an override by a two thirds vote of both houses?

- (a) no circumstances
- (b) in case of a "threat to the domestic tranquility of the United States"
- (c) in case of a bill enacted pursuant to the 14th amendment
- (d) if Congress suspends operations (by adjournment, for example) within 10 days (excluding Sundays) after it has been presented to the president
- (e) if the Bill has been enacted by less than a two-thirds vote of both house

Q11. Under which of the following circumstances does the Constitution permit a lack of uniformity in the duties, imposts and excises imposed by Congress

- (a) whenever Congress shall so determine
- (b) whenever Congress, by a two thirds vote of each House, shall so determine
- (c) in cases of intangible goods
- (d) in case of approval by the Executive Authority of the state in which the lack of uniformity shall exist
- (e) none of the above

Q12. The Constitution says that Congress shall have Power To ...

- (a) regulate Commerce with foreign Nations
- (b) regulate commerce among the several States
- (c) regulate commerce with the Indian Tribes
- (d) (a) and (b)
- (e) (a) and (b) and (c)

Q13. Which of the following powers does the Constitution explicitly give to Congress

- (a) to establish a uniform Rule of Naturalization
- (b) to establish a uniform Rule of Immigration
- (c) to establish a uniform law on the subject of commercial sales of goods
- (d) to establish a uniform law on the subject of insurance
- (e) none of the above

Q14. Over which of the following areas does Congress exercise exclusive legislative jurisdiction pursuant to the literal language of the Constitution?

- (a) the District (not exceeding ten miles square) as may become the Seat of the Government of the United States
- (b) over such Lands as shall be used for the preservation of Parks and Forests
- (c) over Forts purchased with or without the Consent of the Legislature of the State in which the Same shall be situated
- (d) over such lands as may now or hereafter be occupied by Tribes of Indians
- (e) (a) and (b)

Q15. Commentators frequently discuss something called the “Necessary and Proper” clause that describes a power of Congress. Which of the following is it?

- (a) To make all Laws which shall be necessary and proper in cases of Rebellion or Invasion in which the public Safety may require it
- (b) To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any department or Officer thereof
- (c) To make all Laws which shall be necessary and proper to the regulation of Commerce
- (d) To make all Laws which shall be necessary and proper to the declaration of War, support of Armies and provision of Navies
- (e) To make all Laws which shall be necessary and proper to the Progress of Science and useful Arts

Q16. Delaware was an original state of the United States. Ohio was admitted as a state in 1803. According to the literal language of the original Constitution, which of the following would appear to be correct.

- (a) Congress could not at any time prohibit Delaware or Ohio from admitting the migration or importation of such Persons as those states might respectively choose to admit
- (b) Congress could at any time prohibit Delaware or Ohio from admitting the migration or importation of such Persons as those states might respectively choose to admit
- (c) Congress could not prior to 1808 prohibit Delaware from admitting the migration or importation of such Persons as Delaware might respectively choose to admit, but there was no parallel bar on Congressional action with respect to Ohio
- (d) Congress could not prior to 1808 prohibit Ohio from admitting the migration or importation of such Persons as Ohio might respectively choose to admit, but there was no parallel bar on Congressional action with respect to Delaware
- (e) Congress could not at any time prohibit Delaware or Ohio from admitting the migration of such Persons as those states might respectively choose to admit but could prohibit their “importation”

Q17. Which of the following accurately describes the Constitution’s provisions regarding the Writ of Habeas Corpus

- (a) The privilege of the Writ of Habeas Corpus shall not be suspended, unless by vote of two-thirds of both houses of Congress
- (b) The privilege of the Writ of Habeas Corpus shall not be suspended, except in cases involving Enemy Combatants, Pirates or involving Letters of Marque and Reprisal
- (c) The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.
- (d) The privilege of the Writ of Habeas Corpus shall not be suspended, except in cases committed on the high Seas, in nations believed to have Weapons of Mass Destruction, or Offenses against the Law of Nations
- (e) The privilege of the Writ of Habeas Corpus shall be suspended in cases involving Enemy Combatants, Pirates or involving Letters of Marque and Reprisal

Q18. Which of the following accurately describes the Constitution's provisions with respect to Titles of Nobility

- (a) the United States may not grant a Title of Nobility, though the states were explicitly empowered to do so until the passage of the 11th amendment, which prohibited the practice
- (b) the Supreme Court is provided original jurisdiction to determine the propriety of any grant of a Title of Nobility by the United States, although it has never exercised this jurisdiction as a result of the "Washington Act," which prohibited any such grants.
- (c) the Supreme Court is provided appellate jurisdiction to determine the propriety of any grant of a Title of Nobility by the United States, although it has never exercised this jurisdiction as a result of the "Washington Act," which prohibited any such grants.
- (d) The United States may not grant a Title of Nobility
- (e) The states may not grant a Title of Nobility; Congress is empowered to do so under the Constitution by vote of two thirds of both houses, although it has never exercised this jurisdiction as a result of the "Washington Act," which prohibited any such grants.

Q19. Which of the following acts does the Constitution (prior to any amendments) prohibit to the States

- (a) entry into a treaty, alliance or confederation
- (b) coining Money
- (c) passing an ex post facto Law
- (d) passing a law impairing the obligation of contracts
- (e) all of the above

Q20. Under which of the following circumstances may a state of the United States engage in War pursuant to the Constitution?

- (a) none, the power is reserved exclusively to the federal government
- (b) if actually invaded or in such imminent Danger as will not admit of delay
- (c) in case of hostilities from an Indian Tribe
- (d) in case of migration directed by a King, Prince or foreign State in violation of the laws of that state
- (e) when approved by the Executive Authority of that State and by a two thirds vote of the members of the the "most numerous Branch of the State Legislature"

Q21. Congress votes that those states who have any part thereof lying west of any portion of the Mississippi River shall have their Electors vote for President in the afternoon of a specified day and that all other states shall vote on the morning of such day. Which of the following best addresses the constitutionality of such a provision?

- (a) the legislation violates the Constitution because it sets the date for election of the President as the *entirety* of the first Tuesday in November.
- (b) the legislation violates the Constitution because it violates the "Navigable Waters" clause by classifying states on the basis of location "relative to a Navigable Body of Water."
- (c) the legislation violates the Constitution because the Constitution requires the day and time on which the Electors vote to be the same throughout the United States
- (d) the 18th amendment prohibited this practice, which grew up following the Civil War as a way of enhancing the power of the eastern states; as more states West of the Mississippi entered the union, political support for this practice collapsed
- (e) the literal language of the Constitution would not appear to explicitly prohibit this legislation

Q22. Some people have expressed doubt that President Obama was actually born in the United States. Why might this be constitutionally relevant?

(a) the Constitution specifies that the President must be a “natural born Citizen” or have been a Citizen of the United States at the time the constitution was adopted; obviously Obama does not meet the latter alternative

(b) the Constitution specifies that the President must be a “natural born Citizen of the United States and a citizen of a state of the United States;” since Obama was born in Hawaii in late 1961 prior to that state’s entry into the Union in 1962, he is, technically speaking, not constitutionally qualified

(c) because, since it is acknowledged that Obama spent much of his childhood in Indonesia, he arguably does not qualify under the provision of Article II requiring the president either to be a “natural born citizen of the United States” or have spent “two-thirds of his Years of Minority as a domiciliary of a state of the United States or its Seat of Government.”

(d) the Constitution specifies that the President must be a “natural born Citizen or a naturalized citizen”; Obama clearly was never naturalized, so, if he is not a “natural born citizen,” he is technically unqualified

(e) the Constitution specifies that the President must be a “natural born Citizen of the United States and a citizen of a state of the United States;” Hawaii does not permit non-native Hawaiians to become citizens of that state; thus, even if Obama lived in Hawaii shortly after his birth, he never became a citizen of that state as required by the Constitution

Q23. Michigan decides it would like to give President Obama “a tip” of \$50,000 for his excellent service during the first year of his presidency. May it do so?

(a) no, state emoluments to the President may not exceed \$20

(b) no, state emoluments to the President are categorically prohibited

(c) yes, provided the emolument is approved by Congress

(d) yes, provided the emolument is for “extraordinary actions in service of the State.”

(e) yes

Q24. Which of the following is the content of the oath of office of the President of the United States?

(a) "I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

(b) "I do solemnly swear before God Almighty that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

(c) "I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States, so help me God."

(d) "I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States against invaders domestic or foreign, so help me God."

(e) "On my honor I will do my best to do my duty to God and my country and to obey the law; to help other people at all times; to keep myself physically strong, mentally awake, and morally straight."

Q25. To whom does the Constitution give the power of "Reprieves and Pardons?"

- (a) the Senate
- (b) the House of Representatives
- (c) the Supreme Court
- (d) the President
- (e) (a) and (b)

Q26. To enact a treaty, which of the following must agree:

- (a) the President
- (b) the President and a majority of the Senators present
- (c) the President and two thirds of the Senators present
- (d) the President and a majority of the members of the House of Representatives present
- (e) the President and two thirds of the Senators present and two thirds of the members of the House present

Q27. Who may appoint officers of the United States other than ambassadors, "public ministers and consuls" and judges of the Supreme Court?

- (a) Congress
- (b) the President, if Congress so vests this power
- (c) the Courts of Law, if Congress so vests this power
- (d) "Heads of Departments" if Congress so vests this power
- (e) all of the above

Q28. Which of the following courts is explicitly created by the United States Constitution?

- (a) the United States Supreme Court
- (b) the Court of Claims
- (c) the territorial courts for "such territories as the United States from time to time may administer"
- (d) (a) and (b)
- (e) (b) and (c)

Q29. In which of the following cases does the United States Supreme Court have original jurisdiction?

- (a) cases affecting ambassadors, other public ministers and consuls
- (b) cases in which the constitutionality of a law of the United States shall be called into question
- (c) cases in which the constitutionality of a law of a state shall be called into question
- (d) cases in which a state shall be a party
- (e) (a) and (d)

Q30. Part of Yellowstone National Park lies in Idaho. But no one lives in that portion of the park. All of Yellowstone National Park is, by act of Congress, within the "District of Wyoming. Suppose A commits a federal crime in the Idaho part of the park for which, ordinarily, trial by jury is required. Where, consistent with the Constitution, may A be tried?

- (a) in a federal court in Idaho
- (b) in a federal court in Wyoming
- (c) in a federal court in Montana
- (d) (a) or (b)
- (e) apparently nowhere

Q31. Which of the following acts may be punished as treason under the United States Constitution?

- (a) levying War against the United States
- (b) adhering to the enemies of the United States, giving them aid and comfort
- (c) engaging in terrorism against the interests of the United States
- (d) (a) and (b)
- (e) (a) and (c)

Q32. Which of the following may be found in Article IV of the Constitution?

- (a) The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.
- (b) All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.
- (c) No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.
- (d) (a) and (b)
- (e) (b) and (c)

Q33. Under the Constitution prior to any amendments, which of the following best describes the rights of states to free persons "held to Service or Labour in one State" but escaping to another state.

- (a) Such state need not grant full faith and credit to the judgment of another state with respect to the obligations of the escaped person
- (b) Such state may not discharge the person from such Service or Labour, "But shall be delivered up on Claim of the Party to whom such Service or Labour may be due."
- (c) Such state may elect to discharge the person from such Service or Labour, provided that "it shall pay adequate Compensation to the person to whom such Service or Labour was due."
- (d) Such state may not discharge the person from such Service or Labour if the person escaping would have been bound to perform the Service or Labour in that State.
- (e) The original Constitution did not address this issue

Q34. Voters in Rhode Island and Connecticut decide it would be in their interests to merge and become Rhodecticut. Can this be done under the Constitution?

- (a) no
- (b) yes, provided the legislatures of Rhode Island and Connecticut agree
- (c) yes, provided the legislatures of Rhode Island and Connecticut agree and the Congress agrees
- (d) yes, provided the legislatures of Rhode Island and Connecticut agree and the Congress agrees by a two thirds vote of each House
- (e) yes, provided that the new state of Rhodecticut receives the same number of Senators (4) as the sum of the Senators of the constituent states.

Q35. Which of the following does the United States commit to provide each State in the Constitution

- (a) it guarantees a "Republican Form of Government"
- (b) it guarantees a "Democratic Form of Government"
- (c) it guarantees against default of debt
- (d) protection against Ravages of Nature
- (e) free transportation of its Executive Authority to and from the Seat of the Federal Government

Q36. Which of the following provisions of the Constitution may not be changed by amendment

- (a) all provisions of the Constitution may be changed by amendment, provided they are enacted in the proper way
- (b) the right of privacy
- (c) the provision giving each state the same number of senators
- (d) the provisions governing the number of members of the House of Representatives allotted to each state
- (e) the original jurisdiction of the Supreme Court

Q37. Which of the following is needed to amend the United States Constitution?

- (a) a two thirds vote of both houses
- (b) a two thirds vote of both houses and approval of the president
- (c) a two thirds vote of both houses and approval by three fourths of the state legislatures
- (d) a two thirds vote of both houses, approval by the president and approval by three fourths of the state legislatures
- (e) a two thirds vote of both houses, approval by the president, approval by three fourths of the state legislatures and approval by a majority of the Supreme Court

Q38. One of the following sentences is in the Constitution. Which one?

(a) This Constitution and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

(b) This Constitution and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every federal court shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

(c) This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

(d) This Constitution, and the Laws of the United States which shall be made in Pursuance thereof shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

(e) This Constitution shall be the supreme Law of the Land

Q39. Which of the following describes the use of religious or denominational tests as a condition of holding office under the original Constitution as written:

(a) no religious test may be used as a qualification to any office or public Trust under the United States

(b) no religious test may be used as a qualification to any office or public Trust under the United States or the several States

(c) no denominational test may be used as a qualification to any office or public Trust under the United States

(d) no denominational test may be used as a qualification to any office or public Trust under the United States or the several States

(e) the original Constitution is silent on the issue of religious tests

Q40. In what year was the Constitution approved for ratification by the states?

(a) 1776

(b) 1783

(c) 1787

(d) 1791

(e) 1792

Q41. Which of the following would appear to be literally barred by the first amendment to the United States Constitution?

- (a) a law passed by Congress prohibiting Muslims from worshipping in public
- (b) a law passed by Texas prohibiting Muslims from worshipping in public
- (c) a law passed by Congress prohibiting private citizens from owning handguns
- (d) a law passed by Texas prohibiting private citizens from owning handguns
- (e) (c) and (d)

Q42. Which of the following is the text of the second amendment?

- (a) 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.
- (b) The right of the people to keep and bear Arms shall not be infringed.
- (c) The right of the people to bare Arms shall not be infringed
- (d) Congress shall pass no law infringing the right of the people to keep and bear Arms
- (e) Congress shall not arm bears

Q43. Which of the following accurately and specifically describes the subject of the third amendment?

- (a) the right to privacy
- (b) the right to interstate travel
- (c) protection against quartering of soldiers in one's house
- (d) (a) and (b)
- (e) all of the above

Q44. Which of the following is protected by the fourth amendment against unreasonable searches and seizures

- (a) the right of the people to be secure in their persons
- (b) the right of the people to be secure in their houses
- (c) the right of the people to be secure in their papers and effects
- (d) (a) and (b)
- (e) all of the above

Q45. Which of the following accurately describes what the Constitution has to say about use of "warrants"

- (a) no Warrants shall issue, but upon probable cause, supported by Oath or affirmation
- (b) no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized
- (c) all Warrants shall be issued by a Neutral Magistrate, supported by Oath and without use of Hearsay
- (d) the United States shall issue no Warrants except on the Full Faith and Credit of the United States
- (e) the Constitution is silent on the subject of warrants

Q46. What does the fifth amendment literally say with respect to equal protection of the law?
(a) Congress shall make no law denying to any person within its jurisdiction the equal protection of the laws.

(b) Congress shall make no law denying to any person or Corporate Body within its jurisdiction the equal protection of the laws.

(c) Congress shall make no law denying to any person or Corporate Body within its jurisdiction the equal protection of the laws without a Rational Basis therefor

(d) Congress shall make no law denying to any person or Corporate Body within its jurisdiction the equal protection of the laws without a Compelling governmental interest therefor

(e) the fifth amendment literally says nothing about equal protection of the law

Q47. What does the fifth amendment have to say about the governmental taking of private property?

(a) no State shall take private property for private use, nor take for public use without just compensation

(b) no State shall take private property for private or public use without just compensation

(c) nor shall private property be taken for public use, without just compensation

(d) no shall private property be taken for private or public use, without just compensation

(e) absolutely nothing

Q48. The Constitution does not explicitly mention any right to marry. What inference does the Constitution say should be drawn from this fact.

(a) the people do not have a right to marry

(b) the lack of an explicit mention should not be construed to deny or disparage any right to marry "retained by the people"

(c) the states are free to deny persons a right to marry (subject to other provisions of the Constitution)

(d) Congress may regulate the right to marry

(e) The Constitution is silent with respect to any inferences that should be drawn from the failure to mention a particular right

Q49. Suppose the Constitution does not delegate a particular power to the United States and it does not prohibit that power to the States. Who has that power

(a) no one

(b) the United States

(c) the States respectively

(d) the people

(e) (c) and (d)

Q50. By what year had the bill of rights been ratified by the requisite number of states?

(a) 1776

(b) 1787

(c) 1791

(d) 1803

(e) 1865

Q51. Which of the following would not appear to be prohibited by the text of the 11th amendment?

- (a) a suit at law by a citizen of a foreign state against any of the United States brought in a United States court
- (b) an action in equity by a subject of a foreign state against any of the United States brought in a United States court
- (c) a suit in law or equity against any of the United States brought by a citizen of that state in a United States court
- (d) a suit in law or equity against any officer of any of the United States brought in a United States court
- (e) (c) and (d)

Q52. It is often said that the Presidential and Vice Presidential candidates of the same party can not be inhabitants of the same state. Why is this?

- (a) technically there is no Constitutional constraint, but it is considered bad politics
- (b) the Twelfth Amendment to the Constitution directly prohibits this
- (c) the Twelfth Amendment to the Constitution would prohibit Electors in the state that both candidates inhabit from voting for both the candidates
- (d) the Twelfth Amendment to the Constitution would prohibit Electors in any state from voting for both the candidates
- (e) it would destroy diversity for purposes of federal subject matter jurisdiction

Q53. Suppose that in the electoral college the votes for president are 220 for W, 140 for X 120 for Y and 56 for Z. What happens?

- (a) W becomes president
- (b) the Senate chooses among W, X, Y and Z, with the first to obtain a majority becoming president
- (c) the Senate chooses among W, X, and Y with the person receiving the most votes becoming president
- (d) the House chooses among W, X and Y with voting by states and the first to obtain a majority of the states becoming president
- (e) the House chooses among W, X and Y with voting by states and the person receiving the most states becoming president

Q54. Which of the following is the text of the 13th amendment?

- (a) neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.
- (b) neither slavery nor involuntary servitude shall exist within the United States, or any place subject to their jurisdiction.
- (c) neither slavery nor involuntary servitude shall exist within the United States.
- (d) Congress shall make no law providing for slavery or involuntary servitude except as a punishment for crime whereof the party shall have been duly convicted in a court of the United States
- (e) No state shall make any law providing for slavery or involuntary servitude except as a punishment for crime whereof the party shall have been duly convicted in a court of that state

Q55. Which of the following is the text of the first sentence of the 14th amendment

- (a) All persons born in the United States, and subject to the jurisdiction thereof, are citizens of the United States
- (b) All persons born in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.
- (c) All persons born or naturalized in the United States are citizens of the United States and of the State wherein they reside
- (d) All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.
- (e) All persons naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the State wherein they reside

Q56. Which of the following phrases are contained in the first section of the 14th amendment?

- (a) privileges or immunities
- (b) due process
- (c) equal protection
- (d) (b) and (c)
- (e) (a) and (b) and (c)

Q57. What was the basic effect of the second section of the 14th amendment on the way seats were allotted to states in the House of Representatives.

- (a) Indians now counted
- (b) all persons counted in full, not three-fifths for persons not free
- (c) aliens now counted in full rather than being explicitly omitted
- (d) fractional ratios were rounded up not down
- (e) fractional ratios were rounded down not up

Q58. In 1904 Maine decides that no one man under the age of 30 should be permitted to vote and no woman under the age of 40 should be permitted to vote in any election for the Governor of Maine. What effect does this decision have on the number of Maine's representatives in the House of Representatives

- (a) none
- (b) it reduces the number to zero
- (c) it means that in determining Maine's population for purposes of computing representation in the House of Representatives, one reduces that population by the ratio between the number of "wrongfully" excluded persons (persons being 21 or over and not participating in Rebellion or other crime) and the number of persons who are 21 or over and who have not participated in Rebellion of other crime
- (d) it means that in determining Maine's population for purposes of computing representation in the House of Representatives, one reduces that population by the ratio between the number of "wrongfully" excluded persons (persons being 21 or over and not participating in Rebellion or other crime) and the number of persons who are 21 or over and who have not participated in Rebellion of other crime
- (e) it means that in determining Maine's population for purposes of computing representation in the House of Representatives, one reduces that population by the ratio between the number of "wrongfully" excluded males (males age 21 or over and not participating in Rebellion or other crime) and the number of males who are 21 or over and who have not participated in Rebellion of other crime

Q59. As you may be aware, Congress has somewhat limited powers under the United States Constitution. What, if anything did the 14th amendment do with respect to Congressional power?

- (a) nothing
- (b) it gave Congress the power to enlarge the original jurisdiction of the Supreme Court
- (c) it gave Congress the power to compensate former slaveholders for the loss of slaves, provided they gave an oath of allegiance to the federal government
- (d) it gave Congress the power to enforce, by appropriate legislation, the provisions of the 14th amendment
- (e) it gave Congress the power to enforce, by appropriate legislation, the provisions against Letters of Marque and Reprisal

Q60. The 15th amendment prohibits which of the following?

- (a) the United States or any State denying citizens of the United States a right to vote based on race, color, or previous condition of servitude.
- (b) any State denying citizens of that state a right to vote based on race, color, or previous condition of servitude
- (c) any State denying residents of that state a right to vote based on race, color, alienage or previous condition of servitude
- (d) the United States or any State denying citizens of the United States a right to vote based on race, color, religious affiliation or previous condition of servitude.
- (e) the United States or any State denying citizens of the United States a right to vote in elections for president based on previous condition of servitude

Q61. Which of the following did the 16th amendment accomplish?

- (a) it permitted a direct tax on sales of real property without apportionment among the several States in proportion to the length of the perimeter of the state in which the sale occurred (the so-called "anti-perimeter clause")
- (b) it abolished the poll tax
- (c) it permitted direct taxes on income without apportionment among the several States, and without regard to any census or enumeration
- (d) it required any direct taxes on income to include a deduction for interest paid on homestead property
- (e) it abolished the earlier Constitutional requirement that annual federal tax revenues equal anticipated annual federal expenditures, "as the Secretary of the Treasury shall certify annually to Congress."

Q62. Which of the following best describes the provisions of the 17th amendment on how to fill vacancies in the United States Senate.

- (a) the executive of the State from which the vacancy occurs shall auction the seat and award it to the highest bidder and, if no bid attains a Reasonable Level, the executive may fill the seat Personally
- (b) the executive of the State from which the vacancy occurs either issues a Writ of Election or, if authorized by the state legislature, makes a temporary appointment until an election occurs
- (c) the other Senator from the state makes a temporary appointment until an election occurs, provided that if no other Senator from that state is still serving, the executive of the state from which the vacancy occurs makes a temporary appointment until an election occurs
- (d) the other Senator from the state makes a temporary appointment until an election occurs, provided that if no other Senator from that state is still serving, the president pro tempore of the Senate issues a Writ of Election for the state from which the vacancies occur.
- (e) the seat lies vacant until the next regular November election

Q63. Which of the following best describes the provisions of the 19th amendment governing suffrage.

- (a) it bars states from denying or abridging the right to vote in elections for federal office on account of sex
- (b) it bars states from denying or abridging the right to vote in elections for federal or state office on account of sex
- (c) it bars the United States from denying or abridging the right to vote in elections for federal office on account of sex
- (d) it bars the United States and any State from denying or abridging the right to vote on account of sex
- (e) it indirectly induces female suffrage by stating that in determining the population of a state for purposes of computing representation in the House of Representatives, one reduces that population by the ratio between the number of "wrongfully" excluded persons (women being 21 or over and not participating in Rebellion or other crime) and the number of persons who are 21 or over and who have not participated in Rebellion or other crime

Q64. What happens if the President-elect dies before taking office on January 20?

- (a) The Chief Justice of the Supreme Court issues a Writ of Election; the current President continues service until such time as a new election can be held
- (b) the Vice President elect becomes Temporary President and a Writ of Election is issued so that there can be a new election for both President and Vice President on the First Tuesday in November of the year in which the Vice President takes office
- (c) the Vice President elect becomes President and the Attorney General becomes Vice President
- (d) the Vice President elect becomes President and the Secretary of Defense becomes Vice President
- (e) the Vice President elect shall become President

Q65. How many years do the states have to ratify an amendment to the Constitution that has been submitted to them following approval by the requisite bodies?

- (a) one year
- (b) five years
- (c) seven years
- (d) probably as long as they want, unless the amendment itself restricts the amount of time available
- (e) four score and seven (87) years

Q66. Which of the following best describes the voting rights of the District of Columbia in presidential elections

- (a) the people can "vote," but the District has no electoral votes
- (b) the District receives as many votes in the electoral college as it would have if it were a state
- (c) the District receives the lesser of (a) the number of votes in the electoral college that it would have if it were a state and (b) the number of votes in the electoral college held by the state or states with the least number of electoral votes
- (d) the District receives as many votes in the electoral college as it would have if it were a state minus two (because it is not treated as having any Senators)
- (e) the District has one electoral vote and may cast it only in the event of a tie in the electoral college

Q67. As an inducement to get people to pay state income tax, the state of Alabama conditions the right to vote on a finding of non-delinquency in state income tax payments to be made by the State Treasurer. An elaborate process exists whereby disqualified voters can challenge the delinquency finding. What does the Constitution have to say about this?

- (a) this practice is not prohibited unless the state income tax is found to constitute a "poll tax," i.e. one that is largely invariant to the amount of income earned
- (b) to the extent it bars voting with respect to federal offices such as President, Vice President or Congress this practice is prohibited under the 24th amendment
- (c) this practice is prohibited under the 24th amendment even if it applies just to elections of local officials
- (d) this practice is prohibited under the 13th amendment unless the process found to challenge the delinquency finding is found to constitute "due process"
- (e) any state engaging in this practice forfeits two electoral votes

Q68. Suppose the President suffers a stroke and is believed by the Vice President and all members of the President's cabinet to be unable to discharge the powers and duties of his office. Which of the following best describes what then occurs?

- (a) the Vice President becomes Acting President and the Speaker of the House becomes Acting Vice President; this lasts until such time as the President is deemed to recover or until the next election, whichever comes first
- (b) the Vice President becomes Acting President
- (c) the Vice President becomes Acting President and nominates an Acting Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress
- (d) the Vice President becomes Acting President and nominates an Acting Vice President who shall take office upon confirmation by a two thirds vote of both Houses of Congress
- (e) basically chaos, because the Constitution is silent on this point until such time as at least two more states ratify the 28th amendment

Q69. Which of the following best describes the provisions of the 26th amendment?

- (a) The right of citizens of the United States, who are subject to involuntary military service under any selective service law then in effect, to vote shall not be denied or abridged by the United States or by any State on account of age.
- (b) The right of residents of the United States, who are subject to involuntary military service under any selective service law then in effect, to vote shall not be denied or abridged by the United States or by any State on account of age.
- (c) The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States on account of age.
- (d) The right of residents of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States on account of age.
- (e) The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

Q70. Congressman X wants to raise her pay and those of other Congress persons beginning immediately. Would such an action be Constitutional?

- (a) Yes, though perhaps not politically wise
- (b) Yes, provided the Senate approved a House pay raise and the House approved a Senate pay raise
- (c) Yes, but only if approved by a two thirds majority of both Houses
- (d) No
- (e) The Constitution is silent on this matter

Q71. Which of the following provisions is found in the United States Constitution

- (a) Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.
- (b) Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex without due process of law
- (c) Equality of rights under the law shall not be denied or abridged by the United States on account of sex
- (d) Equality of rights under the law shall not be denied or abridged by any State on account of sex without due process of law
- (e) None of the above

Q72. Which of the following best describes the political rights of the District of Columbia under the Constitution

- (a) For purposes of representation in the Congress, election of the President and Vice President, and article V of this Constitution, the District constituting the seat of government of the United States shall be treated as though it were a State.
- (b) For purposes of representation in the Congress, election of the President and Vice President, the District constituting the seat of government of the United States shall be treated as though it were a State.
- (c) For purposes of representation in the Congress, election of the President and Vice President, and article V of this Constitution, the District constituting the seat of government of the United States shall be treated as though it were a Territory of the United States.
- (d) For purposes of representation in the Congress, election of the President and Vice President, the District constituting the seat of government of the United States shall be treated as though it were a Territory of the United States.
- (e) None of the above