

## Detailed Answers

- 1) a. 2 years:** *This stipulation is found in Article 1, Section 2 of the Constitution: “The House of Representatives shall be composed of Members chosen every second Year by the People of the several States .....” Since the House of Representatives is the “people’s house,” it was important for the Founding Fathers to have this house change its representation more often to be more democratic.*
- 2) b. Philadelphia:** *Philadelphia had been the “capital” of the colonies for most of the American Revolution and it was centrally located for a meeting of the delegates from the twelve colonies.*
- 3) a. courts:** *There wasn’t a national judicial system under the Articles of Confederation. Those favoring a weak central government were afraid of the “judicial tyranny” the colonies experienced under British rule.*
- 4) c. George Washington:** *Washington was the “Chairman of the Convention” who demanded and commanded tremendous respect because of his many years of service and dedication to his country. It was very important to have this national hero supportive of the endeavor undertaken in Philadelphia.*
- 5) a. 39:** *There were over seventy individuals who attended some of the meetings between May and September 1787. Fifty-five attended most of the meetings and 42 were left to discuss the signing of the Constitution. George Mason, Elbridge Gerry and Edmond Randolph refused to sign mainly because of the omission of a bill of rights. Thus, 39 of those attending the convention signed the Constitution.*
- 6) d. 3:** *This is based on the philosophy of the French philosopher Baron de Montesquieu. Edmund Randolph, the governor of Virginia, introduced the Virginia Plan to the convention delegates. He supported the idea of a federal government with three separate branches. The legislative branch would make the laws, the judicial branch would interpret the laws and the executive branch would enforce or execute the laws.*
- 7) b. Congress:** *The Congress or legislative branch is the focus of Article 1 of the Constitution. It is the longest “article” in the Constitution and many of the agreements for this article were made as a result of what has been known historically as “The Great Compromise.”*
- 8) c. 10:** *Twelve amendments were proposed, but only ten were approved in 1791. The Bill of Rights was proposals two through twelve. The first proposal which dealt with congressional apportionment became obsolete with the increase in population of the United States. Proposal number two (which dealt with congressional pay raises) became the 27th amendment adopted in 1992.*
- 9) c. Congress:** *This is found in Article 1, Section 1: “All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.” Thus, the function of Congress is to legislate or make the laws.*

## What's Your Constitution IQ?: Expert Quiz #1 *(Continued)*

**10) a. The Articles of Confederation:** *The Articles of Confederation was in effect from 1781 - 1789. It was based on the concept of a weak central government because of the experience we had under the strong influence of Great Britain. This constitution was our first written plan of government and was based on an opposition to a strong central government, strong executive, taxation and the power to control trade.*

**11) a. 7 years:** *This is found in Article 1, Section 2, Clause 2 of the Constitution: “No Person shall be a Representative who shall not have ..... been seven Years a Citizen of the United States .....”*

**12) c. the House of Representatives:** *The Speaker of the House is next in line (after the Vice President) in the order of succession to the presidency. Article 1, Section 2, Clause 5: “The House of Representatives shall choose their Speaker.” The Speaker is usually a member of the majority party in the House of Representatives although it's not a requirement mandated by the Constitution.*

**13) d. the people:** *United States Senators were elected by the various state legislatures until 1913 when that election procedure was changed by the 17th Amendment: “The Senate of the United States ..... elected by the people .....”*

**14) c. 6 years:** *Although members of the House of Representatives and Senate are paid the same salary per year, the Senate does have a bit more prestige. Senators have more longevity in their term of office with a six year term as stated in Article I, Section 3, Clause 1 of the Constitution: “The Senate of the United States shall be composed of two Senators from each State, chosen .....for six Years .....”*

**15) c. 30 years old:** *This requirement is found in Article I, Section 3, Clause 3: “No person shall be a Senator who shall not have attained to the Age of thirty Years .....”*

**16) d. the Vice-President of the United States:** *The Vice-President presides over the Senate and only votes when there is a tie. “The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided (Article 1, Section 3, Clause 4). If the Vice-President cannot attend the meetings, the President pro tempore will preside in the Vice-President's absence.*

**17) a. Congress:** *This power is contained in the enumerated (delegated, expressed) powers of the Constitution located in Article I, Section 8, Clause 5.*

**18) d. a bill of attainder:** *This part of the Constitution was in reaction to our experience with the common law of Great Britain which could declare a person or group of people guilty without the benefit of a trial. The concept of “innocent until proven guilty” was further protected in the Bill of Rights. The Constitution states that “No Bill of Attainder or ex post facto Law shall be passed” according to Article I, Section 9, Clause 3.*

## What's Your Constitution IQ?: Expert Quiz #1 *(Continued)*

**19) b. coin money:** *This is a power forbidden to the states as indicated in Article 1, Section 10, Clause 1. This is based on the difficulty that the country was going through economically during the timeframe that the Articles of Confederation was in effect. Under the Articles each state could print its own money. This caused a tremendous amount of economic instability. One of the main reasons the Constitutional Convention convened in 1787 was to correct the economic problems of the country.*

**20) d. two-thirds of the Senators present:** *It is important to note that the House of Representatives “impeaches” (charges the individual with a crime) and the Senate votes by two-thirds vote to either convict or exonerate. Although President Andrew Johnson and Bill Clinton were both impeached, neither one was convicted. Richard Nixon resigned before the impeachment vote could proceed.*

**21) c. more than one-half of the members:** *This requirement is found in Article 1, Section 5, Clause 1: “ ..... a Majority of each (house) shall constitute a Quorum to do Business .....”*

**22) d. one-fifth of the members:** *Article 1, Section 5, Clause 3: “Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.”*

**23) a. the House of Representatives:** *Since the House of Representatives is the “house of the people,” all revenue bills must originate in that body. Article 1, Section 7, Clause 1: “All bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.”*

**24) a. 10 days:** *The president must sign or veto proposed legislation within a ten day period or the bill becomes a law without the president’s signature. Article 1, Section 7, Clause 2: “If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.”*

**25) a. an “ex post facto” law:** *This is Latin for “after the deed” and is sometimes referred to as a retrospective law. It protects an individual from being charged with a crime that was not considered a crime when the act was committed. Article 1, Section 9, Clause 3: “No .....ex post facto Law shall be passed.*

**26) b. 4 years:** *This is found in Article 2, Section 1, Clause 1: “The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years .....” Based upon Amendment Twenty-Two of the Constitution, no person can be elected to the office of President more than twice or serve more than two years of a term to which some other person was elected President. Therefore, the total length of time that any person could serve as President is ten years.*

## What's Your Constitution IQ?: Expert Quiz #1 *(Continued)*

**27) c. January 20:** *The Twentieth Amendment (1933) changed Inauguration Day for the President from March 3 to January 20. It was thought that there was too much time from the time of the election in November of the previous year to Inauguration Day, especially if the incumbent president lost the election. Franklin Roosevelt was the first President to be sworn in on January 20th (for his second term). The Twentieth Amendment has been called the “lame duck amendment.”*

**28) c. 10 years:** *Based upon Amendment Twenty-Two of the Constitution, no person can be elected to the office of President more than twice or serve more than two years of a term to which some other person was elected President. Therefore, the total length of time that any person could serve as President is ten years.*

**29) d. 14 years:** *This is one of the three “absolute qualifications” for the presidency found in Article 2, Section 1, Clause 5 of the Constitution: “No person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty-five Years, and been fourteen Years a Resident within the United States.” The other two “absolute qualifications” are to be a “natural born” citizen of the United States and at least thirty-five years of age.*

**30) b. two-thirds of the Senators present:** *Article 2, Section 2, Clause 2: “He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur .....”*

**31) c. 8 associate justices:** *The Constitution does not identify in Article III the specific number of justices on the Supreme Court. The basic framework of the court was organized by the Judiciary Act of 1789. The first Supreme Court which convened in 1790 was made up of five Associate Justices and a Chief Justice (John Jay). The number of justices has changed a number of times over the course of our history (1789, 1801, 1802, 1837, 1863, and 1869), but presently, the number of associate justices stands at eight.*

**32) a. the Supreme Court:** *The power of “judicial review” by the Supreme Court was established in 1803 in the Marbury v. Madison case. The Court conferred upon itself the power to review actions by the president or laws passed by the Congress in terms of constitutionality.*

**33) b. trial by jury:** *This right is guaranteed by Amendment Six to the Constitution: “In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed ....”*

**34) b. two witnesses:** *According to Article 3, Section 3, Clause 1: “Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.”*

## What's Your Constitution IQ?: Expert Quiz #1 *(Continued)*

**35) b. two-thirds of both Houses want it:** *One of the major reasons for the Constitution's longevity is its flexibility. This part of the amending process is found in Article V of the Constitution: "The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution ..."*

**36) a. approval by conventions in three-fourths of the States:** *This procedure is found in Article 5 of the Constitution: "The Congress ..... shall propose Amendments to this Constitution ... on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof."*

**37) b. religious test:** *Article VI, Clause 3: "The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States."*

**38) c. a search warrant:** *This is a right that every person has in the United States based upon the Fourth Amendment to the Constitution: "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, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." This goes back to pre-Revolutionary War days when the British would use "writs of assistance" to search a colonist's ship or home.*

**39) a. hear the witnesses against him:** *This is guaranteed to every person in the United States based on the Sixth Amendment to the Constitution: "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State 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 witnesses against him ....."*

**40) b. the House of Representatives:** *This method for choosing the president is initially explained in Article 2, Section 1, Clause 3 of the Constitution, but a more in depth explanation is found in the Twelfth Amendment to the Constitution (adopted in 1804): "... and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President." This amendment was passed due to the unique circumstances of the presidential election of 1800 between Thomas Jefferson and Aaron Burr.*

## What's Your Constitution IQ?: Expert Quiz #1 *(Continued)*

**41) c. reducing the number of its Representatives:** *This part of the Constitution was passed after the Civil War during the Reconstruction period of American history. Its main intent was to protect the right to vote for the free African American slaves. It is found in Section 2 of the Fourteenth Amendment to the Constitution: "But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State."*

**42) c. 27:** *The Twenty-Seventh Amendment to the Constitution was adopted in 1992 as a result of the anti-incumbent sentiment of the 1990's: "No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened." This was one of the original twelve proposals for the Bill of Rights adopted in 1791. Numbers three through twelve became the first ten amendments to the Constitution. There was no specific time limit for the other two proposals to be adopted (in 1791 a seven year time limit was set for adopting an amendment). Proposal number one became obsolete after a period of time (it dealt with a specific population number for representation). Michigan became the required thirty-eighth state to ratify (approve) the Twenty-Seventh Amendment in 1992, more than 200 years after it was originally proposed!*

**43) b. women:** *This amendment was the result of a historic struggle for women's voting rights that became a major reform movement in the mid to late nineteenth century. The amendment was adopted in 1920 and the election between Warren Harding and James Cox was the first election in which women could vote for president. The amendment states: "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex. Congress shall have power to enforce this article by appropriate legislation."*

**44) b. 15:** *The power of the president to establish a cabinet was not a power that the Constitution gave the president as outlined in Article 2 of the Constitution. George Washington established the precedent of choosing a Cabinet by appointing Thomas Jefferson as Secretary of State, Alexander Hamilton as Secretary of the Treasury, Henry Knox as Secretary of War and Edmund Jennings Randolph as Attorney General. The most recent cabinet position is that of Secretary of Homeland Security established in 2003.*

**45) a. refuses to testify against himself:** *This constitutional right is found in the Fifth Amendment to the Constitution: "No person shall ..... be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation."*

## What's Your Constitution IQ?: Expert Quiz #1 *(Continued)*

**46) b. the Chief Justice:** *The oath of office administered by the Chief Justice is more of a traditional act and not a constitutional responsibility. Of the forty-three presidencies the vast majority have been sworn in by the Supreme Court Chief Justice. The tradition began with John Adams in 1797. The oath is found in Article 2, Section 1, Clause 8 of the Constitution: "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."*

**47) b. 15:** *The Fifteenth Amendment was one of the three "civil rights" amendments (the other two were the Thirteenth and Fourteenth Amendments) passed after the Civil War, and was adopted in 1870 to give the freed slaves the right to vote: "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude. "The Congress shall have the power to enforce this article by appropriate legislation."*

**48) c. State electors:** *The electoral process is found in Article 2, Section 1, Clause 2: "Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector."*

**49) a. Thomas Jefferson:** *The election of 1800 between Thomas Jefferson and Aaron Burr ended in a tie in the Electoral College. Because neither candidate received a majority of the electoral vote, the election was decided by the House of Representatives after 36 ballots. Thomas Jefferson eventually received the majority of the electoral vote and became president. Aaron Burr who finished second in the vote count became vice-president. The process was changed in 1804 with the adoption of the Twelfth Amendment.*

**50) d. John Adams:** *The elections of 1789, 1792, 1796 and 1800 were based on the constitutional provision that the individual with the most electoral votes became president and the one with the second highest became vice-president. John Adams received the second highest vote count in the election of 1789 and became President George Washington's vice-president. The process was changed in 1804 with the adoption of the Twelfth Amendment.*



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