

- b. Explain how each feature identified in (a) balances the need for strong government with a need for limited government.
- c. Identify one feature Madison proposed for dividing powers between national and state governments.
- d. Explain how this feature balanced the need for a strong central government while assuring the states of adequate power.

□ Answers and Explanations

Multiple-Choice Questions

1. Under America's first constitution, the Articles of Confederation,
 - (a) is incorrect because the state governments retained virtually all the power under the Articles of Confederation.
 - (b) is incorrect because there was no executive branch under the Articles of Confederation.
 - (c) is correct because the Articles of Confederation had a unicameral legislature.**
 - (d) is incorrect because the states were equally represented under the Articles of Confederation.
 - (e) is incorrect because there was no standing army under the Articles of Confederation.

Page reference: 40–43, AP Topic: The Constitutional underpinnings of the United States government
2. Which of the following founders was the “principal architect” of the Constitution?
 - (a) is incorrect because Edmund Randolph's role was far more limited than James Madison's.
 - (b) is incorrect because George Washington's impact on the document was far more limited than James Madison's.
 - (c) is incorrect because Thomas Jefferson was not at the Constitutional Convention.
 - (d) is incorrect because Alexander Hamilton's role was far more limited than James Madison's.
 - (e) is correct because James Madison provided the intellectual impetus for the Constitution, arriving at the convention with the Virginia Plan and as a result, in terms of his impact on the Constitution, Madison was known as “the Father of the Constitution.”**

Page reference: 50–52, AP Topic: Considerations that influenced the formulation and adoption of the Constitution

3. The Three-Fifths Compromise at the Constitutional Convention

(a) is incorrect because a 3/5 ratio may be correct in the case of invoking cloture, but it does not stem from the Constitution.

(b) is incorrect because it does not relate to the treatment of slaves.

(c) is correct because although all of the options could provide for a 3/5 ratio, only the treatment of the slaves was specified in the Constitution.

(d) is incorrect because it does not relate to the treatment of slaves.

(e) is incorrect because it does not relate to the treatment of slaves.

Page reference: 45–47, AP Topic: Considerations that influenced the formulation and adoption of the Constitution

4. Any law passed by a legislature that punishes an individual without a trial, under the Constitution, violates the constitutional concept of

(a) is correct because one of the civil liberties issues addressed in the original Constitution attempted to limit the practice of passing laws that singled out individuals and therefore, the idea in the United States was that such bills of attainder were unfair, and that laws should apply to all citizens equally.

(b) is incorrect because an ex post facto law is a retroactive criminal law.

(c) is incorrect because double jeopardy is a protection against being tried twice for the same offense.

(d) is incorrect because eminent domain is taking private property for public use.

(e) is incorrect because habeas corpus requires a person under arrest to be brought before a judge.

Page reference: 50–53, AP Topic: Considerations that influenced the formulation and adoption of the Constitution

5. The idea of limiting the role of government to protecting “life, liberty, and property” is generally attributed to

(a) is incorrect because Karl Marx’s theories are the basis for communism.

(b) is incorrect because Thomas Jefferson loosely borrowed Locke’s ideas for the Declaration of Independence.

(c) is incorrect because Thomas Hobbes’ theories did not include those particular ideas.

(d) is correct because Locke believed in a representative democracy with limited powers, concepts that underscore the Constitution.

(e) is incorrect because Alexander Hamilton's ideas created the basis of the economic system.

Page reference: 44–45, AP Topics: Considerations that influenced the formulation and adoption of the Constitution and Theories of democratic government

6. Granting supremacy to the national government was done in part to

(a) is incorrect because minority rights were generally limited by both the states and national government prior to the Civil War.

(b) is correct because those at the Constitutional Convention were primarily merchant and manufacturing elites, and the Constitution gives the national government powers to further the development of a national economy of merchants and manufacturing at the expense of the states and agrarians.

(c) is incorrect because the Constitution employs the ideas of John Locke.

(d) is incorrect because the Constitution protected the rights of creditors against debtors.

(e) is incorrect because it did not address the issue of agrarianism.

Page reference: 44–50, AP Topic: Considerations that influenced the formulation and adoption of the Constitution

7. The Founding Fathers designed a system of checks and balances for the national government. Which of the following best illustrates that concept?

(a) is correct because checks and balances require the interaction between two branches of government, therefore, the overriding of a president's veto by Congress or the invalidation of a congressional law by the Supreme Court would be examples of checks and balances.

(b) is incorrect because issuing an executive order is not an example of checks and balances.

(c) is incorrect because III and IV are not examples of checks and balances.

(d) is incorrect because IV is not an example of checks and balances.

(e) is incorrect because IV is not an example of checks and balances.

Page reference: 52, AP Topic: Checks and balances

8. A law goes into effect declaring that a business practice that has been legal in the past will be illegal in the future, and the law is made retroactive. Why would the Supreme Court likely rule the new law unconstitutional?

- (a) is incorrect because a bill of attainder does not fit the definition provided.
- (b) is incorrect because double jeopardy does not fit the definition provided.
- (c) is incorrect because bypassing a jury indictment does not fit the definition provided.
- (d) is incorrect because eminent domain does not fit the definition provided.
- (e) is correct because the definition in the frame of the question is that of an ex post facto law, something banned in the original Constitution.**

Page reference: 44–53, AP Topic: Constitutional underpinnings

9. Which plan proposed at the Constitutional Convention called for a bicameral legislature with one chamber having members from states calculated proportionally based upon population and the other having two members per state?

- (a) is correct because the “great compromise” that led to a Senate based upon equal state representation and a House allocated proportionally based upon population was the Connecticut Compromise.**
- (b) is incorrect because the Virginia Plan called for representation to be based on population.
- (c) is incorrect because Annapolis was the location of a failed convention in 1786.
- (d) is incorrect because Philadelphia was the location of the Constitutional Convention.
- (e) is incorrect because the New Jersey Plan called for equal representation.

Page reference: 44–53, AP Topic: Considerations that influenced the formulation and adoption of the Constitution

10. The case of *Marbury v. Madison* (1803) established which principle?

- (a) is incorrect because the *Marbury* case did not establish the supremacy clause.
- (b) is correct because the case of *Marbury v. Madison* was the landmark decision of the Supreme Court declaring that it was an inherent duty of the judicial branch to “determine what the law is,” thus establishing judicial review.**
- (c) is incorrect because the *Marbury* case did not relate to the natural rights of citizens.
- (d) is incorrect because the *Marbury* case did not relate to the natural rights of citizens.
- (e) is incorrect because the *Marbury* case did not relate to the separation of powers.

Page reference: 61, AP Topics: Constitutional underpinnings and the Federal judiciary

11. A state must honor the public acts and records of any other state under the
- (a) is correct because the full faith and credit clause, found in Article IV of the Constitution, guarantees that the legal records, laws, and judicial proceedings of one state will be honored by another state.
 - (b) is incorrect because the supremacy clause deals with the relationship between the national government and state governments.
 - (c) is incorrect because the elastic clause deals with implied powers.
 - (d) is incorrect because the commerce clause deals with a delegated power of Congress.
 - (e) is incorrect because the extradition clause deals with returning criminals to the state where the crime was committed.

Page reference: 51, AP Topic: Constitutional underpinnings

12. Which of the following is an informal way of amending the Constitution?
- (a) is incorrect because an amendment is a formal method.
 - (b) is incorrect because a 2/3 vote to propose an amendment is a formal method.
 - (c) is incorrect because an amendment is a formal method.
 - (d) is correct because an informal method of amending the Constitution would be a practice or development that led to a change in how the Constitution was applied, even with no direct changes to the document through the formal amendment process.**
 - (e) is incorrect because an amendment is a formal method.

Page reference: 57–61, AP Topics: Constitutional underpinnings and Federalism

13. The outcome of a conflict between the Constitution and the states is determined by
- (a) is incorrect because the Great Compromise settled the issue of representation.
 - (b) is correct because the supremacy clause requires all states to adopt laws that conform to the limits of the U.S. Constitution.**
 - (c) is incorrect because *Federalist* No. 10 is an explanation of the Constitution.
 - (d) is incorrect because judicial review is the power of the Supreme Court to declare laws unconstitutional.
 - (e) is incorrect because ex post facto laws are forbidden.

Page reference: 78–83, AP Topic: Constitutional underpinnings

14. The Articles of Confederation failed for all of the following reasons EXCEPT
- (a) is incorrect because the national government did not have the power to tax.
 - (b) is incorrect because the national government did not have the power to regulate trade.
 - (c) is incorrect because there was no national judiciary.
 - (d) is incorrect because there was no central government.
 - (e) is correct because the Articles of Confederation could be amended with unanimous consent of all of the states.**

Page reference: 40–43, AP Topics: Constitutional underpinnings

15. Which of the following was stipulated in Article III of the Constitution?
- (a) is correct because Article III of the Constitution established the judicial branch of the new federal government.**
 - (b) is incorrect because executive powers are established in Article II.
 - (c) is incorrect because congressional powers are established in Article I.
 - (d) is incorrect because full faith and credit is in Article IV.
 - (e) is incorrect because separation of powers divides the powers of the national government.

Page reference: 50, AP Topics: Separation of powers and Checks and balances

16. The significance of Shays' Rebellion was
- (a) is correct because the government under the Articles did not have the power to raise a military and therefore could not deal with the crisis.**
 - (b) is incorrect because it occurred before the Constitution.
 - (c) is incorrect because the government under the Articles could not raise an army.
 - (d) is incorrect because the government under the Articles did not have a court system.
 - (e) is incorrect because the government under the Articles did not have a president.

Page reference: 40–43, AP Topic: Constitutional underpinnings

17. The original Constitution provided that U.S. senators were to be elected by
- (a) is incorrect because the Supreme Court did not elect senators.

(b) is incorrect because Senators were not directly elected by the people until the 17th Amendment.

(c) is incorrect because the House did not elect senators.

(d) is incorrect because the President did not elect senators.

(e) is correct because the original Constitution limited the participation of the people by having state legislatures elect senators.

Page reference: 44–53, AP Topic: Constitutional underpinnings

18. The issue of representation in Congress was dealt with by

(a) is incorrect because the Slave Trade compromise settled the dispute over the slave trade between the northern and southern states.

(b) is incorrect because the Voter Registration compromise settled the issue of voter qualifications.

(c) is incorrect because the Commerce compromise settled the conflict between the national and state governments concerning trade.

(d) is correct because the Great Compromise, also known as the Connecticut Compromise, settled the dispute over representation between the Virginia and New Jersey plans.

(e) is incorrect because the Executive compromise settled the conflicts concerning the national executive.

Page reference: 46, AP Topics: Constitutional underpinnings and Federalism

19. Individuals who supported the new Constitution were known as

(a) is incorrect because the Anti-Federalists were opposed to the Constitution and worked against ratification.

(b) is incorrect because States' Righters were in favor of the majority of the governmental powers remaining in the states.

(c) is correct because the supporters of the Constitution who worked for ratification were known as Federalists.

(d) is incorrect because the Philosophes were the supporters of the Natural Rights philosophy.

(e) is incorrect because Confederates were opposed to a strong central government.

Page reference: 54, AP Topic: Constitutional underpinnings

20. The series of essays which encouraged the ratification of the Constitution was known as
- (a) is incorrect because *Common Sense* was written in support of the Declaration of Independence.
 - (b) is incorrect because *The Spirit of the Laws* was written to outline a government based on separation of powers.
 - (c) is incorrect because *The Social Contract* opposed divine right of kings and support a government based on a social contract.
 - (d) is correct because the collection of essays written in support of the Constitution is known as *The Federalist*.**
 - (e) is incorrect because *The Second Treatise of Civil Government* was used as the basis for the Declaration of Independence.

Page reference: 54, AP Topic: Considerations that influenced the formulation and adoption of the Constitution

Free-Response Questions

This rubric provides examples of many, but not all of the possible correct responses to the free-response questions. Occasionally, there will be weaknesses pointed out in the suggested answer, providing students with examples of what to avoid.

1. The Constitution has had 17 formal amendments since the adoption of the Bill of Rights, yet there are basic elements that have changed because of informal processes as well.
 - a. Describe the most common process of formally amending the Constitution.
 - The Constitution is the cornerstone of American democracy. It was written by the Founding Fathers to guarantee that American democracy would survive for all times. The Constitution can be amended either formally or informally.
 - The process for formal amendments begins with the proposal of an amendment. This comes either by a two-thirds vote of each house of Congress or by the vote of two-thirds of the states in a national convention. The proposed amendment must be ratified by three-fourths of the states in either votes of the state legislatures or a ratifying convention in each state.
 - b. Identify one formal amendment and describe how it has changed the meaning of the Constitution.

- The Fourteenth Amendment to the Constitution followed the Civil War. Before that, the Bill of Rights only applied to acts of the federal government. But the Fourteenth Amendment specifies that no state shall deprive anyone of life, liberty, or property without due process. This gave the federal government power over many areas that had been left to the states in 1787, such as state court procedures.
- c. Identify one informal change in the Constitution, and describe how it has changed the meaning of the Constitution even without formal amendment.
 - The constitution can be amended informally in a number of ways. That means that the Constitution might have changed meaning without having a formal amendment added. Often, this involves custom and usage. For example, a president can issue an executive order or negotiate an executive agreement with other nations. These are not part of the Constitution, but presidents have learned to use them anyway, and as a result have gained powers that the founders originally gave to Congress. As a result, they are, in a way, the same as formal amendments to the Constitution.

2. When James Madison proposed a new constitution, he tried to balance the need for “proper energy” in government with a clear limitation on government power as well.

- a. Identify two features Madison proposed for keeping any branch of government from becoming too powerful.
- b. Explain how each feature identified in (a) balances the need for strong government with a need for limited government.
 - In order for any branch to be kept from being too powerful, Madison designed a government that included the twin concepts of separation of powers and checks and balances. In a system such as that, power is divided among three branches of government—the legislative, the executive, and the judicial. Each branch has a specific grant of power and each one is given “checks over the other. For example, Congress must approve presidential treaties and can override a president’s veto. Congress can even impeach and remove a president from power. The president can veto a bill of Congress. And the Supreme Court can declare acts of the president or laws of Congress unconstitutional. In other words, this is a Madisonian design that is intended to limit the powers of each of the branches of government, preventing any one branch from becoming too powerful by allowing other branches to stop them.

- c. Identify one feature Madison proposed for dividing powers between national and state governments.
- d. Explain how this feature balanced the need for a strong central government while assuring the states of adequate power.
- In order to keep the federal government from gaining too much power, the Constitution created a system of federalism, that is, a system that divided power between the national government and the state governments. The powers of the national government are listed in Article I of the Constitution and the Tenth Amendment makes it clear that powers not listed in Article I are reserved for the states. As a result, the concept of federalism was designed to keep the national government from becoming too strong.
 - In recent years, many observers have argued that the national government has become too strong. As a result, the federal design has been seen as under siege. But President Reagan designed a “new federalism,” consisting of changing categorical grants to block grants that devolved power from the national government to the states. Also, Congress passed a law that outlawed “unfunded mandates.” So, the powers of the national government and the states have come more into balance.