

This extensive study guide is meant to make you familiar with the organization, concepts and ideals contained within the design of the U.S. Constitution. You may use any legitimate reprint of the Constitution and several potential sources appear below.

www.shmoop.com/constitution/ (annotated, but the site has a lot of ads)

www.constitutioncenter.org → Education → Interactive Constitution (annotated)

http://www.senate.gov/civics/constitution\_item/constitution.htm

The Words We Live By: Your Annotated Guide to the Constitution by Linda R. Monk.

The Stonesong Press, New York:NY 2003 ISBN 978-0-7868-6720-2

Annotated copies provide additional explanation that may be helpful. Most all of the questions can be answered from the actual written text of the Constitution.

**However, questions marked with an (\*) asterisk** must come from your own thoughts or possibly the annotations, as they are not in the actual words of the Constitution.

**Items marked with (\*\*) double asterisks** will be completed in class.

Please take the time to read thoroughly and answer the questions for yourself so you learn the most from this review of the Constitution. **Copying may get you answers, but will not deepen your understanding.**

### Study Guide Outline

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Questions 1-15

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Questions 16 – 58

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**Can you list the nine basic ways in which the original Constitution limits the power of government?**

PART I: THE OVERALL STRUCTURE OF THE CONSTITUTION

1. \*The opening passage of the Constitution is known as the \_\_\_\_\_ (though not labeled as such).
2. It describes the **source of government authority(is)** in its famous first three words, \_\_\_\_\_
3. \*Why was this statement considered so unique or groundbreaking at the time of its writing?
  
4. The preamble goes on to describe six (6) ideals or purposes of this particular plan of government. List them:
  
5. The remainder of the original document is divided into \_\_\_\_ (number) major sections or \_\_\_\_\_.
6. Read each article of the Constitution, then summarize the general purpose or subject of each article in one sentence in the chart below.

Article I	
Article II	
Article III	

Article IV	
Article V	
Article VI	
Article VII	

7. Articles are further divided into subdivisions called \_\_\_\_\_. \*Each paragraph within these subdivisions is referred to as a \_\_\_\_\_. When used numerically, these identify a constitutional reference. The label “ I.8.18 “ refers to \_\_\_\_\_ I, \_\_\_\_\_ 8, \_\_\_\_\_ 18 in the Constitution with very specific content and importance.
8. What content is found in Article I Section 8? \_\_\_\_\_
9. What content is found in Article II Section 2? \_\_\_\_\_

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10. In this way (referencing questions # 8 & 9), “the people” specifically gave certain powers or authority to the government by **naming them in this constitution**. \*What is a *constitution*? (define)
11. \*The Constitution to this point (Articles I-VII) was put into effect in what year? \_\_\_\_\_
12. Following Article VII are now listed the \_\_\_\_ (number) **Amendments to the Constitution**. How would you define *amendment* in this context?
13. The first ten amendments ALL took effect in what year? \_\_\_\_\_
14. Amendment XI took effect in what year? \_\_\_\_\_
15. The most recent (currently last) amendment to the Constitution took effect in what year? \_\_\_\_\_

PART II: STRUCTURE, CONTENT and LIMITING of GOVERNMENT AUTHORITY

16. Articles I, II, and III all deal with which level of government? (circle) NATIONAL / STATE
17. \***Dividing the authority of one level of government into different branches** each with its own responsibilities as is done in Articles I,II & III helps to limit power and is known as
18. Article IV deals with which level of government? (circle) NATIONAL / STATE
19. Therefore, this constitution describes \_\_\_\_ (number) levels of government authority, the powers of both the federal (central or national) government and powers of the state (regional) governments. This is another method to **limit the power of government by dividing it between two distinct levels**. \*This plan describes a unique system at the time of its writing; it is known as a \_\_\_\_\_ system.
20. The \_\_\_\_\_ system has unique qualities obviously all represented in this historic document:
  - a. \*\*
  - b. The source of government authority is \_\_\_\_\_
  - c. Governmental authority that is granted is then divided between two \_\_\_\_\_ of government.
  - d. The plan is written or described in a \_\_\_\_\_.

\*Though “the people” are the source of government authority, the founders did not really trust the nature, education and/or altruism of the “masses” and/or were fearful of “mob-mentality.” Instead they established a **government run by officials chosen, through differing methods, by the people**. Define each of the following terms, then place an “X” in front of the term which does NOT apply to the U.S. form of government under the Constitution.

21. \_\_\_ \*democracy -
22. \_\_\_ \*direct democracy -
23. \_\_\_ \*indirect democracy -
24. \_\_\_ \*republic -

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The Constitution also seeks to limit the power of groups, parties or factions from gaining rapid control of the government or implementing sweeping changes in a short time frame. It does this through **differing terms of office, differing constituencies and differing eligibility requirements**:

HOUSE OF REPRESENTATIVES - Article I Section 2 Clauses 1-3

25. How long does a representative serve (single term)? \_\_\_\_\_
26. According to the Constitution, who elects or chooses representatives for the House? \*How is it different in actual practice?
27. What eligibility requirements (3) does the Constitution establish for members of the House? (give specifics)
28. Originally, how many citizens did each member of the House represent?
29. \*How much (what percentage) of the House of Representatives can change at each national election? \_\_\_\_\_

\*\* HR constituency (current) =

SENATE - Article I Section 3 Clauses 1-3

30. How long does a senator serve (single term)? \_\_\_\_\_
31. Who ORIGINALLY elected or chose members of the Senate?
32. What eligibility requirements (3) does the Constitution establish for members of the Senate? (give specifics)
33. Currently, how much (what percentage) of the Senate can change at each national election? \_\_\_\_\_
34. Who now elects or chooses each U.S. Senator? (Amendment XVII) What year did this take effect?

\*\*SENATE constituency (current) =

PRESIDENT - Article II Section 1 Clauses 1 & 5

35. How long does the President serve (single term)? (II.1.1)\_\_\_\_\_
36. What eligibility requirements (3) does the Constitution establish for the President? (II.1.5) (give specifics)

\*\*PRESIDENT's constituency =

SUPREME COURT - Article III Section 1

37. \*How long does a member of the Supreme Court serve (best description)?

\*\*SUPREME COURT's constituency =

**EXPRESS / EXPRESSED / OR ENUMERATED POWERS**

Because “We the people” hold the power of government, we must name what powers we give the government to use. The powers of the Constitution that are specifically granted to the branches of government or to office holders are called *express / expressed / enumerated* powers. You saw previously the general separation of powers to the specific branches of government by naming them in different articles of the Constitution. These include:

38. \***legislative power**, which is the authority to \_\_\_\_\_ laws, given in Article \_\_\_ to \_\_\_\_\_  
39. \***executive power**, which is the authority to \_\_\_\_\_ laws, given in Article \_\_\_ to the \_\_\_\_\_  
40. \***judicial power**, which is the authority to \_\_\_\_\_ laws, given in Article \_\_\_ to the \_\_\_\_\_

Beyond this, as in questions # 8 & 9, the Constitution also names other specific powers to each branch.

41. Name two expressed powers of the president. (Article II Sections 2 & 3) Approximately how many in total? \_\_\_\_\_

42. Name ALL the expressed powers of the vice president. (II.1.5 & I.3.4)

43. Find the enumerated powers granted to Congress in the Constitution. Article \_\_\_ Section \_\_\_ Clauses 1- \_\_\_  
List three:

44. The *court of original jurisdiction* is the first court that hears a case. *Appellate courts* hear cases previously tried in lower courts, but still have questions regarding legal procedures and interpretation. Although the Supreme Court functions primarily as an appellate court, it is the court of original jurisdiction in certain kinds of cases. In what types of cases does the Supreme Court have original jurisdiction?

**DENIED POWERS**

The Constitution also limits power by prohibiting or specifically denying certain powers to the government.

45. Identify two powers denied from Congress in the Constitution. (Article I Section 9)

46. Identify two powers the Constitution prohibits from the States. (Article I Section 10)

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47. In addition to separating the powers at one level of government, the Constitution also names a series of **measures for each branch to actually limit the authority or operation of each of the other branches**. These measures to limit power within one level of government are collectively known as:

Search the first three articles of the Constitution and identify one limit each branch is given over the other. Reference where each power is listed in the Constitution. (indicate article.section.clause, i.e. I.8.12)

48. A power that the executive branch has over the legislative branch: (Found: A\_\_S\_\_C\_\_)

49. A power that the executive branch has over the judicial branch: (Found: A\_\_S\_\_C\_\_)

50. A power that the legislative branch has over the executive branch: (Found: A\_\_S\_\_C\_\_)

51. A power that the legislative branch has over the judicial branch: (Found: A\_\_S\_\_C\_\_)

52. A power that the judicial branch has over the legislative branch: (Found: A\_\_S\_\_C\_\_)

53. A power that the judicial branch has over the executive branch: (Found: A\_\_S\_\_C\_\_)

AREAS OF CONTROVERSY

54. Who has the enumerated power to declare war? (Found: A\_\_S\_\_C\_\_)

55. What power(s) does the Constitution give the President in the area of war?

56. Though the concept of balancing the division of government power was critical, the Framers felt one branch to be of the greatest importance and this is indicated in the organization and content of the Constitution. DO a cursory comparison of Articles I, II, and III. Which branch did the Framers consider most important? Give two reasons based upon organization and content of the Constitution

57. Search Article III, in what clause is the “power of judicial review” named?

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58. The Constitution has relatively little to say about the structure and composition of the Supreme Court. Identify two aspects of the Court's structure and composition that the Constitution DOES NOT specify. (The Constitution does specify these two basic aspects of structure and composition for the other two branches – see I.2.2, I.2.3, I.3.1, I.3.3, II.1.5).

PART III: IMPORTANT CONSTITUTIONAL CLAUSES

For each of the named clauses provide the constitutional reference and copy its wording:

59. The “*commerce clause*” (Found: A \_\_\_ S \_\_\_ C \_\_\_) states:
60. The “*necessary and proper clause*” (Found: A \_\_\_ S \_\_\_ C \_\_\_) states:
61. The “*supremacy clause*” (Found: A \_\_\_ S \_\_\_ C \_\_\_) states:
62. \*How might have the above clauses impacted the power of the federal/national government relative to the states?
63. The “*habeas corpus clause*” (Found: A \_\_\_ S \_\_\_ C \_\_\_) states:
64. \*What is a *writ of habeas corpus*?
65. Where is a *bill of attainder* discussed? (Found: A \_\_\_ S \_\_\_ C \_\_\_) states:
66. \*What is a *bill of attainder*?
67. Where is an *ex post facto* law discussed? (Found: A \_\_\_ S \_\_\_ C \_\_\_) states:
68. \*What is an *ex post facto law*?

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69. The “*full faith and credit clause*” (Found: A \_\_\_ S \_\_\_ C \_\_\_) states:

III.2 IMPORTANT CONSTITUTIONAL CLAUSES – THE AMENDMENTS

70. The “*establishment clause*” (Found in Am # \_\_\_\_\_) states:

71. The “*free exercise clause*” (Found in Am # \_\_\_\_\_) states:

72. There are two clauses in the Constitution that use the words “*due process of law.*”  
(Found in Am # \_\_\_\_\_) \*\* applies to  
& (Found in Am # \_\_\_\_\_)\*\* applies to

73. \*What does the “*due process*” of law imply?

74. Find the “*takings clause*” of the 5<sup>th</sup> Amendment. What does this mean?

This is also known as[aka]: (2) -

-

75. The “*equal protection clause*” (Found: Am # \_\_\_\_\_) \*What does this imply?



PART IV. MAJORITY AND SUPERMAJORITY REQUIREMENTS

The Constitution establishes voting thresholds for the general business and **specific procedures** of the national government. A simple majority is required for most business, but other specific actions **require a supermajority**.

76. A **simple majority** means \_\_\_\_\_.

77. A **supermajority** requirement can involve a 2/3 majority (\_\_\_\_%) or a 3/4 majority (\_\_\_\_%).

78. a. What bodies have the power to override a presidential veto? \_\_\_\_\_

b. What margin/threshold is required to override a presidential veto? \_\_\_\_\_

c. Where in the Constitution is the veto power described? \_\_\_\_\_

79. a. What specific body has the power to ratify treaties? \_\_\_\_\_

b. What margin/threshold is required to ratify treaties? \_\_\_\_\_

c. Where in the Constitution is the ratification power described? \_\_\_\_\_

To *impeach* means “to bring charges against” or “to indict”.

80. a. What specific body has the power to impeach the president? \_\_\_\_\_

b. What margin/threshold is required to impeach? \_\_\_\_\_

c. What is the standard for impeachment? \_\_\_\_\_

d. Where in the Constitution is the impeachment process described? \_\_\_\_\_

81. a. What body has the power to convict the president of charges brought against him in the impeachment process and thereby remove him from the presidency? \_\_\_\_\_

b. What margin/threshold is required to convict and remove a president? \_\_\_\_\_

82. a. What body has the power to accept or reject a president’s nominations to the Supreme Court? \_\_\_\_\_

b. What margin/threshold is required to elevate a president’s nominee to a seat on the Court? \_\_\_\_\_

c. What words are used in the Constitution to describe the role of the Senate in Supreme Court nominations? \_\_\_\_\_

d. Where in the Constitution are judicial nominations and confirmations described? \_\_\_\_\_

83. a. The Framers chose an indirect method to select the president known as the \_\_\_\_\_

b. States determine a method to choose electors equal in number to \_\_\_\_\_

c. Electors, once chosen by a state, meet to vote for \_\_\_\_\_ Where? \_\_\_\_\_

d. Where in the Constitution is this portion of the Electoral College described? \_\_\_\_\_

\*e. Total Electoral votes possible? \_\_\_\_\_ Minimum ECV needed to win the presidency? \_\_\_\_\_ (\_\_\_\_%)

f. Go to Amendment 12. If no candidate for the presidency wins a simple majority of the total number of electoral votes, what body has the power to choose the president? \_\_\_\_\_

g. What margin/threshold is required to choose the president by this method? \_\_\_\_\_

h. How many total votes are used in this method? \_\_\_\_\_ \*Minimum votes needed to win? \_\_\_\_\_

84. The Constitution specifies a three-fourths majority for two related processes. What are they?

Article VII -

Article V -

85. Within the questions above, draw a box around the actions (words only, not whole question) which require a supermajority. You may list any others of which you know below. Then, collectively or for each, explain why you believe there is a supermajority requirement.

PART V. THE AMENDMENTS TO THE CONSTITUTION

Changes to the U.S. Constitution were necessary from the very start in order to assure ratification. These and later additions clarified or revised procedures, added protections and in some cases reflected shifting attitudes in the United States.

86. From Article V, what are two ways that amendments to the Constitution can be proposed?

87. What are two ways that amendments to the Constitution can be ratified?

Write the ROMAN NUMERAL & year of effect; then, outline the general purpose of Amendments 1-10.

<b>Amendment 1</b> I  1791	PROTECTS / GUARANTEES:
<b>Amendment 2</b> II	PROTECTS / GUARANTEES:
<b>Amendment 3</b>	PROTECTS / GUARANTEES:
<b>Amendment 4</b>	PROTECTS / GUARANTEES:
<b>Amendment 5</b>	PROTECTS / GUARANTEES:
<b>Amendment 6</b>	PROTECTS / GUARANTEES:
<b>Amendment 7</b>	PROTECTS / GUARANTEES:
<b>Amendment 8</b>	PROTECTS / GUARANTEES:
<b>Amendment 9</b>	PROTECTS / GUARANTEES:

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<b>Amendment 10</b>	PROTECTS / GUARANTEES:
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98. Collectively, the first ten amendments are known as \_\_\_\_\_ which took effect in \_\_\_\_\_.

99. Examine the wording of these amendments, who/what is being limited or prohibited from action?

100. Does the wording in any of these amendments indicate a right being given, provided, granted, awarded, assigned, offered, presented or bestowed to the people by the government? YES / NO  
 \*\*

101. \*Based upon the writings of key philosophers, many founders believed that often these rights were a given part of the human existence, present from birth and were referred to with the term \_\_\_\_\_ or \_\_\_\_\_. Therefore these key amendments and others limited the \_\_\_\_\_ from \_\_\_\_\_

102. Amendments 9 & 10 are keys to the federal system established by the Constitution because they refer to powers NOT specifically mentioned in this document. Indicate who has each “power”

a. (Am # 9) unenumerated powers -

b (Am # 10) reserve powers -

Write the ROMAN NUMERAL & year of effect; then, outline the general purpose of Amendments 11-27.

<b>Amendment 11</b>	
<b>Amendment 12</b>	

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<b>Amendment 13</b>	
<b>Amendment 14</b>	PROTECTS / GUARANTEES:
<b>Amendment 15</b>	PROTECTS / GUARANTEES:
<b>Amendment 16</b>	
<b>Amendment 17</b>	
<b>Amendment 18</b>	
<b>Amendment 19</b>	PROTECTS / GUARANTEES:
<b>Amendment 20</b>	
<b>Amendment 21</b>	
<b>Amendment 22</b>	
<b>Amendment 23</b>	PROTECTS / GUARANTEES:
<b>Amendment 24</b>	PROTECTS / GUARANTEES:

<b>Amendment 25</b>	
<b>Amendment 26</b>	PROTECTS / GUARANTEES:
<b>Amendment 27</b>	

120. In addition to the two Amendments (ques # 72) which mention “due process of law,” which other Amendments (from 1-27) list some of the components of (procedural) due process?

- \_\_\_\_\_ (yr. \_\_\_\_\_) -
- 5 - V (yr. \_\_\_\_\_) – federal due process
- \_\_\_\_\_ (yr. \_\_\_\_\_) -
- \_\_\_\_\_ (yr. \_\_\_\_\_) -
- \_\_\_\_\_ (yr. \_\_\_\_\_) -
- 14 – XIV (yr. \_\_\_\_\_) – state due process

121. Which Amendments (from 11-27) deal with expanded protection of “voting rights?”

- \_\_\_\_\_ (yr. \_\_\_\_\_) -
- \_\_\_\_\_ (yr. \_\_\_\_\_) -
- \_\_\_\_\_ (yr. \_\_\_\_\_) -
- \_\_\_\_\_ (yr. \_\_\_\_\_) -
- ~ \_\_\_\_\_ (yr. 1961) -

122. Which Amendments (from 11-27) deal with “Prohibition?”

- \_\_\_\_\_ (yr. \_\_\_\_\_) -
- \_\_\_\_\_ (yr. \_\_\_\_\_) -

123. Which Amendments (from 11-27) deal with government “procedural” matters? (How the federal government is set up, structured or operates)

- \_\_\_\_\_ (yr. 1804) -
- \_\_\_\_\_ (yr. 1913) -
- \_\_\_\_\_ (yr. 1913) -
- \_\_\_\_\_ (yr. 1933) -
- \_\_\_\_\_ (yr. 1951) -
- \_\_\_\_\_ (yr. 1963) -
- \_\_\_\_\_ (yr. 1967) -
- \_\_\_\_\_ (yr. 1992) -

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124. Which Amendments are known collectively as “the Civil War” Amendments? [some repeated from previous]

\_\_\_\_\_ (yr. \_\_\_\_\_) -

\_\_\_\_\_ (yr. \_\_\_\_\_) -

\_\_\_\_\_ (yr. \_\_\_\_\_) -

125. According to the 14th Amendment who is considered a citizen of the U.S.?

What two protections are citizens then also guaranteed in this 14<sup>th</sup> Amendment?

126. Considering the definition of a citizen given in the 14<sup>th</sup> Amendment, what groups in the U.S. would be considered citizens, yet were left out of the (\*\_\_\_\_\_) protection guaranteed in the 15th Amendment?

127. Review Article I Section 2 Clause 3 (I.2.3 and I.9.4), then describe the type of tax permitted prior to 1913. How did the 16th Amendment change this? \*What was the result?

128. How were US Senators chosen before the Seventeenth Amendment (see I.3.1 or questions #31,34)?

129. The Twenty-Fifth Amendment describes the sequence of events that would install the vice president as acting president with or without the consent of the sitting president. Outline that sequence of events.

130. How many times is the word *privacy* mentioned in the Constitution (articles and amendments)?

131. a. When was the 27<sup>th</sup> Amendment ratified? \_\_\_\_\_ b. \*How many states ratified this? \_\_\_\_\_

c. When was it first proposed? \_\_\_\_\_ How many ratified it at that point? \_\_\_\_\_

d. How many were required to ratify it at the time it was proposed? \_\_\_\_\_ % \_\_\_\_\_ #

e. Explain this discrepancy (in time and ratification requirements) of the 27<sup>th</sup> Amendment.  
(see Amendments XX, XXI, & XXII)

132. \*What will be the topic of Amendment 28?