

## Homework 10: The Living Constitution

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Grade: {            }

**Question 1.** Take notes on new words and expressions.

*Read the following passage and answer questions 2a through 2i.*

The first Amendment of the Constitution states that “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.” For all Amendments in general, there are “formal” versus “informal” approaches: specifically, the formal way from Article V is a two-stage process for amending via proposal and ratification; the informal way, on the other hand, includes judicial interpretation, social, cultural and legal change.

Between October 1787 and May 1788, the Federalist Papers, a series of eighty-five essays written by Alexander Hamilton, John Jay, and James Madison. The essays were published anonymously, under the pen name “Publius,” in various New York state newspapers of the time. They were intended for ratifying the Constitution beyond the initial two states of Pennsylvania and Delaware. Besides, the Supremacy Clause of the Constitution of the United States establishes that the Constitution, federal laws made pursuant to it, and treaties made under

its authority, constitute the “supreme Law of the Land”, and thus take priority over any conflicting state laws.

Speaking of elections, the Electoral College is an election topic that inspires confusion, controversy and conflict. Many people know that the Electoral College is part of the Presidential election process but may be unsure about its importance and how it works. In the early days of our country’s formation, deciding



Painting of George Washington at Constitutional Convention of 1787 by American painter Junius Brutus Stearns via Wikimedia Commons, public domain

on the process for electing a U.S. President was a controversial topic. Some suggested that Congress should choose the President. Others argued that it should be a democratic vote by the people. The compromise was the Electoral College, which has been in effect ever since.

Voting did not come in place in one day either. Ratified in 1971, the 26th Amendment to the United States Constitution lowered the voting age of U.S. citizens from 21 to 18 years old.

*“...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.” Section I, Amendment 26 of the U.S. Constitution.”*

In the United States, the organizing principle of federalism distributes power between the national government and the state governments, both of whose powers rest on written constitutions and both of which can act directly on individuals. This governmental system ensures cooperation and conflict within and between levels of government; federalism is the theory of distributing power

between national and state governments. The relation between federalism and the First Amendment has important dimensions involving political theory. Modern federalism was created at the Constitutional Convention of 1787.

**Question 2a.** The amendment process for the Constitution is set out in Article V and creates a

- A) two-stage process of proposal and ratification.
- B) fairly easy procedure for changing the document.
- C) single-stage process utilizing conventions or Congress.
- D) process by which the states, Congress, the executive branch, and a majority of voters must agree on changes to the document.
- E) process of congressional approval and presidential signing into law.

**Question 2b.** Eighteen to 21-year-olds received the right to vote with ratification of the

- A) Constitution.
- B) Bill of Rights.
- C) Twenty-Sixth Amendment.
- D) Nineteenth Amendment.
- E) Twenty-Fifth Amendment.

**Question 2c.** The Electoral College system created by the Framers was designed to give

- A) federal government the preeminent role in choosing the president.
- B) states a key role in choosing the president.
- C) average voters the decisive power in choosing the president.
- D) electors the power to choose members of Congress.
- E) the Supreme Court a role in choosing the president.

**Question 2d.** The system of government in which power is divided between the state and national governments is called

- A) federalism.
- B) unitarism.
- C) pluralism.
- D) confederation.
- E) constitutionalism.

**Question 2e.** The \_\_\_\_\_ is empowered by the Constitution to make all federal laws.

- A) federal bureaucracy
- B) judicial branch
- C) legislative branch
- D) executive branch
- E) Electoral College

**Question 2f.** Without the supremacy clause, A) state laws could supersede national law.

- B) states could impeach U.S. Supreme Court justices.
- C) federal government could enact laws dealing with education.
- D) international law would be supreme to acts of Congress.
- E) local law could supersede state law.

**Question 2g.** The series of 85 political papers written by John Jay, Alexander Hamilton, and James Madison in support of ratification of the new constitution are called the

- A) Pennsylvania Packet.
- B) Federalist Papers.
- C) Anti-Federalist Papers.
- D) Crisis.
- E) Common Sense.

**Question 2h.** Informal methods of amending the Constitution include

- A) social change, judicial interpretation, and acts of Congress.
- B) judicial interpretation and cultural and social change.
- C) executive orders.
- D) acts of state legislatures.
- E) a national referendum and/or initiative.

**Question 2i.** The First Amendment of the Constitution provides for which of the following?

- A) Freedom of assembly
- B) Right to bear arms
- C) Right to vote
- D) Right to an attorney
- E) Federal form of government