

## Wilson: Ch. 2: The Constitution

**Question 1)** Which of the following statements, A through D, is false?

- A) The chief problem facing the Framers of the Constitution was how to devise a government strong enough to preserve collective order but not so strong that it would threaten individual liberty.

Explanation: As James Madison put it, "You must first enable the government to control the governed; and in the next place oblige it to control itself." (The Federalist, No. 51)

- B) Most of the Framers believed that people are by nature ambitious, greedy, and easily corrupted.

Explanation: Madison observed, "If men were angels, no government would be necessary."

- C) Turmoil, uncertainty, and fear permeated the eleven years between the Declaration of Independence in 1776 and the signing of the Constitution in 1787.

Explanation: Threats of border disputes and domestic disorder troubled the weak nation under the Articles of Confederation.

- D) The Articles of Confederation created little more than a "league of friendship" between 13 sovereign states.

Explanation: The Confederal Congress lacked the power to levy taxes or regulate commerce. Each state retained its sovereignty. There was no national judiciary to settle disputes among the states.

- E) None of the above statements, A through D, is false.

**Question 2)** Which of the following statements, A through D, is false?

- A) The Constitutional Convention was held in Philadelphia from May to September in 1787.

Explanation: Twelve of the 13 states sent a total of 55 delegates (about 30 actively participated and 39 signed the final document). Rhode Island sent none.

- B) At the time of the Philadelphia convention, the state governments of Massachusetts and Pennsylvania, respectively, illustrated the dangers of excessively strong and excessively weak governments.

Explanation: It was the other way around. The Pennsylvania state constitution concentrated too much power in the unicameral legislature, which disfranchised Quakers, persecuted conscientious objectors to the war, ignored the requirement of trial by juries, and manipulated the state judiciary. The Massachusetts state constitution left its state government too weak to put down Shays' rebellion.

- C) In 1787, just before the Constitutional Convention, Shays' Rebellion prevented the courts in western Massachusetts from enforcing debt and tax collections objected to by impoverished farmers.

Explanation: This insurrection had a powerful effect on the delegates to the Philadelphia convention, convincing many, who might otherwise have been reluctant to attend, to realize that the Articles of Confederation left the national government too weak to properly respond to domestic problems.

- D) The Philadelphia convention proposed not a revision of the Articles of Confederation, as it had been authorized to do by the Confederal Congress, but instead a wholly new constitution unlike any that had existed before in any country.

Explanation: In addition, instead of sending the proposed constitution to the Confederal Congress for ratification, the delegates instead sent the document to the states to be ratified by popularly elected conventions.

- E) None of the above statements, A through D, is false.

**Question 3)** Which of the following statements, A through D, is false?

- A) The preamble to the Constitution states, "We hold these truths to be self-evident, that all men are created equal ..."

Explanation: This principle is stated in the Declaration of Independence, not the Constitution. The latter deviated from that principle in its failure to abolish slavery in order to bargain for ratification by the 5 slave-states of the South.

- B) Philadelphia-convention delegates from the more-populous states tended to favor a stronger national government at the expense of state's rights – they supported the Virginia Plan. Delegates from the less-populous states tended to have the opposite preferences -- they supported the New Jersey Plan.

Explanation: James Madison from Virginia and Alexander Hamilton from New York were examples of big-state delegates who

avored a strong national government. William Paterson from New Jersey and Charles Pinckney from South Carolina were examples of small-state delegates who favored state's rights and a weak national government.

- C) The Great (or Connecticut) Compromise resolved this dispute by allowing the small states to predominate in the Senate and the large states in the House.

Explanation: This pattern is still evident today. The 12 large (populous or big-city) states (with well over 50% of the U.S. population) muster less than a quarter of the votes in the U.S. Senate. The 38 smaller (less-populous or small-town and rural) states muster more than three-fourths of the votes in the Senate. That is why there is always far more federal spending on agriculture than on urban mass-transit.

- D) The new constitution protected the rights of those not in the majority by two kinds of limits on governmental power – absolute and conditional limits.

Explanation: Examples of absolute limits on Congress are the prohibitions against it passing ex post facto laws or bills of attainder or changing the boundaries of any state without that state's consent.

Examples of conditional limits on Congress are the requirements for "extraordinary" majorities for the Senate to ratify treaties or both houses to propose amendments to the Constitution or to override presidential vetoes.

- E) None of the above statements, A through D, is false.

**Question 4)** Which of the following statements, A through D, is false?

- A) There are two ways to propose amendments to the U.S. Constitution and two ways to ratify them.

Explanation: Constitutional amendments can be proposed by a vote of two-thirds of both houses of Congress or two-thirds of the state legislatures can petition Congress to call a national convention for the purpose of proposing amendments.

Constitutional amendments can be ratified by votes to approve in three-fourths of the state legislatures or by votes to approve in popularly elected ratifying conventions in three-fourths of the states.

- B) Thirty-three proposals to amend the U.S. Constitution have received the necessary two-thirds vote in both houses of Congress.

Explanation: Since the 1950s, state legislatures have frequently petitioned Congress to call a national convention for the purpose of proposing a number of constitutional amendments that were bottled up in Congress, e.g., amendments that would ban abortions, outlaw desecrating the U.S. flag, require Congress to balance the annual federal budget, allow government-sponsored prayers or Bible-reading in public schools.

However, whenever the number of such petitions neared the required two-thirds margin, some of the state legislatures would rescind their petitions – fearing that such a second national constitution convention might not limit itself to the topics proposed.

- C) All 33 proposed amendments to the U.S. Constitution have been ratified.

Only 27 have so far been ratified. Twenty-six were ratified by votes to approve in three-fourths of the state legislatures.

Explanation: One, the Twenty-first (repealing Prohibition) was ratified by votes to approve in special popularly elected ratifying conventions in three-fourths of the states. Congress used this method because at that time (1933) most state legislatures were still malapportioned to over-represent rural voters and to under-represent urban/suburban voters. The former tended to be socially conservative, the latter to be more socially liberal. The popularly elected delegates to the special ratifying conventions better represented the urban/suburban majority in the country.

- D) Although the original Constitution provided for popular election of members of the U.S. House of Representatives, state legislatures – not the people – would choose the U.S. Senators, and electors – not the people directly – would choose the president.

Explanation: Small-state delegates generally opposed direct election of the senators and the president – fearing that such direct elections would be dominated by the more populous states.

- E) None of the above statements, A through D, is false.





**Question 5)** Which of the following statements, A through D, is false?

- A) The Framers made the process of amending the Constitution easier than it had been under the Articles of Confederation but still relatively difficult.

Under the Articles of Confederation, any single state could veto an amendment to the Articles of Confederation. In contrast, under the U.S. Constitution, it takes 13 states (25% + 1) to block ratification of a proposed amendment.

Explanation:

The key choke point is Congress. Thousands of proposals have been introduced in Congress over the last 200 years but only 33 have been sent to the states for ratification. Of those 33, 27 have been ratified.

- B) Congress may limit the time within which a proposed amendment must be ratified.

The usual limitation in modern times has been 7 years, but the Twenty-seventh Amendment took 202 years to ratify. This amendment states that, "No law varying the compensation for the services of the Senators and Representatives shall take effect, until an election of Representatives shall have intervened." It appears that this amendment (proposed in 1790) simply got lost among the states and was largely forgotten until 1992, when it was "rediscovered" and ratified.

Explanation:

- C) The Framers intended to safeguard against the abuse of government power by disbursing that power in three ways: 1) separation of power across branches at the national level, 2) division of power across national and state levels of government and 3) sharing of some powers across branches or levels.

For example, only Congress can pass legislation, but the president can veto it, but the Congress can override that veto, but the federal courts can declare that legislation unconstitutional. These are all examples of checks and balances between branches at the federal level of government.

Explanation:

An example of a power shared across levels is the power to amend the Constitution. Congress proposes and the states ratify. We will see in chapter ten that amending the Constitution is a way that has been used to over-rule the federal courts when they declare an action by the national or state governments to be unconstitutional.

- D) The Framers believed that human nature made good government not only possible but inevitable.

First of all, the Framers knew that they were creating a "more perfect union" not a "perfect one." Hence, Madison knew that all of the internal and external controls would not make good government inevitable. They would reduce but not eliminate the abuse of government powers and other shortcomings flowing from flaws in human nature.

Explanation:

Secondly, most of the Framers rejected the notion that good government could be guaranteed simply by putting good people in office. In particular, Madison argued that the universal human shortcomings of self-interest and short-sightedness could be harnessed to the long-term common good by distributing government's powers across many branches and levels each exercising shared powers and representing different constituencies.

- E) None of the above statements, A through D, is false.

**Question 6)** Which of the following statements, A through D, is false?

- A) Most of the Framers, like today's citizens, had a negative view of special-interest groups, seeing them as sources of factionalism and tyranny.

Madison defined "faction" as "a number of citizens, whether amounting to a majority or a minority of the whole, who are united and actuated by some common impulse of passion, or of interest, adverse to the rights of other citizens, or to the permanent and aggregate interests of the community." (Federalist, No. 10).

Explanation:

- B) However, Madison argued that the Constitution's system of checks and balances would work, not in spite of the imperfections of human nature, but because of them.

This complex constitutional dispersion of shared powers and representation would pit the self-interest and ambitions of each office-holder and constituency against all others forcing the delays and compromises necessary to usually (but not always) produce the best approximation of the common good. The dispersion of shared powers and representation would give to virtually every faction an opportunity to influence some – but not all – government power.

Explanation:

- C) Supporters of ratification of the proposed constitution called themselves Federalists; opponents of ratification called themselves Antifederalists.

The two major leaders of the Federalists were Alexander Hamilton from New York and James Madison from Virginia. The major leader of the Antifederalists was Thomas Jefferson from Virginia.

Explanation:

- D) Antifederalists opposed a strong national government on the grounds that distant national government was more likely to abuse its powers than state governments closer to the people.

Explanation: Most Antifederalists preferred a confederation of strong states where the national government was relatively weak.

- E) None of the above statements, A through D, is false.

**Question 7)** Which of the following statements, A through D, is false?

- A) A central issue in the debate within the states over whether to ratify the newly proposed Constitution concerned the absence of a bill of rights – an extensive listing of individual liberties that the new national government could not abridge or deny.

Explanation: The proposed Constitution did include various guarantees of individual liberties that the national government was prohibited from abridging or denying, e.g., the right to a jury trial in criminal cases in federal courts, the right to a writ of habeas corpus, prohibitions on *ex post facto* laws and bills of attainder, bans on religious tests for holding federal office and on federal laws interfering with contracts, and promises that citizens of each state would enjoy the same rights enjoyed by citizens of every other state.

Nonetheless, the Antifederalists wanted a more lengthy enumeration of guarantees of individual liberties, similar to the bill of rights found in most state constitutions of the time.

- B) Though most small states, pleased by their equal representation in the Senate, quickly ratified, the battle in the large states was intense.

Explanation: Supporters of the new Constitution won only by narrow margins in the large states – often only after promising that the 1st Congress under the new Constitution would propose a bill of rights as amendments.

- C) As originally proposed and ratified, the new Constitution's Bill of Rights limited the power of BOTH the federal and state governments.

Explanation: The original intent and effect of the Bill of Rights was to limit the powers of the federal government only. As we will see in Ch. 12, after the Civil War, the U.S. Supreme Court began to incorporate many (but not all) of the guarantees of the Bill of Rights into the due-process and equal-protection clauses of the 14th Amendment to limit state government actions as well.

- D) Although black slaves amounted to one-third of the population of the 5 southern states, nowhere in the Constitution can one find the words slave or slavery.

Explanation: In the 3 provisions that dealt with slavery, the Framers used the euphemisms "Persons," or "other Persons."

- E) None of the above statements, A through D, is false.

**Question 8)** Which of the following statements, A through D, is false?

- A) Wilson repeats the conventional wisdom that any attempt by the Framers to abolish slavery would have prevented its ratification by the 5 Southern states with slaves.

However, what Wilson fails to mention is that, although creating a very emotionally divisive issue, slavery was not yet in 1787 the economic linchpin of the South's economy.

Explanation: This was because the cotton gin was not invented until 6 years later in 1793. That invention made possible the large-scale, cotton-plantation economy that rapidly transformed the south. Within a few years, the cheap labor of field slaves became crucial to the "king-cotton" economy of the American South.

Hence, AFTER the invention of the cotton gin, the abolition of slavery was increasingly impossible to achieve without a civil war (but not necessarily impossible in 1787).

- B) George Washington, James Madison, and Thomas Jefferson were among the numerous Southerners who deplored slavery but were unable to craft a compromise for the abolition of slavery that was acceptable to supporters of slavery.

Explanation: Jefferson was a particularly interesting case. Of the many slaves that he owned, the only ones that he freed during his lifetime or through his last will and testament were the children of Sally Hemmings. This fact reinforces the DNA evidence that those children were probably his own.

- C) The Framers compromised on the issue of counting slaves for apportionment of seats in the U.S. House of

Representatives.

Explanation: The Southern states wanted slaves counted like free persons; the Northern states didn't want slaves to count at all in the apportionment of House seats. The compromise was to count slaves as 3/5ths of a free person for that purpose.

D) The original Constitution immediately abolished the importation of additional slaves into the country from Africa.

Explanation: Congress was forbidden by the Constitution from limiting the importation of "such persons as any of the states now existing shall think proper to admit" in 1808. Once this 20-year moratorium expired, Congress did prohibit any further importation of slaves into the country. However, by that time, the South had enough slaves on hand to meet its increasing needs.

E) None of the above statements, A through D, is false.

**Question 9)** Which of the following statements, A through D, is false?

A) The Framers allowed the pro-slavery delegates to insert a provision into the Constitution that required free states to return all fugitive slaves to their masters.

Explanation: This provision caused a good deal of civil disobedience in the free states as the "underground railroad" funneled increasing numbers of fugitive slaves to the North prior to the Civil War.

B) Charles A. Beard was the first and most influential critic of the Framers to argue that many of them were primarily intent on creating a new Constitution that would protect the vested interests of their own relatively privileged social and economic class.

Explanation: Beard made this economic determinism argument in his AN ECONOMIC INTERPRETATION OF THE CONSTITUTION (1913). Beard argued that the Philadelphia convention and the subsequent ratification process were dominated by well-off urban and commercial leaders, to the disadvantage of small farmers, debtors, and the propertyless masses.

C) Wilson concludes that Beard's economic interpretation has by and large been "disproved."

Explanation: However, Wilson overstates that consensus. There remain a considerable number of political historians that interpret the data to support Beard. Of course, neither Beard nor Wilson nor any of us can ever positively know the intentions or motives behind the decisions and actions of the Framers, who lived over two hundred years ago. This debate will never be so completely resolved as Wilson describes it.

D) Debtors, farmers, and rural interests tended to favor ratifying the new Constitution while creditors, business owners, and urban interests tended to oppose.

Explanation: It was just the other way around. The tendencies were quite strong for a good reason. The new Constitution would protect vested financial interests by strengthening the powers of the national government to enforce the collection of debts, guarantee the soundness of money, and otherwise encourage trade and commerce. The cash-poor debtors tended to be farmers concentrated in rural areas.

E) None of the above statements, A through D, is false.

**Question 10)** Which of the following statements, A through D, is false?

A) Whenever the original Constitution defined a right that people were to have (e.g., suffrage), the Framers always granted the right to men, clearly excluding women.

Explanation: Although women are nowhere mentioned in the original Constitution, the document always granted rights to "persons" or "citizens," not to "men" (or, no mention was made of gender). Moreover, when the qualifications for elective office were stated, the word "person," not "man," was used. Of course, what the Constitution permitted did not necessarily occur immediately, e.g., women were not guaranteed the right to vote nationwide until the 19th Amendment was ratified in 1920. However, nothing in the Constitution before the 19th Amendment limited the suffrage to men. Those limits had been imposed by the states.

B) Kentucky was the first state to allow women the right to vote.

Explanation: In 1838, women in Kentucky were given the right to vote in local school-board elections.

C) Wyoming territory was the first jurisdiction to give women the right to vote in all elections that men could vote in.

Explanation: This right was first granted to Wyoming women in 1869. Generally, the Western states and territories were far ahead of the Southern, Northeastern, or Midwestern states in granting women's suffrage. This can be attributed to at least two factors: 1) women, as a scarcer commodity in the West, had greater bargaining power, and 2) Western women

shared the hardships and dangers of frontier life and were less likely to accept the common image of women elsewhere as too dainty and weak to be exposed to rough-and-tumble world of politics.

D) Women were not guaranteed the right to vote nationwide until the 19th Amendment was ratified in 1920.

Explanation: The women's suffrage movement had been nationally organized and pressuring Congress to propose such an amendment since the 1840s.

E) None of the above statements, A through D, is false.