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Subject Quiz

"each educational institution that receives federal funds for a fiscal year shall hold an educational program on the United States Constitution on September 17 of such year for the students served by the educational institution." Sadly hundreds, if not thousands, of American institutions of higher education failed to stage Constitution Day events in 2005, the first year of mandated observance – thereby imperiling their federal subsidies. In an effort to help colleges and universities comply with federal law, we have prepared the following quiz that can be distributed to professors, administrators, and students alike.

observed on (Because September 17 falls on a Sunday this year, Constitution Day will officially be Monday, September 18.)

1. The Constitution was drafted in the summer of 1787 by:
 - a. A multicultural body that reflected the broad diversity of America of the day, including women, Native Americans, free African-Americans, and slaves
 - b. 55 white, privileged Protestant men
 - c. 54 white, privileged Protestant men and one slightly confused white Catholic male thrown in for good measure
 - d. Moses
2. Who believed that the American Constitution should be set aside and rewritten every generation?
 - a. The liberal senator from Massachusetts
 - b. Nikita Khrushchev
 - c. Satan
 - d. Thomas Jefferson
3. What are the first words of the Constitution?
 - a. "Oh say can you see"
 - b. "Yo, peeps"
 - c. "We, the People"
 - d. "In the beginning"
4. Where is the Constitution?
 - a. In the National Archives
 - b. In the Oval Office wastebasket

- c. In an undisclosed secure location
- d. In Senator Byrd's pocket

5. Who engrossed the Constitution?

- a. Activist Supreme Court justices
- b. Franklin D. Roosevelt
- c. Jacob Shallus, the Engrosser
- d. Dolley Madison

6. Article One, Section Eight enumerates the explicit powers of Congress. Included is the power to

"regulate commerce ... among the several states." That power to regulate interstate commerce authorizes

Congress to:

- a. Do anything it wants
- b. Do virtually nothing
- c. Do anything it wants except ban the carrying of automatic weapons in the vicinity of public schools
- d. All of the above

7. Article One, Section Eight further declares that it falls to Congress "to declare war." This means:

- a. Congress may cravenly delegate its war-making powers to the president.
- b. Congress may cravenly delegate its war-making powers to the president.
- c. Congress may cravenly delegate its war-making powers to the president.
- d. All of the above

8. Article Two stipulates that "no person except a natural-born citizen" can be president. As a consequence:

- a. No one born by cesarean can be president.
- b. Progeny of alien insemination cannot be president.
- c. Those born in Guantánamo Bay prison must take their case before the Supreme Court.
- d. Arnold Schwarzenegger is out of luck.

9. Article Two stipulates that the president will appoint judges of the Supreme Court with the "advice and consent of the Senate." This means:

- a. Senators may ask a nominee questions about everything except what he or she believes the Constitution means.
- b. Senators may ask a nominee any question but mustn't expect the nominee to remember any of his/her opinions about any contested legal issue debated in the last 30 years.
- c. Senators may ask any question as long as it does not bear on any legal memos, articles, or decisions drafted by the nominee in the last 30 years.
- d. The president will advise, and the Senate will consent.

10. Those who believe the Constitution should be interpreted according to the original intentions of the framers overlook the fact that:

a. The framers failed to leave behind complete records by which all their intentions could be reconstructed.
b. Different framers had different views, making it impossible to speak of a univocal intent of the framers regarding almost anything.
c. Society has so evolved that it is absurd to speak of the framers' intentions with respect to the constitutionality of electronic wiretaps, copyright issues governing digital media, stem-cell research, and other matters of great import today.
d. The leading framers intended that their specific intentions should not control future interpretations of the Constitution.
e. All of the above

11. The Ninth Amendment states that "the enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people." The Supreme Court has treated that language as:

a. The constitutional foundation for a broad range of unenumerated rights
b. Excluding the right to be free from indoctrination about the Constitution on September 17 of each year
c. Irrelevant
d. Embarrassing

12. The 14th Amendment guarantees the equal protection of the laws. This means:
a. States are empowered to adopt a broad range of affirmative-action programs in order to deliver on the Constitution's promise of equality.
b. States are forbidden from adopting affirmative-action programs because these make hash of the Constitution's promise of equality.
c. Both a and b
d. It all depends on Justice Kennedy.

Correct answers: 1. c; 2. d; 3. c; 4. a; 5. c; 6. c; 7. d; 8. d; 9. a-d; 10. e; 11. c, d; 12. c.