

Name: _____ Date: _____

Answer Key: Constitutional Hunger Games: Evaluating Liberty for College Scholars

Scholars dissect jurisdictional disputes, analyze non-incorporation of the Third Amendment, and weigh the friction between Article VI and state sovereignty for seminar prep.

1. In the context of the Tenth Amendment, which legal doctrine was revitalized in cases like *New York v. United States* (1992) to prevent the federal government from forcing state legislatures to enact specific federal regulatory programs?

Answer: A) The Anticommandeering Doctrine

The Anticommandeering Doctrine, derived from the 10th Amendment, prohibits the federal government from requiring states to administer federal regulatory schemes.

2. True or False: The 'Third Amendment' is one of the few provisions of the Bill of Rights that has never been formally incorporated against the states via the Fourteenth Amendment by the Supreme Court.

Answer: A) True

Because there is no Supreme Court case involving the Third Amendment that has reached the level of needing incorporation, it remains a rare example of a non-incorporated right.

3. The concept of 'Substantive Due Process,' often rooted in the _____ Amendment, allows courts to protect certain fundamental rights from government interference, even if those rights are not explicitly mentioned in the Constitution.

Answer: A) Fourteenth

The 14th Amendment's Due Process clause is the primary vehicle for substantive due process, used to protect rights like privacy and autonomy.

4. Which specific provision of Article VI establishes that the Constitution and federal laws take precedence over conflicting state constitutions and laws?

Answer: B) The Supremacy Clause

The Supremacy Clause in Article VI, Clause 2, ensures that federal law is the 'supreme Law of the Land'.

5. True or False: Under the Ninth Amendment, the Supreme Court has consistently established a definitive, exhaustive list of all 'unenumerated rights' retained by the people.

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Answer: B) False

The Ninth Amendment is inherently open-ended; the Court has deliberately avoided creating an exhaustive list to maintain the flexibility of the 'retained' rights.

6. In determining the constitutionality of government action under the First Amendment's Establishment Clause, the 'Lemon Test' has largely been supplanted or modified by which more recent judicial approach?

Answer: B) The Historical Practices and Traditions Test

Recent jurisprudence, notably in cases like *Kennedy v. Bremerton*, has shifted away from the Lemon Test toward an analysis rooted in historical practices and 'longstanding traditions'.

7. The _____ Amendment serves as a jurisdictional bar, generally preventing citizens from suing a state in federal court without that state's consent, reinforcing the principle of sovereign immunity.

Answer: B) Eleventh

The 11th Amendment was passed specifically to overturn *Chisholm v. Georgia* and establish state sovereign immunity in federal courts.

8. True or False: The 'Exceptions Clause' of Article III gives Congress the power to strip the Supreme Court of its appellate jurisdiction over certain classes of cases.

Answer: A) True

Article III, Section 2, Clause 2 allows Congress to make 'Exceptions' and 'Regulations' concerning the Supreme Court's appellate jurisdiction.

9. Which constitutional mechanism was intended by the Framers to mitigate 'the mischiefs of faction' as famously argued in Federalist Paper No. 10?

Answer: C) An Extended Republic

James Madison argued that an 'extended republic' with diverse interests would prevent any single faction from gaining total control.

10. The Sixth Amendment's _____ Clause ensures that a defendant has the right to face and cross-examine witnesses presented against them at trial.

Answer: A) Confrontation

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The Confrontation Clause is fundamental to the adversarial system, ensuring testimony is subject to the rigors of cross-examination.