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Answer Key: Litigate Your Liberty: 12th Grade Constitutional Analysis Quiz

Examine the tension between state power and individual rights through 10 critical thinking questions on jurisprudence and federalist architecture.

1. Which principle of the American constitutional system is best illustrated by the 'dormant commerce clause,' which limits state legislation that interferes with interstate trade?

Answer: C) Federal Supremacy

The dormant commerce clause relies on the Supremacy Clause and the Commerce Clause in Article I to ensure that national markets are not fragmented by state-level protectionism.

2. The Supreme Court case 'Kelo v. City of New London' examined the ___ Amendment's Takings Clause concerning the use of eminent domain for economic development.

Answer: B) Fifth

The Fifth Amendment contains the Takings Clause, which requires 'just compensation' and a 'public use' justification for the government to seize private property.

3. Under the principle of Dual Federalism, the national government and state governments operate in distinct, non-overlapping spheres of influence.

Answer: A) True

Dual Federalism, often called 'layer cake federalism,' is characterized by clear divisions of authority between federal and state jurisdictions.

4. In 'The Federalist Papers', specifically No. 10, James Madison argues that the best way to control the 'mischief of faction' is through:

Answer: C) A large republic where various interests dilute specialized power

Madison argued that a large republic would contain so many different interests (factions) that it would be difficult for any single majority to consolidate power and oppress the minority.

5. The concept of 'Selective Incorporation' uses the ___ Amendment to apply specific protections in the Bill of Rights to state governments.

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Answer: C) Fourteenth

The Due Process Clause of the 14th Amendment has been used by the Supreme Court to ensure that states cannot deprive citizens of fundamental liberties found in the Bill of Rights.

6. The Ninth Amendment explicitly lists all individual rights that are protected from government infringement.

Answer: B) False

The Ninth Amendment is a 'savings clause' stating that the enumeration of certain rights in the Constitution does not mean other rights held by the people do not exist.

7. Which specific constitutional provision was at the heart of the dispute in 'McCulloch v. Maryland' regarding the creation of a national bank?

Answer: A) The Necessary and Proper Clause

The Court ruled that the 'Necessary and Proper Clause' gave Congress implied powers to create a bank as a tool to carry out its enumerated fiscal duties.

8. When a court applies the ___ standard, the government must prove that a law serves a 'compelling interest' and is 'narrowly tailored' to achieve its goal.

Answer: C) Strict Scrutiny

Strict Scrutiny is the highest level of judicial review, applied to laws that affect fundamental rights or involve 'suspect' classifications like race.

9. The Sixth Amendment's guarantee of a 'speedy and public trial' applies to both criminal prosecutions and private civil lawsuits between individuals.

Answer: B) False

The Sixth Amendment specifically pertains to 'all criminal prosecutions.' Civil suits are generally addressed by the Seventh Amendment.

10. The 'Lemon Test,' derived from 'Lemon v. Kurtzman,' is used by the judiciary to determine if a law violates which clause?

Answer: B) The Establishment Clause

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The Lemon Test assesses whether government actions have a secular purpose, neither advance nor inhibit religion, and avoid 'excessive entanglement' with religion.