

## PROFESSIONAL TEACHING STANDARDS BOARD

### United States Constitution Study Guide

**Section 21-7-304**, Wyoming Statutes, 1969--"All persons hereafter applying for certificates authorizing them to become administrators or teachers in the public schools of this state shall, in addition to existing requirements and before receiving such certificate, be required to pass a satisfactory examination upon the provisions and principles of the constitutions of the United States and of the State of Wyoming, or present evidence of having successfully completed a course equivalent to that required in **W.S. 21-9-102**."

1. What is the supreme law of the land?

*The United States Constitution serves as the supreme law.*

2. How is a vacancy in the U.S. House of Representatives filled?

*A special election is held in the state to fill vacancies.*

3. By what means has the U.S. Constitution been changed since its adoption?

*The Constitution has been changed by amendment, court decisions, and presidential practices.*

4. What are two ways in which amendments to the U.S. Constitution may be proposed?

*Amendments are proposed by a two-thirds vote of each house of Congress or by a convention called by two-thirds of the State Legislatures.*

5. Why are the first ten amendments to the Constitution collectively known as the "Bill of Rights?"

*These amendments guarantee to the people of the United States certain personal rights that are recognized by the federal government and cannot be infringed upon.*

6. What basic freedoms are protected in the First Amendment?

*The first amendment protects freedom of religion, speech, press, peaceable assembly, and the right to petition the Government for a redress of grievances.*

7. What is the purpose of each of the Amendments XIII, XIV, and XV? These are considered the Civil War Amendments.

- *The Thirteenth Amendment abolished slavery.*
- *The Fourteenth Amendment gave citizenship to all persons born in the United States, including slaves.*
- *The Fifteenth Amendment protected the right of citizens to vote regardless of race, color or previous condition of servitude (slavery).*

8. What three restrictions on voting are forbidden in the Constitution?

*A citizen's right to vote is protected regardless of race, color or sex.*

9. What is meant by naturalization?

*Naturalization is the process by which a citizen of another nation becomes a citizen of the United States.*

10. What form of government is guaranteed to each state by the Federal Constitution?

*Each state in the union is guaranteed a Republic form of government which ultimately means that supreme power is held by the people who are represented by their elected officials.*

11. How are new states admitted?

*Congress has the authority to admit new states into the union; however, the boundaries of new states may not infringe upon territories of existing states.*

12. Where does a power reside when it is not delegated or prohibited by the Constitution?

*As per the tenth amendment, these powers are reserved to the States or to the people.*

13. What are five powers forbidden to the states?

- *Coining money*
- *Making treaties with foreign nations*
- *Declaring war*
- *Granting titles of nobility*
- *Passing ex-post facto laws*

14. What is an ex-post facto law and can such a law be passed?

*An ex-post facto law is one that attempts to inflict a penalty or to declare a particular act illegal after it has already occurred. This type of law cannot be enforced and is prohibited.*

15. What are the functions of the legislative, the executive, and the judicial branches of the government?

*Legislative – creates the laws;*

*Executive – enforces the laws;*

*Judicial – interprets the laws.*

16. Which two bodies make up the Congress of the United States and have Legislative powers?

*The Legislature is made up of the U.S. House of Representatives and the U.S. Senate.*

17. When does Congress regularly meet?

*As per the twentieth amendment, Congress shall assemble on the third day of January each year.*

18. How are special sessions of Congress called?

*Special sessions of Congress can be called by order of the President.*

19. What are the qualifications in age, U.S. citizenship, and habitation to be a member of the House of Representatives?

*A member of the House must be at least twenty-five years of age, been a citizen of the United States for seven years and must be a resident of the state from which he/she is chosen.*

20. What are the qualifications in age, U.S. citizenship, and habitation to be a member of the U.S. Senate?

*A member of the Senate must be at least thirty years of age, been a citizen of the United States for nine years and must be a resident of the state from which he/she is chosen.*

21. Who prescribes the times, places, and manner of holding elections for senators and representatives?

*These are prescribed by the legislature of each state, while vacancies are filled by special election in that state.*

22. Who is the judge of the election returns and qualifications of members of Congress?

*Each house of the U.S. Congress oversees election returns and the qualifications of its members.*

23. How many senators are provided by the Constitution?

*The Constitution calls for two senators to be elected at large from each state.*

24. What are the terms of office for the House of Representatives and the Senate?

*Members of the House serve two years, while members of the Senate serve six year terms.*

25. Who are the respective presiding officers over the House of Representatives and the Senate?

*The Speaker of the House presides over the House of Representatives and is elected by House members, while the Vice-President of the United States presides over the Senate.*

26. What are the specific powers vested in the Speaker of the House of Representatives?

*The Speaker assigns all bills introduced to the appropriate standing committee, and the Speaker exercises control and limitation of debate in the House of Representatives.*

27. What major powers are assigned to Congress by the U.S. Constitution?

- *Laying and collection of taxes*
- *Borrowing money on the credit of the United States*
- *Regulating commerce with foreign nations as well as between the states*
- *Coining money*
- *Fixing the standard of weights and measures*
- *Establishing post offices and post roads*
- *Granting patents and copyrights*
- *Declaring war and raising and supporting an army and navy*

28. What limit of powers have been placed on Congress?

- *Suspending privilege of a writ of habeas corpus*
- *Passing bills of attainder or ex-post facto laws*
- *Granting titles of nobility*
- *Giving commercial preference to any state*
- *Taxing the exports of any state*

29. What is the "implied powers clause" of the U.S. Constitution?

*The "implied powers clause" is contained in Art. 1-Sec. 8, Par. 18. It gives Congress the authority to make all laws necessary and proper for executing all the powers of Congress and of the government of the United States. It is meant to address any essential powers that are not explicitly addressed in the Constitution but are necessary and proper to execute and uphold the ones that are.*

30. What is the foundational basis for membership in the Presidential Cabinet?

The President may require the opinion of the principal officer in each of the executive departments. These principal officers are appointed by the President and make up the Presidential Cabinet.

31. What are the President's legislative powers?

*The President has the legislative power to veto legislation put forth by Congress, present messages to Congress, and convene Congress in special sessions.*

32. What is meant by "overriding" the President's veto and how is this done?

*If the President returns a bill to Congress with objections, each branch will reconsider the bill and the objections, and if both Houses pass the vetoed measure by a two-thirds vote, the bill becomes law regardless of the President's veto.*

33. What are three powers of the U.S. Senate not possessed by the U.S. House?

*The Senate has the responsibility to conduct impeachment trials, to ratify treaties with a two-thirds majority of the Senators present and to approve those nominated by the President to official posts within the government.*

34. What is meant by impeachment, and what penalty may be inflicted by the U.S. Senate?

*Impeachment is a process whereby a government official who is considered to be unfit for duty can be removed from office. The penalty inflicted can consist only of removal from office and disqualification for again holding office under the United States Government. A two-thirds vote of the Senators present is necessary for a person to be convicted of impeachment.*

35. The Vice-President of the United States has the power to vote in the Senate under what condition?

*The Vice-President will only have a vote when the Senate is equally divided.*

36. How is money provided to carry on the business of the federal government?

*Appropriations must be passed by Congress before money can be spent.*

37. Who is the head of the executive branch?

*Executive power is vested in the President of the United States.*

38. What are the qualifications of the President as to age and citizenship?

*To become President, one must be thirty-five years of age and must be a natural born citizen of the United States.*

39. Who elects the President?

*Electors are chosen by each state as directed by that state's legislature and those electors vote for Presidential office.*

40. How many members does each state have in the Electoral College?  
*Each state has electors equal to the number of members it has in the Senate and the House of Representatives.*
41. Who counts the votes for President and Vice-President?  
*The votes are counted by the U.S. Congress, under the direction of the President of the Senate.*
42. What is the term of office for the President and Vice-President?  
*The office is held for four years.*
43. What limit is set on the number of terms a President may serve?  
*A limit of two terms is placed on the presidency.*
44. When do the President and the Vice-President take office?  
*They take their oath of office on January 20th, following their election.*
45. What is the term for each Congress?  
*Each Congress is convened for two years and consists of two sessions.*
46. What is the general method by which major appointments to federal offices are made?  
*Appointees are nominated by the President with the advice and consent of the U.S. Senate.*
47. If the U.S. Senate is in recess, how may the President fill vacancies by appointment?  
*The President has the power to fill vacancies by granting commissions that expire at the end of the next session.*
48. Who is the commander-in-chief of the Armed Forces?  
*The President is vested with command of the U.S. Armed Forces.*
49. What are the President's Messages to Congress?  
*The President annually advises Congress regarding the state of the union, including necessary legislation and budget issues.*
50. What is the veto power of the President?  
*The President may nullify a bill passed by Congress by returning it with documented objections to the originating house for further consideration.*
51. What emergency legislative power rests with the President?  
*The President has the power to call special sessions of Congress.*
52. What judicial power is held by the President?  
*The President has the judicial power to grant reprieves and pardons.*
53. What is the right of eminent domain?  
*Eminent Domain is the power of the federal government to take private property for public use upon payment of just compensation to the property owner.*

54. What does the judicial branch consist of?

*The judicial branch consists of the Supreme Court and any inferior courts established by Congress.*

55. At present, what positions constitutes the members of the Supreme Court?

*The Supreme Court consists of one Chief Justice and eight Associate Justices.*

56. What power does the judicial branch have?

*The judicial branch is responsible for interpreting the law.*

57. What is the term of office for a federal judge?

*Federal justices have appointments for life, unless they are removed for cause.*

58. How could a justice of the Supreme Court be removed from office?

*With cause, a justice can be removed via the impeachment process.*

59. What are six types of cases over which the federal courts have jurisdiction?

- *Those arising under the U.S. Constitution or laws or treaties of the United States*
- *Those affecting ambassadors*
- *Those in which the United States is a party*
- *Cases between a state and citizen of another state*
- *Cases between states*
- *Cases between citizens of different states*

60. In the event that no candidate receives a simple majority vote in the Electoral College, how does the Congress select the winner?

*The House selects the President with each state having one vote. This vote must be a majority of 26 states, and then the Senate selects the Vice-President with a majority vote of 51 senators.*

61. What is meant by original and appellate jurisdiction?

*Original jurisdiction applies to cases which come initially to the court for trial. Appellate jurisdiction applies to cases that come from lower courts through the appeal process. The Supreme Court generally exercises appellate jurisdiction.*

62. In what types of case does the Supreme Court have original jurisdiction?

*Cases affecting ambassadors and other public ministers and consuls, and cases in which two or more states are involved in appellate jurisdiction.*

63. What is meant by a law being "unconstitutional?"

*A law is deemed unconstitutional if held by the Supreme Court to be contrary to the provisions of the Constitution. Such a law is of no effect.*

64. What constitutes treason?

*Treason is identified as an act of war against the United States, or adherence to, or giving comfort and aid to an enemy of the United States.*

65. If the President is tried for impeachment, who will preside?

*The Chief Justice of the U.S. Supreme Court presides over a presidential impeachment trial.*

66. What freedoms are guaranteed by the Fifth Amendment to a person accused of a crime?

*The basic tenets of the Fifth Amendment are that:*

- *The accused cannot be tried for a major offense except on indictment by a grand jury*
- *A person cannot be tried twice for the same offense or be compelled to be a witness against him or herself in a court of law*
- *The accused cannot be deprived of life, liberty, or property without due process of law*

67. In what cases is the right to trial by jury assured?

*In all criminal prosecutions, the accused have the right to a speedy and public trial by an impartial jury.*