

**Explain the constitutional principles of separation of powers and “checks and balances.”**

1. Despite the need for a stronger government, our Founding Fathers were weary of consolidating the functions of government. To assuage against the abuse of power the new U.S. Constitution made central

- a. The separation of powers
- b. Federalism
- c. A Bill of Rights
- d. Judicial review

2. Our tripartite government was described in Article 1, Article 2 and Article 3 of the new U.S. Constitution. Respectively each article described

- a. A different type of national election
- b. A different function of the president
- c. A different branch of government
- d. A different legislative power

3. Dividing power through three branches, according to James Madison, was necessary because history taught that abuses of government

- a. Are to be expected due to human nature
- b. Are to be expected due to poorly written constitutions
- c. Are to be expected in large republics
- d. Are to be expected in direct democracies

4. Arguably, the separation of powers makes abuse and corruption even more likely due to

- a. Its overemphasis on individual liberty
- b. Its inevitable culture of rebellion
- c. Its dominant court system
- d. Its inherent multiple access points

5. Democratic accountability and conformity with the rule of law is best safeguarded in our constitution through a system of

- a. Judicial review
- b. Checks and balances
- c. Federalism
- d. Civil liberties

6. One example of checks and balances built into our U.S. Constitution is

- a. The House can impeach a president but the Senate must hold the trial of removal
- b. The president must declare war but the Congress funds troop deployment
- c. The Congress writes laws but the state legislatures approve them
- d. The Electoral College chooses nominees but the people vote for president

7. One example of checks and balances built into our U.S. Constitution is

- a. Political parties nominate judges but the president approves them
- b. The president appoints federal judges but the Senate confirms them
- c. Federal judges propose bills but presidents sign them into law
- d. Presidents declare war but state governments provide the troops

8. One way the Congress can check the Courts is to

- a. Veto Supreme Court decisions
- b. Deny enforcement
- c. Change the size and jurisdiction of the federal courts
- d. Abolish the federal court system

9. Today the most important way the Courts check the other branches is by ruling on the constitutionality of their activity. This is called

- a. Reinventing government
- b. The elastic clause
- c. The necessary and proper clause
- d. Judicial review

10. In *Federalist 51* (1788) James Madison wrote:

“If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself. A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions...”

Which of the following best reflects how the original U.S. Constitution embodied Madison’s argument?

- a. Checks and balances
- b. Republicanism
- c. Authoritarianism
- d. The Bill of Rights

11. Elihu Root called the separation of powers “one of the great underlying principles of our Constitution.” Why was the separation of powers considered so important by our Founding Fathers?

- a. The concentration of power in one place was considered “the very definition of tyranny.”
- b. Three branches of government were necessary to fulfill all of the expectations of government.
- c. State governments were considered more likely to be corrupt than a strong national government.
- d. Copying the English system advanced trade and diplomatic relations during the “critical period.”

12. The legislative branch of the U.S. government has been empowered by the Constitution to

- a. Make laws
- b. Enforce laws
- c. Interpret laws
- d. Make, enforce and interpret laws

13. The executive branch of the U.S. government has been empowered by the Constitution to

- a. Make laws
- b. Enforce laws
- c. Interpret laws
- d. Make, enforce and interpret laws

14. The judicial branch of the U.S. government has been empowered by the Constitution to

- a. Make laws
- b. Enforce laws
- c. Interpret laws
- d. Make, enforce and interpret laws

15. Another check and balance on our central government came about through the passage of the Federal Torts Claims Act (1946). This statute allowed for

- a. Private citizens to withhold their income taxes when Congress acts inappropriately
- b. Private parties to sue the U.S. government in federal court
- c. Private corporations to negotiate their own trade agreements
- d. Private mercenaries the chance to fight in foreign wars

16. In addition to the separation of powers, our political arena is characterized by the separation of parties. This has resulted in all of the following EXCEPT

- a. Partisanship
- b. Polarization
- c. Gridlock
- d. Tyranny of the minority

17. Many political scientists have acknowledged that hazardous leaks, resulting in possible security breaches, are a byproduct of the separation of powers. Governments characterized by the separation of powers are vulnerable to security leaks because

- a. Checks and balances have never been fully funded
- b. The number of access points given to corrupting influences
- c. The three branches rarely communicate with each other
- d. The Supreme Court has advocated for security leaks as a means of protecting liberty

18. All of the following actions serve as checks on federal government officials who abuse their power EXCEPT

- a. Impeachment
- b. General elections
- c. Criminal prosecution
- d. Recall elections

19. Which of the following correctly describes the impeachment process as found in the U.S. Constitution?

- a. The House of Representatives impeaches; the Senate holds the impeachment trial
- b. The Senate impeaches; the House of Representatives holds the impeachment trial
- c. The House of Representatives impeaches; the Supreme Court holds the impeachment trial
- d. The Senate impeaches; the state legislatures vote collectively to remove

20. The separation of powers and checks and balances are all a part of the promise of good government that lies behind the creation of our U.S. Constitution. Which of the following provides an example of this promise in action?

- a. The EPA can regulate air quality around the world
- b. The legislative branch checks governors by controlling their respective budgets
- c. The executive branch prepares the budget; the legislative branch approves the budget
- d. State governments can veto presidential actions