

## 24 Constitutional Questions Every American Should be Able to Answer

Written by John F. McManus | September 17, 2019



September 17 is designated Constitution Day in recognition of the anniversary of the signing of the Constitution in 1787. How many of these quiz questions can you answer?

### 1. Q: Has the Constitution always guided the country?

A: No. Originally the nation functioned under the Continental Congress and the Articles of Confederation. But after 11 years under the Articles, the U.S. Constitution was written, agreed to, and ratified by nine states (all eventually ratified but only nine were needed to have it take effect). On September 13, 1788, the Continental Congress proclaimed that the Constitution had been properly ratified and it ordered the new government to convene on March 4, 1789.

### 2. Q: Does the Constitution allow the Supreme Court to make law?

A: No. The beginning of Article I states, "All legislative powers herein granted shall be vested in a Congress of the United States." Any Supreme Court decision is the law of the case and it binds only the plaintiff and the defendant. The meaning of the word "all" has not been changed.

### 3. Q: Does the Constitution allow the president to make law?

A: No. Executive Orders issued by the president that bind the entire nation are illicit because, as noted above, "All legislative powers" reside in Congress. An Executive Order that binds only the employees of the federal government is proper because the president should be considered to hold power much like the CEO of a corporation who can issue rules to his employees. But the entire nation is not in the employ of the president. The president does have a role in lawmaking with his possession of a veto. He can veto a measure produced by Congress (which can still be overturned), sign a law produced by

Congress, or simply allow a measure to become law by doing nothing within 10 days, "Sundays excepted."

**4. Q: Does the Constitution give the federal government any power in the field of education?**

A: No, none.

**5. Q: Where in the Constitution is there authorization for foreign aid?**

A: Nowhere is there such authorization.

**6. Q: What are the three branches of government named in the Constitution?**

A: Legislative, Executive, and Judicial.

**7. Q: Does the Constitution have a minimum age requirement for a senator?**

A: Yes. One must be 30 years old.

**8. Q: What are the constitutional requirements for a person to be president?**

A: A president must be a natural born citizen (not an immigrant who became a citizen), must be at least 35 years of age, and must have lived in the United States at least 14 years.

**9. Q: Did the Constitution give the federal government power to create a bank?**

A: No. It was given power to "coin money," meaning the power to establish a mint where precious metal could be shaped into coinage of a fixed size, weight, and purity.

**10. Q: May treaty law supersede the Constitution?**

A: No.

**11. Q: Does the Constitution allow a president alone to take the nation to war?**

A: Absolutely not. The Constitution states very clearly that only Congress has power to take the nation into war

**12. Q: Are there any specific crimes mentioned in the Constitution?**

A: Yes: treason, bribery, counterfeiting, and piracy.

**13. Q: Are the Bill of Rights considered part of the original Constitution?**

A: Many do hold that view because if the promise to add the Bill of Rights had not been made, some of the states would not have ratified the Constitution and it might not have become the "Supreme Law of the Land."

**14. Q: According to the Constitution, how can a president and other national officials be removed from office?**

A: They can be impeached by a majority in the House and tried by the Senate. Impeachment is not removal; it should be considered only as an indictment to be followed

by a trial. Two-thirds of the senators “present” must approve removal at a subsequent trial or the person who has been impeached by the House shall not be removed.

**15. Q: What authority does the Constitution give the vice president?**

A: The vice president stands ready to take office if a president dies or becomes incapacitated. He is also president of the Senate and has the power to break a tie if one comes before it.

**16. Q: How many amendments to the Constitution are there?**

A: There are 27. The first 10 can be considered part of the original Constitution. And Amendment 18 was repealed by Amendment 21, which means that in a span of more than two centuries, there have been only 15 amendments. Amending the Constitution is a difficult process, made so by the Founders to keep anything silly or dangerous from being added in the heat of passion.

**17. Q: Does the Constitution say anything about illegal immigration?**

A: Not directly. But Article IV, Section 4 assigns to the federal government the duty to “protect each of them [the states] against invasion.” Note that it does not stipulate that an invasion be done militarily.

**18. Q: Does the Constitution tell us how new states are added to the union?**

A: Yes, Congress has the power to do so with a majority vote in each of its houses. It used its power, most recently, to welcome Alaska and Hawaii as the 49th and 50th states.

**19. Q: How is an amendment to the Constitution added?**

A: Congress can propose an amendment when two-thirds of both Houses vote to do so. It must then be ratified by either the legislature or convention in three-quarters of the states. Amendments can also be proposed by a constitutional convention called by two-thirds of the states. Any amendment arising from a constitutional convention must also be ratified by either the legislatures or conventions in three-quarters of the states.

**20. Q: Is the term of a president limited by the Constitution?**

A: Yes. In 1951, the Constitution was amended (Amendment 22) to limit anyone to two terms as president. The only president who served longer was Franklin Delano Roosevelt, who served into a fourth term, but died in April 1945 shortly after the beginning his 13th year in office.

**21. Q: Which part of Congress is designated by the Constitution as having the “power of the purse?”**

A: Article I, Section 7 states: “All bills for raising revenue shall originate in the House of Representatives.” If a majority in the House (218 is a majority of its 435 members) refuses to originate a bill to raise revenue for any purpose, no funds can be raised, until it passes.

**22. Q: How does the Constitution explain expelling an elected member of the House or Senate?**

A: Two-thirds of either the House or the Senate can expel one of its members for cause even though he or she has been elected by voters.

**23. Q: What does the Constitution say about financing a military arm?**

A: Article I, Section 8 says that the Congress can raise an army but “no appropriation of money” to fund it shall be for longer than two years. The same Article says Congress can provide for a navy without that same restriction regarding funding. Why? The men who wrote the Constitution feared the possibility that a standing army housed within the territory of the nation might arise and seek to take power. But they did not fear that a navy would try to do that because a navy and its weaponry did not reside within the nation, but only at sea or coastal seaports.

**24. Q: How many times is the word democracy mentioned in the Constitution?**

A: None. America is a Constitutional Republic, not a Democracy. A Democracy ruled by the majority can be persuaded to take away freedoms and property. Under a Constitutional Republic, such power does not exist.

*John F. McManus is president emeritus of **The John Birch Society**. This article was originally published on Constitution Day, September 17, 2014.*