

CONSTITUTIONAL VS. UNCONSTITUTIONAL GOVERNMENTAL ACTIONS

Directions: In the hypothetical situations that follow, you are to pretend that you are a member of Congress. Using the U.S. Constitution, you are to determine whether or not the situations described are fitting or proper according to the Constitution. You must list where you found the information specially in the Constitution. See example below.

EXAMPLE: The U.S. Congress has just passed a new law that overhauls our tax system. President Clinton says the bill is complex and he will study it before making a decision whether to sign it or veto it. Three weeks later the President vetoes the law stating it is unfair to the middle class.

- A. Yes, it is constitutional.
B. No, it is unconstitutional. ARTICLE 1 SECTION 7 PARAGRAPH 2

1. Wasting no time, you ran for the House of Representatives the first year in which you were constitutionally eligible. Following your election, you decide that you will move on to the Senate at the first opportunity. After only one term in the House, your chance arrives; there is a Senate election. So, instead of filing for re-election to the House, you file for election the U.S. Senate.

- A. Yes, it is constitutional.
B. No, it is unconstitutional. ARTICLE _____ SECTION _____ PARAGRAPH _____

2. Senator Blowhard, one of your bitterest enemies, in a blistering speech on the floor of the Senate, calls you a "thief, a traitor to the U.S....(expletives deleted)... and a murderer." After the session, you announce to the press that you have started libel proceedings against Senator Blowhard.

- A. Yes, it is constitutional.
B. No, it is unconstitutional. ARTICLE _____ SECTION _____ PARAGRAPH _____

3. After the House voted to override a Presidential Veto, the Senate votes 60 to 40 in favor of overriding the same veto. As Senate majority leader, you declare the bill is now a law.

- A. Yes, it is constitutional.
B. No, it is unconstitutional. ARTICLE _____ SECTION _____ PARAGRAPH _____

4. After a bitter debate, the Senate votes 61 - 30 (nine Senators absent) to approve a treaty with an unpopular military dictatorship. You announce to the President that the treaty is now ratified.

A. Yes, it is constitutional.

B. No, it is unconstitutional. ARTICLE _____ SECTION _____ PARAGRAPH _____

5. Upon the resignation of a Justice of the Supreme Court, the President sends the name of a successor to the Senate. His nominee, unfortunately, has been a controversial figure in the past and the Senate barely squeaks out a majority for approval, 53 - 47. With a sigh of relief, the new Justice takes his seat on the Supreme Court.

A. Yes, it is constitutional.

B. No, it is unconstitutional. ARTICLE _____ SECTION _____ PARAGRAPH _____

6. A proposal to amend the Constitution regarding the Electoral College passed the House of Representatives by a vote of 275 - 115. You support the proposed amendment, and lead the Senate in a vote to approve it by 61 - 33. You then direct the proposal to the states for ratification.

A. Yes, it is constitutional.

B. No, it is unconstitutional. ARTICLE _____ SECTION _____ PARAGRAPH _____

7. The President has put a good deal of faith in you as the Senate majority leader. One reason is that your party has a narrow 55-45 edge in the Senate. Knowing that you are an expert on foreign policy, the President asks you to serve as Secretary of State while you remain in the Senate, just as the British Foreign Minister serves in the Parliament while he serves. The President feels that this will give you a chance to push foreign policy in a more direct way. Several Senators like the idea, because they will be able to question you on policy matters at any time. You agree to this plan and the Senate confirms your appointment as Secretary of State.

A. Yes, it is constitutional.

B. No, it is unconstitutional. ARTICLE _____ SECTION _____ PARAGRAPH _____

8. You get into an argument with a furniture dealer over a bill for some furniture you have purchased. The dealer wants a payment in full without delay, but you claim certain pieces of the group were not delivered. On your way to a session of the Senate, a process server hands you a summons to appear in small claims court over the issue. You chose to ignore the matter at the time, feeling your presence in the Senate is more important than this sort of court summons.

A. Yes, it is constitutional.

B. No, it is unconstitutional. ARTICLE ____ SECTION ____ PARAGRAPH ____

9. The state of New York feels that the new Tariff Act which raises important taxes on Japanese goods is too low. Therefore, New York passes a law raising import taxes on Japanese goods coming into New York by 20 percent.

A. Yes, it is constitutional.

B. No, it is unconstitutional. ARTICLE ____ SECTION ____ PARAGRAPH ____

10. The legislature of the State of New Hampshire feels that there is a moral crisis facing the state. The New Hampshire legislature feels that religion must play a greater role in state affairs. Therefore, the state now requires a religious test for all public or government employees.

A. Yes, it is constitutional.

B. No, it is unconstitutional. ARTICLE ____ SECTION ____ PARAGRAPH ____

11. President Schwartz is very unpopular. Polls show that only 15 percent of the people feel he is doing a good job. The Senate and House vote to cut the President's salary from \$200,000 per year to \$25,000 per year, hoping President Schwartz will resign from office.

A. Yes, it is constitutional.

B. No, it is unconstitutional. ARTICLE ____ SECTION ____ PARAGRAPH ____