

Federalism Curriculum CLE: Test Bank

Defining Federalism Questions

Limited government, according to Jonathan Turley, means:

- a) **power would rest with the people, and secondarily with the states**
- b) power would rest with the states, and secondarily with the people
- c) power would rest with the government, and secondarily with the people
- d) power would rest with the government, and secondarily with the states

What does Madison mean by a “double security” to the people?

- a) **powers would be divided among the branches and also between the national government and the states**
- b) the Bill of Rights would provide a secondary protection against encroachment on the powers given to the national government by the Constitution
- c) the Second Amendment would provide an extra-legal check on the power of the federal government
- d) the Supreme Court provides an auxiliary precaution against the over-reaching authority of the people

Who said, “federalism was the unique contribution of the Framers to political science and political theory?”

- a) Justice Ginsburg
- b) Justice Scalia
- c) **Justice Kennedy**
- d) Justice Marshall

Why is American federalism unique, according to Michael Greve?

- a) **American federalism was, from the beginning, about states and citizens’ interests, not ethnicity, culture, or national identity**
- b) American federalism was the first attempt to divide power among national and regional sub-units
- c) American federalism was based on a shared sense of national identity, cultural, ethnic background, and religion
- d) American federalism is the only republic to attempt to divide power vertically

Where does the following sentence originate?: “Frequent recurrent to fundamental principles is essential to the security of individual rights and the perpetuity of free government.”

- a) United States Constitution, 1787
- b) Declaration of Independence, 1776
- c) **Utah Constitution, Article 1, Section 27**
- d) Articles of Confederation, Article 2

Principles of Federalism

Who wrote, "The powers delegated by the proposed Constitution to the federal government are few and defined. Those which are to remain in the State governments are numerous and indefinite"?

- a) **James Madison, in Federalist 45**
- b) James Madison, in Federalist 10
- c) Alexander Hamilton, in Federalist 1
- d) Alexander Hamilton, in Federalist 9

Which famous Justice argued that the powers of the national government were "supreme" within its own "sphere," but only within the limits defined by the Constitution

- a) John Jay
- b) **John Marshall**
- c) Earl Warren
- d) Louis Brandeis

This module focuses on which three "principles" of federalism.

- a) Limited Government, National Power, and a School for Democracy
- b) Mixed Government, the People are Sovereign, and a School for Democracy
- c) Federal Power, the Sovereignty of the People, and Civil Liberties
- d) **Limited Government, the People are Sovereign, and a School for Democracy**

Why, according to Alexis de Tocqueville, is federalism a "School for Democracy"?

- a) **Federalism is an opportunity for citizens to learn the habits of citizenship**
- b) Federalism promotes self-interest, rightly understood
- c) Federalism teaches people to avoid the dangers of "soft despotism"
- d) Federalism is an opportunity for citizens to pursue their own material self-interest, freeing them from the responsibilities of self-government

Madisonian Federalism Video

Why, according to Colleen Sheehan, is James Madison a key figure in the development of American Federalism?

- a) Madison believed that liberty could only be protected in a small republic
- b) Madison's study of ancient constitutions led him to argue for the necessity of a virtuous and agrarian republic on a small scale
- c) Madison believed that the protection of liberty depended on a large republic, which would then be divided into states - making it more difficult for a majority of the whole to invade the rights of a minority**
- d) Madison was a proponent of monarchy and federal centralization

Madison gave a "new definition" to federalism, according to Paul Moreno. How?

- a) Madison articulated the idea of a "compound republic," which was neither a unitary nor a confederal form of modern republicanism**
- b) Madison redefined federalism to mean "states rights"
- c) Madison redefined federalism to mean "federal sovereignty"
- d) Madison defined federalism as a form of government that depends for its existence on the absolute sovereignty of the states or sub-units

Why was Madison fascinated by Isaac Newton?

- a) Newton had helped to demonstrate that the solar system was heliocentric
- b) Newton's laws of motion laid the foundation for classical mechanics
- c) Newtonian physics provided a model for federalism, a system where the states would be "locked" by counter-ambitions in a fixed orbit**
- d) Newtonian physics provided a scientific foundation for the creation of a system of uniform motion

Federalism and the US Constitution

The architects of the US Constitution believed that the "structure" of the Constitution matters. What are the two "core structural guarantees"?

- a) separation of powers and checks and balances
- b) the bill of rights and separation of powers
- c) separation of powers and federalism**
- d) legislative and executive branches

The Supreme Court, in *Bond v. United States*, argued that the structural principles of the Constitution exist to protect both:

- a) the right of property and the right of conscience
- b) the branches from incursion by others and protection of the individual**
- c) the president and the congress from each other
- d) the people and the government from foreign threats

Why, according to Justice John Roberts, did the framers believe that a Bill of Rights was NOT necessary in the original 1787 Constitution?

- a) **the framers felt that the enumeration of powers sufficed to restrain government**
- b) a bill of rights was a dangerous limitation on the power of the federal government
- c) the Constitution was not designed to protect individual liberties
- d) Americans thought of themselves as English subjects who would be protected by the 1689 bill of rights after the Glorious Revolution

These amendments, in particular, have led to a more “centralized” system of government:

- a) 10, 13, and 14
- b) **13, 14, 15, and 16**
- c) 12, 16, and 17
- d) 18, 19, 20

Which Supreme Court case described the Tenth Amendment as merely “a truism that all is retained which has not been surrendered.”

- a) **United States v. Darby Lumber, 1941**
- b) Marby v. Madison, 1803
- c) Dred Scott v. Sandford, 1857
- d) Plessy v. Ferguson, 1896

History of Federalism and the Administrative State

Which amendment allows the Congress to levy an income tax without apportioning it among the states or basing it on the United States Census?

- a) 15th
- b) **16th**
- c) 17th
- d) 18th

What is the “single most important amendment” according to Professor Malcolm Feeley?

- a) the 16th amendment
- b) the 14th amendment
- c) the 15th amendment
- d) **the nationalization of the Bill of Rights, or “incorporation”**

Who wrote the first essay on the Administrative State?

- a) Herbert Croly
- b) Theodore Roosevelt
- c) **Woodrow Wilson**
- d) Franklin D. Roosevelt

Which influential legal theory contends that the founders' view of natural rights were relevant to the 18th century but no longer adequate for 19th century industrial America?

- a) Positivist jurisprudence
- b) **Sociological jurisprudence**
- c) Living originalism
- d) Natural law
- e) Legal realism

Woodrow Wilson believed that the founders view of law was based on which "scientific conceit"?

- a) **Newtonian physics, an analogy to government that needed to be replaced with an analogy akin to Darwinism**
- b) Darwinian evolution, an analogy to government that needed to be replaced with an analogy to Newtonian physics
- c) Geocentrism, an analogy to government that placed too much emphasis on the power of the central government
- d) Heliocentrism, an analogy to government that placed too much emphasis on the power of the states

"The States are separate and independent sovereigns. Sometimes they have to act like it." This quote, from Justice Roberts, originates from which Supreme Court case?

- a) **NFIB v. Sibelius**
- b) Brown v. Board of Education
- c) Miranda v. Arizona
- d) Bush v. Gore

Current Controversies

According to Professor Greve, legal challenges to federalism are likely to play out against which two "broad trends":

- a) **migration of federal power from the executive to the congress (at the federal level) and the emergence of sectional politics (at the state level)**
- b) migration of federal power from the congress to the executive (at the federal level) and the emergence of sectional politics (at the state level)

- c) migration of federal power from the congress to the executive (at the federal level) and the disappearance of sectional politics (at the state level)
- d) migration of federal power from the congress to the executive (at the state level) and the emergence of sectional politics (at the federal level)

What was the Rehnquist revival?

- a) **an attempt to re-adjust the relative levels of power and to limit the power of state bureaucracies to interfere with federal legislation**
- b) a series of court cases focused on the re-legitimization of the doctrine of nullification
- c) a nationalist revolution during which the Court increased federal power in famous cases such as New York v. United States
- d) an attempt to re-adjust the relative levels of power and to restrain national government power

How is federalism related with the notion of civic participation?

- a) **Federalism provides greater opportunity for individuals to feel like they have an influence over politics**
- b) Federalism requires citizens to be virtuous
- c) Federalism forces citizens to participate in the political process
- d) Federalism provides greater opportunity for individuals to feel unburdened by the responsibility of self government