

Douglas & George **Constitution Day Quiz**

Lawrence Douglas, Professor of Law, Jurisprudence & Social Thought

Alexander George, Professor of Philosophy, both of Amherst College

7 September 2007 [The Chronicle of Higher Education](#), p. B2

- 1) In the Military Commissions Act of 2006, Congress suspended the writ of habeas corpus for alien enemy combatants detained at Guantanamo Bay. The Constitution, however, stipulates that Congress can suspend the writ only “in cases of rebellion or invasion.” We can therefore conclude:
 - (a) We have been invaded.
 - (b) We are in the midst of a rebellion (against the government, not against the Constitution itself).
 - (c) The Military Commissions Act is unconstitutional.
 - (d) The Founding Fathers intended to make an exception for Gitmo.
- 2) In the April 2007 U.S. Supreme Court decision to uphold Congress’s ban on partial-birth abortions, the Supreme Court reversed course from its decision in 2000 that struck down a virtually identical Nebraska law. From this we can infer that:
 - (a) Constitutional doctrine organically develops over time.
 - (b) “Constitutional doctrine” is a fancy term we give to the idiosyncratic preferences of nine unelected, unaccountable, politically appointed jurists.
 - (c) John Roberts and Samuel Alito were less than candid in their confirmation hearings.
 - (d) Between 2000 and 2007, the Constitution was relevantly amended in a move that passed unnoticed by everyone except the Supreme Court.
 - (e) Between 2000 and 2007, the nature of partial-birth abortions changed in constitutionally significant ways that passed unnoticed by everyone except the Supreme Court.
- 3) The Second Amendment to the Bill of Rights establishes:
 - (a) The NRA.
 - (b) An unconditional right of all Americans to wear tank tops.
 - (c) A conditional right to bear arms in the interest of collective security.
 - (d) A personal right of each individual to own, carry, and use weaponry of unlimited lethality in all public places (besides airports and the White House).
- 4) The Bush administration’s capacious understanding of its powers is based on a controversial idea known as the theory of the unitary executive. According to this theory, the executive enjoys the power to:

- (a) Order all 3.2 million members of the executive branch to treat Congressional subpoenas as an unconstitutional violation of executive privilege and so to ignore them.
 - (b) Order the Justice Department to quash contempt proceedings against any of the 3.2 million members of the executive branch who cite executive privilege as reason to ignore Congressional subpoenas.
 - (c) Ignore indictments of members of the Justice Department who quash contempt proceedings against those members of the executive branch who ignore Congressional subpoenas.
 - (d) Wear a crown, carry a mace, and dress in ermine.
 - (e) All of the above.
- 5) The Constitution establishes the legislative, executive, and judicial branches of government. Vice President Dick Cheney argued in 2007 that the vice president is not a member of the executive branch. It follows from that contention that:
- (a) The president is likewise not a member of the executive branch.
 - (b) The vice president belongs to a fourth, hitherto unknown, branch of government, the existence of which can be neither confirmed nor denied lest it compromise national security.
 - (c) The theory of checks and balances refers to banking practices.
 - (d) Vice President Cheney was inadvertently referring to the Iraqi Constitution.
 - (e) Vice President Cheney has not been taking his annual Constitution Day quizzes.