Exam 1
PS 3255 Development of the American Constitution
Feb. 19, 2015

General Instructions
Answer ANY FOUR of the five numbered questions below. It should be possible, in principle, to answer each question in about four well-formulated sentences. You are free to write more, but avoid irrelevant or extraneous material in your answer.

You have until 4:00 (approximately 80 minutes) to complete your answers. No matter what happens, plan your time so that you don’t end up addressing fewer than four.

Please try to skip lines and write on only one side of each page in your test booklet. If you notice you’ve forgotten this, don’t worry; just start doing it then. Extra test booklets are freely available.

1. In the case of the Framing, give one example each of (a) a then-existing institution, law, or rule violated by the process; (b) an existing institution, law, or rule whose use helped establish the acceptance or legitimacy of the proposed new Constitution. Explain.

2. Why did Hamilton advocate the creation of the Bank of the United States? How did he justify the constitutionality of doing so? How does all this comport with a “constitutional conservative” view of the Constitution?

3. How does the Chase impeachment illustrate the process of “constitutional construction”? Make reference to as many of the characteristic features of construction as you can apply, and be specific about the results of this construction.

4. The assigned articles by Lessig & Sunstein (“The President and the Administration”) and by Rowe (“The Sound of Silence: United States v. Hudson & Goodwin…”) offer interpretations of what was the Framers’ original understanding of, respectively, “the executive Power” (Article II section 1) and “the judicial Power of the United States” (Article III section 1). In each case, describe the main feature of that original understanding, and briefly describe the kind of evidence the article offers.

5. Name one feature of the system of presidential elections in place from 1840 to 1960 that contradicted the expectations or intentions of the Framers, but that was later justified as adhering to American principles of self-government, federalism, separation of powers, or other principles. Explain.

--author and article list on reverse--
Our list of articles, for your convenience. You may refer to an article simply by author’s last name(s), except, if important, when there are multiple works by the same author. In the order assigned:

Dahlia Lithwick, “Read It and Weep: How the Tea Party's fetish for the Constitution as written may get it in trouble.” Slate.
Keith Whittington, Constitutional Construction, Chapter 1, “The Political Constitution.”
Bruce Ackerman, We the People. Volume 2: Transformations, Chapters 1-3.
Alexander Hamilton, Treasury Secretary’s Report on Public Credit (1790).
Louis Fisher, Presidential War Power, Chapter 2 “Precedents from 1789 to 1900.”