

SS.7.C.1.7 Low Level of Complexity Sample Item Explanation

Question	What check does the U.S. Senate have on the president?	The question asks about one way that the U.S. Senate can control the actions of the president.
A	overriding vetoes	Incorrect – Congress can override a presidential veto by two-thirds majority vote; the power to override vetoes is not a power held only by the Senate.
B	appointing judges	Incorrect – The Senate confirms appointments for judges who are nominated (appointed) by the president. The Senate does not make judicial appointments.
C	declaring laws unconstitutional	Incorrect – The Supreme Court has the power to declare laws unconstitutional. The Senate does not have this power.
D	refusing to confirm appointments	Correct – The Senate has the sole power to confirm the presidential appointments.



SS.7.C.1.7 Moderate Level of Complexity Sample Item Explanation

Question	<p>The passage below is from <i>Federalist No. 47</i>, written by James Madison in 1788.</p> <div style="border: 1px solid black; padding: 5px; margin: 10px auto; width: 80%;"> <p>. . . Montesquieu was guided . . . in saying “There can be no liberty where the legislative and executive powers are united in the same person, or body” . . . he did not mean that these departments ought to have . . . no CONTROL over, the acts of each other.</p> </div> <p style="text-align: center; font-size: small;">Source: Public Domain / Project Gutenberg</p> <p>Based on this passage, which constitutional principle does Madison describe?</p>	<p>The passage describes a principle of the powers of the federal government.</p> <p>The correct answer will identify that principle.</p>
A	separation of powers	Incorrect – Madison was distinguishing separation of powers, where each branch works independently, from the system proposed in the U.S. Constitution, where each branch works independently while also limiting the power of the other branches.
B	checks and balances	Correct – Checks and balances is a principle that means that each branch of the federal government has the ability to limit, or check, the powers of the other branches. This is the correct answer because, according to the passage, the “departments” (three branches of government) should have some “[control] over...the acts of each other.”
C	popular sovereignty	Incorrect – “Popular sovereignty” means that the government is created with the people’s consent. The passage does not identify or refer to popular sovereignty.
D	judicial review	Incorrect – Judicial review is a court’s power to question legislative and executive actions. The Supreme Court’s power of judicial review over acts of Congress was established in the case <i>Marbury v. Madison</i> in 1803, but was not included in the U.S. Constitution. Also, the passage does not address judicial review.



SS.7.C.1.7 High Level of Complexity Sample Item Explanation

Question	Which principle supports President Eisenhower’s action to uphold the U.S. Supreme Court’s decision that public schools should be integrated?	<p>Identify the relationship between the branches of the federal government.</p> <p>The correct answer would show why the executive branch would support an action of the judicial branch.</p>
A	judicial review	Incorrect – Judicial review concerns the court using its power to examine the actions of the executive and legislative branches.
B	checks and balances	Incorrect – Checks and balances concerns limiting the power of government and not about one branch of government upholding the actions of another branch of government.
C	separation of powers	Incorrect – Separation of powers concerns giving responsibility and power to separate branches of government in order to limit government power.
D	constitutional government	Correct – The Constitution gives the president the responsibility for enforcing (upholding) the law. Decisions made by the U.S. Supreme Court are a form of law called “case law”. When the president upholds “case law”, the president is respecting the principle of constitutional government.

