

FGCU Civic Literacy Practice Exam (Sample)

Study Guide



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Questions

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- 1. How does judicial activism differ from judicial restraint?**
 - A. Activism focuses on applying laws strictly, while restraint promotes interpretation**
 - B. Activism encourages innovation in legal interpretation, while restraint limits judicial power**
 - C. Activism seeks to uphold traditional values, whereas restraint is progressive**
 - D. Activism and restraint are synonymous concepts in judicial practice**
- 2. Which case had a significant effect on the interpretation of the Fourteenth Amendment?**
 - A. Marbury v. Madison (1803)**
 - B. Miranda v. Arizona (1966)**
 - C. Gideon v. Wainwright (1963)**
 - D. Brown v. Board of Education (1954)**
- 3. Which of the following was established by a constitutional amendment?**
 - A. The Senate may ratify treaties negotiated by the House of Representatives.**
 - B. Senators may serve no more than two terms.**
 - C. The President may sign bills passed by both houses of Congress.**
 - D. The President may serve no more than two elected terms.**
- 4. Which branch of government is responsible for making laws?**
 - A. Judicial branch**
 - B. Executive branch**
 - C. Legislative branch**
 - D. Administrative branch**
- 5. Which constitutional amendment abolished poll taxes in federal elections?**
 - A. A) Fifteenth Amendment**
 - B. B) Nineteenth Amendment**
 - C. C) Twenty-fourth Amendment**
 - D. D) Twenty-sixth Amendment**

- 6. What is an example of federalism?**
- A. the principle that the national and state governments share power**
 - B. Congress's power to declare war**
 - C. the President's power to nominate ambassadors**
 - D. separation of powers between branches of government**
- 7. What is the primary role of the Cabinet in the executive branch?**
- A. To create new laws**
 - B. To advise the President**
 - C. To oversee the Judiciary**
 - D. To manage foreign affairs**
- 8. What is one potential outcome of judicial activism?**
- A. Greater adherence to the original interpretation of law**
 - B. Increased consideration of current societal issues in rulings**
 - C. Reduction of the number of court cases heard**
 - D. Stricter enforcement of existing laws**
- 9. Who has the power to declare war according to the U.S. Constitution?**
- A. the President**
 - B. Congress**
 - C. the Senate**
 - D. the Supreme Court**
- 10. Who was the primary author of the Federalist Papers?**
- A. Alexander Hamilton**
 - B. James Madison**
 - C. John Jay**
 - D. All of the above**

Answers

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- 1. B**
- 2. D**
- 3. D**
- 4. C**
- 5. C**
- 6. A**
- 7. B**
- 8. B**
- 9. B**
- 10. D**

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Explanations

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1. How does judicial activism differ from judicial restraint?

- A. Activism focuses on applying laws strictly, while restraint promotes interpretation**
- B. Activism encourages innovation in legal interpretation, while restraint limits judicial power**
- C. Activism seeks to uphold traditional values, whereas restraint is progressive**
- D. Activism and restraint are synonymous concepts in judicial practice**

Judicial activism and judicial restraint represent two different philosophies regarding the role of the judiciary in interpreting laws and the Constitution. The correct answer highlights a key distinction: judicial activism encourages a more dynamic and innovative approach to legal interpretation, allowing judges to consider the broader societal implications and needs when making decisions. This philosophy often leads to the expansion of civil rights and the protection of individual liberties, reflecting current values and societal changes. On the other hand, judicial restraint is characterized by a more conservative approach, urging judges to limit their own power and defer to the legislative branch. Judges who follow this philosophy typically adhere closely to the text of the law and prioritize the intent of the framers over personal or societal considerations. This can result in a more rigid legal interpretation, where change is slow to occur and often reflects established precedent rather than adapting to contemporary values. Understanding these two concepts helps to clarify ongoing debates within the judicial system, particularly around landmark rulings that shape public policy and individual rights.

2. Which case had a significant effect on the interpretation of the Fourteenth Amendment?

- A. Marbury v. Madison (1803)**
- B. Miranda v. Arizona (1966)**
- C. Gideon v. Wainwright (1963)**
- D. Brown v. Board of Education (1954)**

The case that had a significant effect on the interpretation of the Fourteenth Amendment is *Brown v. Board of Education*, decided in 1954. This landmark Supreme Court case addressed the issue of racial segregation in public schools and directly tackled the doctrine of "separate but equal" established in *Plessy v. Ferguson* (1896). The Court's unanimous decision in *Brown v. Board of Education* determined that racial segregation in public education was inherently unequal, and therefore unconstitutional under the Equal Protection Clause of the Fourteenth Amendment. This ruling effectively overturned earlier precedents that allowed for segregation, marking a pivotal moment in the Civil Rights Movement. The case set a precedent for challenging segregation and discrimination, solidifying the Fourteenth Amendment's role in promoting equality under the law. Understanding this decision's impact is crucial, as it not only transformed education policy in the United States but also served as an impetus for further legal challenges against racial discrimination, reinforcing the importance of the Fourteenth Amendment in protecting civil rights.

3. Which of the following was established by a constitutional amendment?

- A. The Senate may ratify treaties negotiated by the House of Representatives.**
- B. Senators may serve no more than two terms.**
- C. The President may sign bills passed by both houses of Congress.**
- D. The President may serve no more than two elected terms.**

The statement that the President may serve no more than two elected terms is correct and stems from the 22nd Amendment to the United States Constitution, ratified in 1951. This amendment was established in response to Franklin D. Roosevelt's four terms in office, which raised concerns about the potential for excessive executive power and the lack of checks on presidential authority. The 22nd Amendment limits individuals to being elected as President for a maximum of two terms, thereby promoting the idea of regular leadership change and preventing any one person from holding the presidency for an extended period. The other options relate to functions and operations of government but do not originate from a constitutional amendment. For instance, treaties are ratified by the Senate regardless of how they are negotiated, which is a long-established practice rather than an amendment. The matter of congressional bills being signed by the President is also governed by long-standing legislative procedures rather than an amendment. Lastly, the term limits for senators are not equally defined within the Constitution, as there's no constitutional amendment that limits their terms.

4. Which branch of government is responsible for making laws?

- A. Judicial branch**
- B. Executive branch**
- C. Legislative branch**
- D. Administrative branch**

The Legislative branch is the part of government specifically tasked with creating laws. This branch is typically composed of a body of elected representatives, such as a parliament or congress, that debates, amends, and votes on proposed legislation. The primary function of the Legislative branch is to represent the interests of the citizens and ensure that laws reflect the needs and values of the populace. In a democratic system, the Legislative branch also holds the power to check the actions of the Executive branch, ensuring a balance of power and preventing any abuse of authority. This system of checks and balances is crucial for maintaining a functioning democracy, as it allows different branches to oversee and limit each other's powers. Unlike the Judicial branch, which interprets laws, and the Executive branch, which enforces laws, the Legislative branch is fundamentally focused on law-making, making it the correct answer to the question. The Administrative branch is not commonly recognized as a separate or defined branch of government in the same way, as it often refers to various departments or agencies created by the Executive branch to carry out specific functions.

5. Which constitutional amendment abolished poll taxes in federal elections?

- A. A) Fifteenth Amendment**
- B. B) Nineteenth Amendment**
- C. C) Twenty-fourth Amendment**
- D. D) Twenty-sixth Amendment**

The Twenty-fourth Amendment abolished poll taxes in federal elections. Ratified in 1964, this amendment specifically prohibits the imposition of poll taxes as a requirement for voting in federal elections. The significance of this amendment lies in its role in promoting voting rights by removing a financial barrier that was often used to disenfranchise low-income individuals and minority voters. Prior to this amendment, some states employed poll taxes as a means to restrict access to the electoral process, thus contributing to systemic inequalities in voting. The other amendments mentioned serve different purposes; for instance, the Fifteenth Amendment addresses voting rights by prohibiting the denial of the right to vote based on race or color. The Nineteenth Amendment grants women the right to vote, while the Twenty-sixth Amendment lowers the voting age to 18. Each of these amendments plays a crucial role in the evolution of voting rights in the United States but does not specifically deal with the issue of poll taxes in federal elections.

6. What is an example of federalism?

- A. the principle that the national and state governments share power**
- B. Congress's power to declare war**
- C. the President's power to nominate ambassadors**
- D. separation of powers between branches of government**

An example of federalism is the principle that the national and state governments share power. Federalism is a system of governance where power is divided between a central authority and various constituent units—in this case, the national government and state governments. This division of power allows both levels of government to operate independently within their own spheres of influence while also collaborating on shared responsibilities, such as taxation, infrastructure, and public safety. This structure is foundational to the U.S. political system, as it enables states to maintain a degree of sovereignty and tailor policies to their local needs, while the national government addresses issues that affect the country as a whole. Other choices refer to powers specific to either the national government or actions taken within a specific branch of government, rather than illustrating the broader principle of shared authority that characterizes federalism.

7. What is the primary role of the Cabinet in the executive branch?

- A. To create new laws**
- B. To advise the President**
- C. To oversee the Judiciary**
- D. To manage foreign affairs**

The primary role of the Cabinet in the executive branch is to advise the President. This group is composed of the heads of the executive departments, who are appointed by the President and confirmed by the Senate. Each Cabinet member provides expertise and guidance on their respective areas, such as health, education, defense, and foreign relations. This advisory function is critical as it allows the President to make informed decisions based on the specialized knowledge and experience of the Cabinet members. In doing so, the Cabinet helps implement the President's agenda and policies, serving as a link between the President and the various sectors of the administration. This role underscores the collaborative nature of the executive branch, where collective input aids in governance and administration.

8. What is one potential outcome of judicial activism?

- A. Greater adherence to the original interpretation of law**
- B. Increased consideration of current societal issues in rulings**
- C. Reduction of the number of court cases heard**
- D. Stricter enforcement of existing laws**

One potential outcome of judicial activism is the increased consideration of current societal issues in rulings. Judicial activism occurs when courts interpret laws and the Constitution in a way that reflects contemporary values and social concerns, rather than adhering strictly to the original intent of the lawmakers. This approach allows judges to take a more proactive role in addressing issues like civil rights, social justice, and changing norms, which can lead to landmark decisions that significantly impact society. Judicial activism often responds to issues not adequately addressed by legislation or shifts in public opinion, enabling the courts to play a vital role in shaping policy and fostering progress. This responsiveness to societal issues exemplifies how judicial activism can lead to decisions that resonate with current realities, potentially influencing future legislation and public discourse.

9. Who has the power to declare war according to the U.S. Constitution?

A. the President

B. Congress

C. the Senate

D. the Supreme Court

The United States Constitution grants the power to declare war to Congress. This authority is outlined in Article I, Section 8, which delineates the powers of the legislative branch. The framers of the Constitution ascribed this power to Congress to ensure that such a significant decision would require deliberation and approval from the elected representatives of the people, rather than being unilaterally made by the executive branch. This legislative control over declarations of war is intended to reflect the democratic principle that the decision to engage in military conflict should involve broader consensus among representatives of the citizens. While the President serves as the Commander-in-Chief of the armed forces and can direct military operations, the formal declaration of war remains a congressional prerogative, reflecting a system of checks and balances between the branches of government. This dichotomy ensures that actions leading to warfare are subjected to legislative oversight, aligning military engagement with public and governmental accountability.

10. Who was the primary author of the Federalist Papers?

A. Alexander Hamilton

B. James Madison

C. John Jay

D. All of the above

The Federalist Papers is a collection of 85 articles and essays written to promote the ratification of the United States Constitution. The primary authors of these papers were indeed Alexander Hamilton, James Madison, and John Jay. Each of them contributed significantly to the overall work and their collective efforts were intended to argue in favor of a stronger national government than what was provided under the Articles of Confederation. Hamilton, as the most prolific contributor, wrote 51 of the essays, focusing on the need for a robust federal government and addressing concerns over the potential for tyranny under a centralized power. James Madison, often referred to as "the Father of the Constitution," was responsible for 29 essays, where he emphasized the importance of checks and balances and addressed the dangers of factions. John Jay contributed 5 essays, highlighting the importance of the union for both national security and governance. The inclusion of all three authors in this significant work illustrates the collaborative effort to articulate the principles and rationale behind the Constitution, making option D the correct choice. Each author's unique perspective and contributions were essential in shaping public opinion and the political framework of the new nation.