



## MIDTERM EXAM

Do not turn this page until you are told to do so.

Print your name:

I.D. Number:

Section, day, time: 1M, Friday, 1-1.50

Print your T.A.'s name: Chase Privett

Clear your desk of everything but this exam and writing tools.

Be neat. Print if possible.

In each case, find the best answer – not just some arguable justifiable answer or other.

Be brief. In each case you have more than enough space for a perfect answer. Your goal is to show that you know the right answer, not that you can expound it in tedious detail.

Don't make a mess of drafting and redrafting. Instead use backs of pages as scrap paper.

There are 26 questions, each worth 4 points. 90=A, 87=A-, 80=B, etc.

**GOOD LUCK!**



89/100

8/100

1. What sort of Congressional approval (cite chamber or chambers and required majority) does president Trump need

To appoint a judge ~~Congressional~~, <sup>Senate</sup> ~~2/3~~ <sup>May.</sup> ~~2/3~~ ?

To declare war ~~Congressional~~, <sup>both</sup> ~~super majority~~ ?

To make a treaty ~~Supreme Court / Congressional~~, <sup>Senate</sup> ~~2/3~~ ?

To raise the debt ceiling ~~Congressional~~, <sup>both</sup> ~~2/3 majority~~ ?

2. Give two examples of Constitutional features attributable to background problems.

+4 1. Welfare clause, Congress can now effectively demand taxes, was a problem before.

2. Supremacy Clause - Federal law over state law, keep states in control so they don't abuse power as they did before.

3. Give two more examples of Constitutional features attributable to familiar practice.

+3 1. Having a legislative branch, took from Britain (election) 2. Having a Supreme Court (independent judiciary)

4. Briefly (in a short-phrase) describe the contents of (any 4) of these amendments:

+1 5<sup>th</sup> Rights of Accused Before Trial

+1 4<sup>th</sup> Rights that accused have to privacy -> no search, seizure allowed without warrant

13<sup>th</sup>

+1 19<sup>th</sup> Women's Suffrage

16<sup>th</sup>

25<sup>th</sup>

+1 26<sup>th</sup> 18 year olds can vote

5. What is the separation of powers? The statement that the executive, legislative, and judicial branch are separate from each

+2

other and that no one who works in one branch can move to the others. no one branch may serve in or at pleasure of another branch

6. What are checks and balances? The three branches of government

+2  
(legislative, executive, judicial)

depending on one another to make orders so that

there is no abuse in power - each branch checks each other no branch governs alone

7. Succinctly identify the doctrines enunciated by any two of the following:

+2

Gibbons v. Ogden: Commerce clause, Article I. of

Constitution

Citizens United v. FEC: \_\_\_\_\_

Brown v. Board of Education: \_\_\_\_\_

McCulloch v. Maryland: <sup>→ taxing</sup> Elastic clause, Article I, Section 8 of

+2

Constitution ; also Supremacy Clause, Article III. of

Constitution

+1 8. To protect its own brick-and-mortar stores, each of two states imposes a very high tax on goods bought on the internet from the other state. What game are they playing?? Prisoner's Dilemma

Draw the table:

		State 1	
		no tax	high tax
State 2	no tax	2nd best for both best for both	best for 1, worst for 2
	high tax	best for 2, worst for 1	worst for both

2nd worst for both

+4 9. What does the constitution say to prevent this? States cannot impose tariffs (import tax)

+2 10. According to the 12<sup>th</sup> Amendment, which persons choose the president when a majority of them agree on one candidate? Electoral College

+2 And how is he chosen in other cases? House of Representatives, one vote per state

+2 11. The Northwest Ordinance did what to Virginia? Split up Virginia so that small states could be better represented and Virginia wouldn't over power them.

+1 How did that make it easier to form a stronger federal union? Made it easier because smaller states decided to join federal union since they could now be represented

+1 Cite a recent example in which the failure to do something similar may have helped to break up a federation: USSR not splitting up Russia

+4 12. Briefly cite 4 Constitutional clauses, not counting amendments, that would in time be used to justify an expansion of federal power. 1. Elastic clause - gave federal gov. right to enact any laws necessary & proper to use its powers

2. Commerce clause - fed. gov. regulates commerce 3. Supremacy clause - fed. law takes precedence over state law 4. Welfare clause - fed. gov. can control taxes etc for welfare

13. According to the (unamended) Constitution, who (U.S., states, or both) may not enact a bill of attainder states both

+3 a religious test for office U.S.

an import tax states

a piracy license states

14. By what two-steps procedure is the Constitution usually amended? (Say by whom and by how big a majority.)

+4 Step 1. 2/3 proposal by Congress

Step 2. 3/4 for ratification by state legislators

+4 15. Who got his colleagues at the Federal Convention to replace congressional election of the President with the Electoral-College system? Gouverneur Morris

16. Outline his argument: - He argued that if Congress

elected the President, the President could be subject to intrigue and cabal if he succeeded himself.

+4 However, if he didn't succeed himself, the President would have no incentive to do a good job. Therefore, it was better off to have an Electoral-college system so he wouldn't be influenced by Congress with intrigue and cabal.

17. What are the subjects of

Article I Congress

+4 Article II Executive, President

Article III Judicial, Supreme Court

Article IV Comity

+2 18. What does the 25<sup>th</sup> Amendment say about choosing a Vice President? The President

can appoint his own vice president in absence of VP, ~~the VP~~ ~~can stand as president~~ ~~when president incapacitated.~~  
Congress confirms

+1 19. What does it say about deciding Presidential disability? The Vice President

can stand as President when President is incapacitated.

Pres or cabinet decides. If Pres disagrees, 2/3rd Congress must uphold disability

20. Whose powers are enumerated in Art. I, Sec. 8? Congress, Federal government

+4 What conflict did that resolve? Fear of the federal gov. having

too much power - anti-federalists & small states were afraid of this with new Constitution

21. Most of the protections established by the Bill of Rights against the Federal

government now apply against the states too. Thanks to what later amendment? Thanks to

the 14<sup>th</sup> Amendment

22. How does the "case and controversy" requirement limit the power of federal courts?

+2 It limits the power of federal court by saying it  
can only see cases that have a true controversy and case  
with two sides, cannot deem cases by precedent,  
can only try cases or hear appeals  
from trials

23. In a parliamentary democracy, the head of government serves at the pleasure of the

+4 legislative<sup>+1</sup>. In a presidential<sup>+1</sup> democracy, he

does not. Which kind do we have? Presidential<sup>+1</sup>

Which kind does Britain (now) have? Parliamentary<sup>+1</sup>

24. Glaucon saw that government would solve a certain type of problem among its

+1 citizens (subjects). What type of problem? A cooperation problem

+0 What further insight did Deganawida have about the occurrence of this problem? People do

Problem can recur among states  
not cooperate because they need coercion from outside

+1 How did he propose to solve it? Creation of an <sup>oper</sup> confederation,

Iroquois

+1 25. What famous rule was stated by Wesberry v. Sanders in 1964? One man,

one vote

How did that change congressional representation and the distribution of policy benefits?

+3 Drew back congressional <sup>and</sup> representation so votes were

based off of population, not area. Made it so metropolitan

urban areas were more represented instead of rural. Turnie

politics to benefit those who live in cities.

2. 26. Explain how Constitutional privileges enjoyed by federal judges help to effect a

separation of powers. Having life tenure insures judges as

+2 separate from Congress, Supreme Court ~~can check Congress~~

(Congress can't veto, <sup>fed.</sup> law as unconstitutional) to ensure

separation of powers,

Cannot have salaries cut