You have one hour and fifteen minutes (75 minutes) to complete this exam. You shall not take more than one hour and fifteen minutes to complete it.

You may bring to the exam a copy of the course outline and a copy of the U.S. Constitution, both distributed at the beginning of the first class. You may bring only these two items from the course material. You are permitted to have underlined the copy of the Constitution, but you may not have written on it.

For grading purposes, questions 1-8 will have a value of five (5) points each, and question 9 will have a value of twenty (20) points for a total of sixty (60) points. You may wish to (but are not required to) think of this as a one hour exam with five minutes each for questions 1-8, twenty minutes for question 9, and fifteen extra minutes to use in any way you wish (extra time on questions 1-8 or on question 9 or for review and revision of your answers).

A. Questions One to Eight (five points each)

1. The Mayflower Compact illustrates a fundamental characteristic of the nature of law in the U.S. What is that characteristic, and how does the Mayflower Compact serve as an illustration of it?

2. The original U.S. Constitution did not contain a bill of rights. Why not? Exactly where in the Constitution are rights now found?

3. What are five of the most important powers that the states delegated to the United States?

4. What is a “constitutional moment”? Give an example of one in the United States.

5. The Supreme Court now normally defers to Congress and the constitutional validity of its statutes [acts, laws]. And in reviewing a challenged statute it will ask only whether Congress acted reasonably [that is, the Supreme Court will measure the statute against a standard of reasonableness]. But the Court does not always defer to Congress. In what circumstances does the Supreme Court not defer to Congress? And in reviewing a challenged statute in these circumstances, what question does the Court ask [that it, what standard does the Court use when it does not defer to Congress]?

6. What role do the states play in Presidential elections? And what is the relevant section in the U.S. Constitution providing for the role of states in presidential elections.

7. What is the primary significance of the case of Marbury v. Madison?
8. Give five ways in which U.S. constitutional law or the U.S. Constitutional system is different from constitutional law or the constitutional system of France.

Question 9 (20 points)

9. Why is the study of U.S. constitutional law primarily the study of U.S. Supreme Court law?
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A. Questions One to Eight (five points each)

1. What fundamental characteristic of U.S. constitutional law does the Declaration of Independence illustrate?

2. What is the significance of the date 1937 in U.S. constitutional law?

3. Can the President of the U.S. make law? In this regard, what is the significance of the case of Youngstown Sheet & Tube Co. v. Sawyer, and what particular constitutional provisions were at issue in that case?

4. What is the “electoral college,” and what does it illustrate about the role of states in the U.S. constitutional system?

5. What is meant by “division of powers” in the U.S. constitutional system, and why did the framers of the Constitution choose to divide the powers of government?

6. What are the primary limits on the power of the U.S. Congress? (You must cite specific sections of the U.S. Constitution.)

7. In the terms of U.S. constitutional law, how was the power of the President weakened and that of the courts strengthened while Bill Clinton was President?

8. What do you think a French lawyer would find to be the single most confusing thing about U.S. constitutional law? Why?
Question 9 (20 points)

9. The case of Brown v. Board of Education has played a large role in modern U.S. constitutional law, and it appeared repeatedly in this course. Discuss what you judge to be the two or three most important effects or aspects of this case in U.S. constitutional law and the U.S. constitutional system.