

Exam # \_\_\_\_\_

PERSPECTIVES

PROFESSOR DEWOLF

SPRING 2014

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FINAL EXAM

INSTRUCTIONS:

DO NOT GO BEYOND THIS PAGE UNTIL THE EXAM BEGINS.

THIS IS A CLOSED BOOK EXAM.

MAKE SURE YOUR **EXAM** # is included at the top of this page.

MULTIPLE CHOICE

1. This exam counts 70% of the total course grade.
2. Read each answer before selecting the best one.
3. Identify the BEST answer.
4. ENTER the correct answer in Examsoft.

GOOD LUCK! ENJOY THE SUMMER!

1. Thomas Paine was important to the American Revolution because:

- (a) He encouraged the meeting in Philadelphia that led to the signing of the Declaration of Independence;
  - ☒ (b) He put the case for revolution in popular terms;
  - (c) He arranged an alliance with France;
  - (d) He developed the theory of checks and balances.
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2. Prior to the American Revolution, the colonies differed from one another in each of the following respects EXCEPT:

- (a) Some states were oriented toward manufacturing, while others were based on agriculture;
  - (b) Some states had established churches, while others did not;
  - (c) Some states permitted slavery, while others did not;
  - ☒ (d) None of the above; each statement above states a true distinction.
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3. At the Constitutional Convention in 1787, the delegates agreed on which of the following?

- (a) States would no longer be permitted to maintain an established church;
  - ☒ (b) The importation of slaves could be prohibited after 1808;
  - (c) The President could serve a maximum of two consecutive terms;
  - (d) None of the above.
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4. During the time that the Constitution was being proposed to the states for ratification, the Federalist Papers were written

- (a) To oppose the ratification of the constitution until a Bill of Rights could be added;
  - (b) By Jefferson and Hamilton;
  - (c) To urge expansion of the country beyond the thirteen original states;
  - (d) None of the above.
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5. Thomas Jefferson's Inaugural Address is significant because

- (a) It reflected a peaceful transition from one political party to another;
  - (b) Because Jefferson continued to justify slavery as consistent with the Constitution;
  - (c) Because it emphasized the importance of science to the new nation;
  - (d) Because it shifted the country's loyalties away from England toward France.
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6. Under the Constitution as originally ratified, Congress retained the power:

- (a) To limit the jurisdiction of the Supreme Court;
  - (b) To propose amendments to the Constitution;
  - (c) To collect income taxes if the amount collected from the citizens of each state was the same, proportionate to population, as the amounts collected from the citizens of every other state;
  - (d) All of the above.
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7. The *Slaughterhouse Cases* decided:

- (a) Whether the 14<sup>th</sup> amendment applied to the states;
  - (b) Whether the 14<sup>th</sup> amendment protected economic rights along with freedom from race discrimination;
  - (c) Whether Congress could enact laws to enforce the rights guaranteed in the 14<sup>th</sup> amendment;
  - (d) Whether states had “police powers” that permitted regulation of activities harmful to the general welfare.
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8. Myra Bradwell wanted to become a lawyer. The Supreme Court held:

- (a) It was for the states to determine what qualifications were necessary to practice law;
  - (b) Women were inherently unable to fulfill the duties of the profession;
  - (c) The 14<sup>th</sup> amendment did not apply to claims of gender discrimination;
  - (d) Only certain rights guaranteed in the first ten amendments were “incorporated” into the 14<sup>th</sup> amendment.
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9. Oliver Wendell Holmes believed:

- (a) Speech should be unrestrained because speech, unlike action, did not have the capacity to harm another person;
  - (b) Democracy is superior to other forms of government because it allowed the structure of government to change in response to changes in public opinion;
  - (c) The state lacked the authority to tell individual working men and women how many hours they should work;
  - (d) All of the above.
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## 10. Eugene Debs

- (a) Was a socialist;
  - (b) Was held in contempt of court for violating a federal injunction against him and his union;
  - (c) Received over 900,000 votes when he ran for President;
  - (d) All of the above.
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11. In *Carolene Products* (the “filled milk” case)

- (a) The Supreme Court held that economic rights deserved as much protection from government interference as other kinds of rights;
  - (b) The Supreme Court stated the principle that unless a law prejudiced the rights of minorities or infringed on fundamental liberties like the right to vote, it should be presumed constitutional;
  - (c) Justice Sutherland dissented;
  - (d) All of the above.
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12. The “incorporation” doctrine, applying the Bill of Rights to states via the 14<sup>th</sup> amendment,

- (a) Was adopted over the objection of Justice Cardozo;
  - (b) Was adopted over the objection of Justice Brewer;
  - (c) Was the basis of Justice Brandeis’ dissent in *Olmstead*, the wiretapping case;
  - (d) None of the above.
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13. Immigration of Japanese to the United States:

- (a) Was limited by a “Gentleman’s Agreement” between the Japanese government and the U.S.;
  - (b) Was opposed by Chinese immigrants, who feared competition for scarce jobs;
  - (c) Was encouraged by the railroads in order to obtain cheap labor;
  - (d) Ended as a result of the harsh treatment of American citizens of Japanese descent during World War II.
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14. The U.S. Supreme Court initially granted more deference to economic regulation by states, compared to economic regulation by Congress, because:

- (a) Based on the inherent authority of the “police power,” states were owed a greater degree of deference;
  - (b) The U.S. Constitution limited the power of the federal government;
  - (c) States could be considered “laboratories” in which the wisdom of state legislation might be tested;
  - (d) All of the above.
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15. In *Johnson v. Transportation Agency, Santa Clara*, the plaintiff sought a ruling on the constitutionality of an affirmative action plan that sought to hire more women in a field in which women had been underrepresented. In its decision the United States Supreme Court said:

- (a) In the absence of a prior judgment that an employer had been guilty of employment discrimination, it is illegal to use different criteria for hiring men compared to women;
  - ☒ (b) It was permissible to use gender as a “plus” factor, so long as the employer did not establish a quota;
  - (c) The agency could favor women over men in the hiring process only if there was a compelling state interest in doing so;
  - (d) Until men and women were equally represented in the work force, affirmative action was a reasonable means of achieving equality.
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16. In President Roosevelt’s “Fireside Chat” regarding the U.S. Supreme Court he:

- (a) Claimed the authority to replace the older justices with younger ones who would be able to recognize the need for bold solutions to the country’s problems;
  - ☒ (b) Suggested that expanding the number of justices on the Supreme Court would allow them to get their work done more efficiently;
  - (c) Identified himself as the “driver” of the team that was attempting to pull the country forward, while the U.S. Supreme Court was holding it back;
  - (d) All of the above.
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17. As to the question of whether life begins at conception, or at some point thereafter, the Supreme Court stated in *Roe v. Wade*:

- (a) Because there is widespread disagreement over the answer to this question, it is not for the U.S. Supreme Court to decide;
  - (b) It is a woman's right to decide, in consultation with her doctor, whether the fetus is a person or not;
  - (c) Because the issue involves the traditional police powers of the states, it is up to each state to decide the proper answer to this question;
  - (d) None of the above.
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18. Martin Luther King relied on the authority of which of the following to justify his course of action in his *Letter from Birmingham City Jail*?

- (a) Oliver Wendell Holmes;
  - (b) Louis Brandeis;
  - (c) Justice Jackson's opinion in the flag salute case;
  - (d) St. Augustine.
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19. *Griswold v. Connecticut* was precedent for which of the following cases?

- (a) *Bowers v. Hardwick*;
  - (b) *Planned Parenthood v. Casey*;
  - (c) *Romer v. Evans*;
  - (d) All of the above.
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20. The case that held it was constitutional during wartime to relocate U.S. citizens based upon their race was:

- (a) *Hirabayashi v. U.S.*;
  - ☒ (b) *Korematsu v. U.S.*;
  - (c) *Plessy v. Ferguson*;
  - (d) All of the above.
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21. In *Missouri ex rel. Gaines v. Canada* Lloyd Gaines, an African-American student, sued to gain the right to attend law school. The Supreme Court held:

- (a) Because he was likely to serve the needs of a discrete and insular minority, he should be granted the right to attend the law school of his choice;
  - (b) Based on the precedent of *Brown v. Board of Education*, he could not be denied equal treatment based upon his race;
  - (c) It was constitutional for the state to provide him with a legal education in the manner of its choosing, even if it resulted in personal inconvenience to him;
  - ☒ (d) None of the above.
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22. Sociology was an important part of legal reasoning for:

- ☒ (a) The legal realists;
  - (b) Justice David Brewer;
  - (c) Justice Cardozo;
  - (d) All of the above.
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23. Karl Llewellyn was responsible for:

- (a) The Uniform Commercial Code;
  - (b) The effective use of the “Brandeis brief”;
  - (c) The reform of legal education to include the case method;
  - (d) The resurgence of natural law reasoning in Constitutional adjudication.
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24. In *NY Times v. Sullivan* the Supreme Court held

- (a) False statements of fact deserve no protection, but false opinions do;
  - (b) Public officials, public figures, and private figures deserve the same protection from defamation under the Constitution;
  - (c) If there are limits to the right of an individual to criticize public officials, it is up to Congress to identify what those limits are;
  - (d) Federal constitutional protection applies to laws enacted by states, but not to civil litigation initiated by one citizen against another.
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25. In *TVA v. Hill* the Supreme Court considered a challenge to a dam that was being built on the Little Tennessee River. As a result of the Supreme Court’s decision:

- (a) The snail darter became extinct;
  - (b) The dam was never built, and thus the snail darter was saved;
  - (c) The Supreme Court held that continued Congressional funding of the dam established an exception to the Endangered Species Act;
  - (d) The Supreme Court upheld the injunction issued by the lower court.
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26. In *Intel v. Hamidi* an employer sought damages from a former employee they claimed had misused their email system. The California Supreme Court held:

- (a) A former employee still enjoys freedom of speech that cannot be overridden by security concerns of the previous employer;
  - ☒ (b) The continued use of the former employer's email system without permission was not "trespass to chattels";
  - (c) The right of current employees to communicate with former employees was protected under the National Labor Relations Act;
  - (d) An employee who signed a valid agreement governing his post-employment behavior could be enforced without violating the constitution.
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27. In *BMW Inc. v. Gore* the Supreme Court held:

- (a) States could not constitutionally impose punitive damage awards that exceeded the amount of the compensatory award;
  - (b) The imposition by states of excessive punitive damage awards conflicted with Congress' power to regulate interstate commerce;
  - (c) BMW's conduct did not rise to the level of "malice" that justified a punitive damage award;
  - ☒ (d) None of the above.
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28. Wrongful birth claims

- ☒ (a) Are left to each state to decide;
  - (b) Can only be recognized if the unborn child's rights are adequately protected;
  - (c) May justify the award of compensatory damages, but not punitive damages;
  - (d) Have been abrogated by medical malpractice reform statutes.
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## 29. Environmental regulation

- (a) Has been shown by scholars who are identified with the “Law and Economics” movement to be damaging to the economy;
  - (b) Is exclusively the domain of Congress; states are preempted from imposing additional regulations;
  - (c) Should be governed by the “best-available technology” standard, according to Bruce Ackerman and Richard Stewart;
  - ☒ (d) None of the above.
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30. The dissent in *Citizens United v. Federal Election Commission*

- (a) Criticized the majority’s distinction between money given directly to a candidate and money that was spent on campaign advertising that supported a candidate;
  - (b) Argued that media corporations should be recognized as having free speech rights under the Constitution;
  - (c) Disagreed with the claim that there is no such thing as “too much speech”;
  - ☒ (d) All of the above.
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