

Name: Printed not Signed

Constitutional Law Quiz #4

Prof. Pi

1. The purpose of the quizzes in this course is:
 - (a) Equity.
 - (b) *First*, to confirm that students understand the design of the course, because students too often fail to read the syllabus closely. *Second*, to ensure that students possess the bare minimum of knowledge expected at critical points in the semester.
 - (c) To trigger students with test anxiety.
 - (d) To trick and confuse students.

2. The primary course objective of this course is:
 - (a) To learn the *rules* of Constitutional Law.
 - (b) To learn about the structure of the federal government and its relationship to the states.
 - (c) To prepare you for the bar.
 - (d) To expose you to common patterns of argumentation in Constitutional interpretation.

3. The secondary course objective of this course is:
 - (a) To learn the *rules* of Constitutional Law.
 - (b) To learn about the structure of the federal government and its relationship to the states.
 - (c) To prepare you for the bar.
 - (d) To expose you to common patterns of argumentation in Constitutional interpretation.

4. In law school, whose job is it to teach students the black-letter rules?

- (a) The professor.
- (b) The teaching assistants.
- (c) The students themselves.
- (d) The Academic Success Program.

5. Draws lines to indicate which parts of the Constitution deal principally with what subject matter.

Article I	_____	The Judiciary
Article II	_____	The Congress
Article III	_____	The Presidency
Article IV	_____	Amending the Constitution
Article V	_____	Individual Rights
Bill of Rights	_____	The States

6. What is the first sentence of Article III, Sec. 1 of the U.S. Constitution?

The judicial power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish.

7. What is the first clause of Article III, Sec. 2 of the U.S. Constitution?

The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority;

8. What are the names of the following canons of construction?

- If a general term follows a list of specific items, then the general term includes only items of the same kind as those specifically listed.

eiusdem generis

- If the meaning of an ambiguous word or phrase can be determined by the words around it, then its meaning is whatever is most consistent with the context.

noscitur a sociis

- If a text lists certain items, then items not listed are presumptively excluded.

expressio unius est exclusio alterius

- If multiple sections of a legal text address the same subject, then meaning of ambiguous words or phrases is whatever makes the whole text most consistent.

in pari materia

- If one interpretation would render some legal language redundant, then prefer the interpretation that gives effect to all words.

rule against surplusage

- If the language is clear and unambiguous, then apply its ordinary (i.e., dictionary) meaning.

plain meaning

9. What is *Marbury v. Madison* really about?

- (a) Whether Madison has the power to refuse to deliver Marbury's commission.
- (b) Whether the Court has the power to issue a writ of mandamus to compel Madison to deliver Marbury's commission.
- (c) Whether Congress has the power to give the Court the power to hear the case.
- (d) Whether the Court has the power to say whether Congress has the power to say whether the Court has the power to hear the case.

10. What are the elements of standing?

1. Concrete particularized injury
2. Causation
3. Redressability

11. What factors do courts consider when assessing ripeness?

1. Fitness for judicial decision
2. Hardship to parties

12. What is the first sentence of Article I of the U.S. Constitution?

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

13. What is the second sentence of Article VI of the U.S. Constitution?

This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any state to the contrary notwithstanding.

14. Where does the tax and spend clause appear, and what does it say? Art I §§

The Congress shall have the power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States;

15. Where does the commerce clause appear, and what does it say? Art I §8

... to regulate commerce with foreign nations, and among the several States, and with the Indian tribes;

16. Where does the necessary and proper clause appear, and what does it say? Art I §8

... To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

17. Which of the following is *not* a power *expressly* granted to Congress in Art. I, Sec. 8 of the U.S. Constitution?

- (a) Borrowing money.
- (b) Establishing naturalization rules.
- (c) Establishing bankruptcy law.
- (d) Printing money.
- (e) Punishing counterfeiters.
- (f) Establishing post offices.
- (g) Declaring a state of emergency.
- (h) Granting patents and copyrights.
- (i) Establishing lower courts.
- (j) Punishing pirates.
- (k) Declaring war.
- (l) Establishing and maintaining a military.
- (m) Establishing public schools.

Note: the non-powers will be different than these on the actual quiz

18. Committing a handful of crucial sentences from the Constitution to memory *verbatim*:

- (a) Builds *knowledge* of the Constitution.
- (b) Is equivalent to *understanding* the Constitution.
- (c) Could never be of any conceivable value to a lawyer. Like...ever.
- (d) Is a physical impossibility. Like...literally.

19. The reason why Prof. Pi forces us to memorize text from the Constitution is:

- (a) He conflates knowledge with understanding.
- (b) He is a masochist. He enjoys deciphering hundreds of pages of nigh illegible handwriting.
- (c) He is a sadist. He does not care about the plight of law students.
- (d) He thinks it not unreasonable to expect students of Constitutional Law to know a bit of text from the Constitution.

20. Which of the following constitutes an atrocity? (circle all that apply)

(a) Requiring students to commit information to memory.

(b) The Holocaust.

(c) Human slavery.

(d) The Nanking Massacre.

(e) The Rwandan Genocide.

21. What is the first sentence of Article II, Sec. 1 of the U.S. Constitution?

The executive power shall be vested in a President of the United States of America.

22. What is the first clause of Article II, Sec. 2 of the U.S. Constitution?

The President shall be Commander in Chief of the Army and Navy of the United States, and of the militia of the several States, when called into the actual service of the United States;

23. Where does the "take care" clause appear, and what does it say?

Art. II § 3

he shall take care that the laws be faithfully executed

24. What is Article II, Sec. 4 of the U.S. Constitution?

The President, Vice President and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

25. Where does the appointments clause appear, and what does it say? Art. II §2

He shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law: