

LAW DAY 2000
CONSTITUTIONAL LAW QUESTIONS

1. A "pocket veto" can be exercised only by the following branch:
 - (a) The legislative branch
 - (b) The executive branch
 - (c) The judicial branch

2. National regulation by Congress of wild flowers growing in federally owned parks is unconstitutional.
 - (a) True
 - (b) False

3. Although most states do not do so, individual states are allowed to print their own money?
 - (a) True
 - (b) False

4. Each state in the United States may set their own minimum drinking age?
 - (a) True
 - (b) False

5. The United State Supreme Court is made up of how many justices?
 - (a) 5
 - (b) 6
 - (c) 7
 - (d) 9

6. Which section of the Constitution has Congress in the past used its power under to pass federal civil rights legislation?
 - (a) Privileges and Immunities Clause
 - (b) Contracts Clause
 - (c) Equal Protection Clause
 - (d) Commerce Clause.

7. The President of the United States has the power under the Constitution to "declare" war?
- (a) True
 - (b) False
 - (c) True, but only under certain circumstances
8. A "Driving Under the Influence" law prohibits persons from operating motor vehicles with a blood alcohol level of .10 % or higher. You are stopped while driving your car and your blood alcohol level is tested. Your blood alcohol level is .09 %. A week later, the Driving Under the Influence Law is amended to prohibit persons from operating motor vehicles with a blood alcohol level of .08 % or higher. Can you be convicted for violating the Driving Under the Influence Law?
- (a) No
 - (b) Yes
9. A person is found guilty of the federal crime of first degree murder and sentenced to the death penalty. It is the person's third federal conviction for murder. Can the President of the United States grant the person a pardon, and free the person? Can Congress override the President's pardon?
- (a) Yes, the President can pardon the person; Yes, Congress can override it.
 - (b) Yes, the President can pardon the person; No, Congress cannot override it.
 - (c) No, the President cannot pardon the person because they were found guilty of first degree murder.
 - (d) No, the President cannot pardon the person because it is their third conviction.

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1. (b) The executive branch

The President can disapprove or "veto" an act of Congress by specifically stating that he will not sign the Act. However, the President must make such a decision to approve or disapprove within ten days of receiving the act from Congress. If the President fails to act within these ten days, the bill is automatically vetoed if Congress is not in session. But if Congress is in session, and he fails to act, the bill becomes law.

2. (b) False

This federal regulation is constitutional because Article IV, § 3 of the Constitution provides that Congress shall have the power to dispose of and make all needful rules and regulations respecting the territory or property belonging to the United States. This is referred to as Congress's property power which allows Congress to regulate all federal property such as federal buildings, post offices, Indian reservations, military vehicles, surplus food products and plants and animals on federal lands.

3. (b) False

The federal government, specifically Congress, has the exclusive power to coin money. The Constitution specifically prohibits the use of such power by the states. Another example is the Treaty Power which is reserved exclusively for the federal government.

4. (a) True

State governments have wide latitude over importation of liquor and the conditions under which it is sold or used within the state. However, in practice, Congress may regulate conditions under which it is sold or used within the state indirectly. For example, Congress can limit grants of money to states only if the state follows a certain condition. For example, Congress has conditioned highway funds to states upon the state setting a minimum drinking age of 21.

5. (d) Nine

The United States Supreme Court is made up of nine justices. But, the Delaware Supreme Court has only 5 justices.

6. (d) Commerce Clause

Congress has used the Commerce Clause to uphold federal civil rights legislation because of the effect discrimination might have on interstate commerce. Congress has the exclusive power to regulate all foreign and interstate commerce. Interstate commerce includes transportation or traffic, even if not commercial, including both goods that are moved in interstate commerce and the vehicles that move between states. Any activity, even if carried on entirely intrastate, that, taken cumulatively, might have a substantial effect on interstate commerce is subject to regulation by Congress. The actual purpose of the regulation need not be related to either commerce or transportation as long as the subject matter regulated might have the required effect.

7. (b) False

The Constitution gives Congress the power to declare war, raise and support armies, and provide for and maintain a navy. Congress may enact economic regulations during war and in the postwar period to remedy wartime disruptions. Congress is also authorized to make rules for the government and regulation of the armed forces. The President has no power to "declare" war but may act militarily in actual hostilities against the US without a congressional declaration of war, such as President Bush did during the Gulf War. However, Congress, under its power to enact a military appropriation every two years, may limit the President.

8. (a) No

Since the law at the time you were tested was .10 %, and you had a blood alcohol level of .09 %, you cannot be found to have violated the Driving Under the Influence Law. The Constitution provides that the state or federal government may not pass "ex post facto" laws, which are laws that retroactively alter criminal offenses or punishments. Specifically, laws creating a new crime, increasing punishment, or reducing required evidence are not valid if applied retroactively, although they can be applied in the future. Procedural changes to a law which do not affect substantive elements are not ex post facto. Note that the Ex Post Facto Clauses apply only to criminal cases, and not to civil cases (for example, they are not applicable if the standards to obtain a professional license are changed after a person has applied for such license).

9. (b) Yes, the President can pardon the person; No, Congress cannot override it.

The president may grant pardons for all federal offenses but not for impeachment or civil contempt. The pardon power cannot be limited by Congress.