

Monterey College of Law – Hybrid  
CONSTITUTIONAL LAW I – Section 2

MIDTERM EXAMINATION

FALL 2024

Prof. DAVE KING

EXAM INSTRUCTIONS

You will have three hours to complete this exam. There are two essay questions to be answered in Questions 1 and 2; Question 3 consists of four short answer questions. Each question will count for 1/3 of your exam grade.

Unless expressly stated, assume that there are no Federal or State statutes on the subjects addressed.

Your answer should demonstrate your ability to analyze the facts in the question, to tell the difference between material facts and immaterial facts, and to discern the points of law and fact upon which the case turns. Your answer should show that you know and understand the pertinent principles and theories of law, their qualifications and limitations, and their relationships to each other.

Your answer should evince your ability to apply the law to the given facts and to reason in a logical, lawyer-like manner from the premises you adopt to a sound conclusion. Do not merely show that you remember legal principles. Instead, try to demonstrate your proficiency in using and applying them.

If your answer contains only a statement of your conclusions, you will receive little credit. State fully the reasons that support your conclusions, and discuss all points thoroughly.

Your answer should be complete, but you should not volunteer information or discuss legal doctrines that are not pertinent to the solution of the problem.

Question No. 1

The United States president has had a tumultuous presidency over the last four years. Afraid that he will not win reelection, he decides to have his opponent in the upcoming election, an unmarried orphan, killed. To this end, he discusses the matter with his attorney general who convinces him not to use the government's resources or entities to accomplish the killing. Frustrated, the president seeks out his campaign manager and together they hatch a plot to hire a hitman to accomplish the task. The President uses his own funds to hire the hitman. The hitman accomplishes the task while his opponent is campaigning in the State of Sunshine, but is caught in the process of the killing and confesses that the president hired him. The killing causes two cases to be filed against the president- one civil and one criminal. The criminal case is brought in state criminal court in the State of Sunshine. A non-profit organization, "the justice league," a group of orphans formed to assert the legal rights of those without family to do so, files civil suit directly to the U.S. Supreme Court alleging violations of the fifth, sixth, and fourteenth amendments and various state-law tort claims on behalf of the slain opponent.

In the criminal matter, the president moves to dismiss the case against him claiming absolute immunity from prosecution. The trial court denies the motion and the appellate court and court of last resort in the Sunshine State affirm. The United States Supreme Court grants certiorari in the matter.

In the civil matter, the president moves to dismiss the action on jurisdictional grounds that it is non-justiciable.

1. In the criminal case before the United States Supreme Court, what issues will the prosecution and defense raise and how will the court likely rule and why?
2. In the civil case before the United States Supreme Court, what arguments for and against the United States Supreme Court's jurisdiction can the parties make and how is the court likely to rule and why?
3. In the civil case before the United States Supreme Court, what arguments for and against justiciability can the parties make and how is the court likely to rule and why?

Question No. 2

After voters approved an initiative enshrining the recreational use of marijuana into the Moonshine State's constitution, the Moonshine State's legislature became concerned with the recent influx of foreign corporations applying for business licenses in Moonshine State to sell marijuana and marijuana-related products. Additionally, it was concerned with residents of West Moonshine State, a neighboring State to the west of Moonshine State, moving east to Moonshine State to take advantage of its new marijuana laws and, in so doing, put pressure on its worsening housing crisis. Moreover, studies showed that the initiative had a disproportionate impact on men with several studies noting that men showed a particular propensity for dissociative behavior after prolonged use of marijuana and marijuana-related products. Accordingly, the Moonshine State's legislature passed the "Reefer Madness" bill that restricted the licensing of new marijuana businesses to those business entities that had already been conducting business in Moonshine State for five years prior to their business license applications. The law also prohibited the sale of marijuana or marijuana-related products to residents of Moonshine State who had become residents of the State within one year of the bill's passage. Finally, the law restricted the amount of marijuana or marijuana-related products that men could purchase or possess, setting specific guidelines and penalties for violation thereof.

1. Cheech, a new, male, resident of Moonshine State who moved to Moonshine State six months after it passed its initiative, brings suit due to the restrictions of Moonshine State's restrictions on the male gender. Analyze the Constitutional arguments Cheech can raise in a lawsuit to challenge the reparations law, and Moonshine State's likely responses and defenses. How should the Supreme Court rule and why?
2. The Bing Bong Corporation applied for a license to open a marijuana and marijuana-related products business in Moonshine State after it passed its initiative, but is located in a different State. Moonshine State, however, denied its permit application, citing the reefer madness bill. Bing Bong brings suit under the commerce clause and the privileges and immunities clause. Analyze the Constitutional arguments Bing Bong can raise in a lawsuit to challenge the Reefer Madness law, and the likely responses and defenses to be raised by Moonshine State. How should the Supreme Court rule and why?
3. Laura has just moved to Moonshine State, but has been denied access by every shop selling marijuana or marijuana-related products due to her having recently moved to Moonshine State. She brings suit under the privileges and immunities clause and the commerce clause. Analyze the Constitutional arguments Laura can raise in a lawsuit to challenge the Reefer Madness law, and the likely responses and defenses to be raised by Moonshine State. How should the Supreme Court rule and why?

Question 3

Write a short answer to questions A, B, C, and D; Each question is worth 25 points.

- A. James Vanderstrand buys a parcel of beachfront property in Northcastle State, USA, planning to build luxury, high-rise condominiums. Before he can do so, however, the Northcastle State legislature enacts a law restricting the building of multi-family housing within 20 miles of any coastline in the State citing noise and crowding. James brings suit alleging that the law is an unconstitutional taking of his property without compensation. How is the court likely to analyze and rule on the issues raised in James's lawsuit?
- B. Johannes, a bird enthusiast, submits his application to sponsor the addition of the "puteketeke" to Seastate's bird of the year contest. Seastate, however, rejects Johannes's application because Puteketekes are known for wetting their nests. Johannes, however, believes that Seastate has rejected his application because he was born in a country outside of the United States and brings suit in federal court under the 14<sup>th</sup> amendment. While his suit is pending trial, Seastate's contest is held without the Puteketeke and the Titmouse wins the contest. In light of all of the factors and events outlined above, would the federal court be willing to reach the merits of Johannes's claim? Discuss.
- C. Concerned with the wild fluctuations in price in the U.S. grape market, Congress passes a law restricting the amount of grapes that farmers can produce each year. Dino, a grape farmer, produces grapes on his farm up to the limit of Congress's law, but additionally produces a little extra and uses the extra grapes to produce table wine for himself and his immediate family. Dino was cited for violation of the law and brings suit alleging that the law violates the commerce clause. How is the court likely to analyze and rule on the issues raised in Dino's lawsuit?
- D. The President of the United States, after becoming embroiled in scandal is impeached. Upon presentment to the senate of the house's articles of impeachment, the senate passes a rule permitting senators to vote on whether to remove the President by proxy vote. The President brings suit arguing that the Senate's rule violates Article I of the Constitution. In light of all of the factors and events outlined above, would the federal court be willing to reach the merits of the President's claim? Discuss.

## Brief Answer key to

### Constitutional Law Midterm Exam

Fall 2024

Profs. King (hyb Sec2), Wagner (slo), Migdal (mcl), Loo (kcl), Ruskell (hyb Sec1)

#### Question 1

1. In the criminal case, the court will have to determine whether the President's act is an official act or an unofficial act under *Trump v. USA*. Additionally, though the admission of the president's discussion with his attorney general prior to hiring the hitman would likely be inadmissible in the case, it is also the president's best evidence that the act was an official one. Whether the President could admit exculpatory evidence of official acts is an open question. The best answers will analogize to the Court's specific discussion of the various acts at issue in the case as official or unofficial.
2. In the civil case, the court does not have original jurisdiction to hear the matter as suits against the President do not fall under Article III's original jurisdiction. The best answers will include a discussion of *Marbury v. Madison*.
3. The justiciability issue here is third-party standing. Students will analyze whether the justice league has itself suffered harm, whether the aggrieved party is likely to assert its own claim, and whether it has a sufficient nexus to the person for whom it asserts associational standing such that there is an Article III case or controversy.

#### Question 2

1. Students will analyze Cheech's equal protection claim based on gender and apply heightened scrutiny. Is the State's interest important enough to justify its gender-based restriction?
2. Students will properly note that the privileges and immunities clause does not apply to corporations and then proceed to analyze the issue under the dormant commerce clause. The best answers will refer to the *Tennessee Wine & Spirits Retailers Association v. Thomas* and note that the durational residency prohibition is not narrowly tailored to achieve a legitimate local purpose.
3. Here, students will analyze whether the privileges and immunities clause applies. Here, it is properly applied to a state law that discriminates against out-of-staters. However, is Laura's right a fundamental right protected by the P&I clause? *Baldwin v. Fish & Game Commission of Montana* would suggest it is not as the activity is a recreational one unrelated to earning a living or other economic interests.

#### Question 3

- A. Students will determine whether this is a possessory or regulatory taking and, if a regulatory taking, has the owner been deprived of all economically viable beneficial use of the property under *Lucas*?

- B. The issue here is mootness as the contest is already over by the time the case reaches the court. However, students may note that this could be a controversy that persists but evades review as future challengers would be unlikely to have a final resolution on the matter before it reaches the supreme court.
- C. This is a *Wickard* issue testing students' knowledge of the cumulative effect doctrine in the commerce clause jurisprudence. If all grape growers similarly grew extra grapes for personal consumption, would it substantially affect interstate commerce in the aggregate?
- D. Students will properly note that the US supreme court has determined that impeachment questions are non-justiciable political questions.

1)

Criminal Case

1. The issue is what issues will the prosecution raise, what defenses and how will the court rule and why? — That's the call to question, not the issue. The main issue is whether the acts were official/unofficial. Be sure your issue/statements address the legal issues and answer just a copy of the call to question.

Rule:

Presidential Immunity.

The President (Pres.) is granted absolute immunity from civil and criminal prosecution for official acts. The president is not immune from purely personal acts and pre-presidential acts.

Analysis:

Official Acts

The president has broad authority to act granted under the constitution. Official acts means but not limited to act that are in furtherance of his (1) expressed and implied powers, (2) powers delegated to him by Congress, and (3) discretionary acts the president deems necessary and proper to execute his power. (Great!)

Here, the president decided to kill his opponent in the upcoming election because he was afraid that he would not win reelection. Instead the president sought advice from the attorney general (AG), which was discouraged. Next he went to his campaign manager, they both hired a hitman and the president used his personal fund to pay for the hit. The prosecution will argue killing an opponent because of fear he may not be reelected is not an official act because the president must draw his power either from the constitution or congress. The defense will argue that the president was protecting this

right to remain the president because the last four years was a tumultuous presidency and he would like to improve that before he left office. In this case the president's argument will likely fail because killing an presidential opponent is not an official act, the president could have used more effective means to win reelection such as a smear campaign against his opponent. Thus, the presidents conduct is not immune because killing his opponent to win reelection was not an official act.

Conclusion: The court will find the president conduct was not an official act and the Pres. is not immune from prosecution.

## 2. Civil Jurisdiction

Issue?

Rule:

Under the Constitution, the supreme court has (1) original and (2) appellate jurisdiction to hear cases.

### *Original Jurisdiction*

The supreme court has original jurisdictions originates under the constitutions. The cases that fall under original jurisdiction are mandatory, meaning a party can petition directly to the supreme court.

### *Appellant Jurisdiction*

The supreme court has appellate jurisdiction to hear cases that involve federal law, diversity cases, and cases and controversies to name a few.

Here, Justice league will argue they filed the suit directly with the S.C. because the president violated the 5th, 6th, and 14th amendment which involves federal questions. The gov. will argue the court does not have original jurisdiction over this case because it does not involve a foreign national suing the U.S government, not is there evidence of a

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conflict between the legislative and executive branch. In this case the government will succeed because case as not heard by the lower courts before the petition to the supreme court. Additionally the S.C has discretion on which cases to hear under federal law, diversity or cases and controversy. Since this case does not fall within the S.C original jurisdiction, the justice league must first bring the suit a lower court, a judgement must be final before petition to the S.C. Thus, the S.C does not have jurisdiction to hear this case.

Conclusion: the court will dismiss the case for lack of jurisdiction or reject hearing the case due to lack of jurisdiction.

### 3. Civil Case Justiciability

Issue?

Rule:

*This question was all about the issue spotting. You got that → original jxdn. I didn't expect you to memorize the list, but something along the lines of cases against presidents do not fall w/ the court's original jxdn would be kers conclusory. Good job on the issue spotting though!*

Under cases and controversy a suit must be justiciable. The requirement for justiciability is (1) standing, (2) ripeness, (3) Mootness, and (4) must not involve a political question.

Analysis

Standing

A Plaintiff (P) has standing if there is 1. injury in fact, 2. causation redressibility

#### Injury in fact

an injury in fact must be concrete and particularized and has happened or imminent.

Here, Justice league (JL) did not suffer an injury that is concrete and particularized because they were not related to the opponent was killed, nor did the murder happen to them. JL will argue that suffered an injury because the organization was created to protect groups of orphans, and the person killed was an unmarried orphan. However, this

argument will fail because JL themselves did not suffer an injury, that is particularized to them. Thus no injury in fact *what about the special relationship as 3<sup>rd</sup> party standing when the third party asserts the rights of those entitled to assert it themselves (like the doctors in the abortion case)?*

Causation and Redressibility

A P must show the defendant cause the injury

Here, JL cannot show or reasonably tie the killing of the opponent to the injury because JL did not suffer the injury. Furthermore, if there was not injury or causation, the court decision will not favorably redress the injury. Thus, no causation or redressibility.

### Organizational Standing

An organization has standing if they meet these requirements 1. is a close relationship with the orgs, objective, they are representing a member of their org. and at least one member has suffered an injury.

Here, JL does not satisfy the requirement for organization a standing because the opponent was not a member of the organization, although here is a close relationship between JL's objective, none of it's members suffered the injury. Here, the court will find JL does not have organizational standing.

Conclusion, JL civil case is not justiciable because they do not have standing. Since the is no standing the court will not need to go through ripeness, mootness, and political questions.

*very well done. You got all the major issues and provided some fairly good analysis. Be sure to include issue statements as those are important to the reader to let the reader know what you will be addressing.*

80

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2)

1. Cheech

Equal protections: No state shall deny persons within its jurisdiction equal protection of its laws. This applies to the states through the 14th am and to the Federal gov through the 5th Am Due process clause. This occurs when a law discriminates among people based on some characteristic. Depending on the classification of people being discriminated against, the EPC will apply a standard of review.

If the law is facially discriminatory then it is presumed violating the EPC. If it is not facially discriminatory then it violates only if it is discriminatory in both purpose and effect.

Strict scrutiny is applied for classifications of race, national origin and alienage. The government has the burden of proving that the law serves a compelling government interest and narrowly tailored to achieve that compelling gov interest. There must be a purposeful intentional discrimination and affect. remedying past discrimination is a compelling government interest if it is a past or present discrimination by the government.

Intermediate scrutiny is used for discrimination against sex, gender, and non marital children. The burden is on the government to prove that they have an important government interest and must achieve the interest by means substantially related to that interest. There must be purposeful discrimination and effect not just effect. *only if not discriminatory on its face.*

Rational basis is used for all other discrimination. Burden is on the challenger to prove the goveremet has no legit interest or rational connection between interest and state means.

Here, the intermediate scrutiny will apply because the discrimination is against cheech because he is a male. The law discriminates against gender on its face because it states that

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the sale of marijuana or related products to men is limited and that there would be penalties for going over the guidelines.

The state will argue that this is an important government interest because studies showed that there was a disproportionate effect on men using cannabis and that the prolonged use resulted in a propensity for disassociative behavior. They will argue this is in the gov best interest for the health and safety of men. Further, the means of limiting the purchase, possession of weed to men is substantially related because the less men use cannabis the healthier men will be since studies show that there is a link between men using cannabis and men having a dissociative behavior after prolonged use. Further, this is not discriminatory because they are not fully prohibiting the sale or use to men only limiting it. *It is still discriminatory, it's just not as prohibitive as an outright ban.*

*This is some very good analysis!*  
Cheech will argue this is not a valid government interest because they are singling out males and not women. They will argue this is a discriminatory impact and effect because now he is being restricted purely because he is male. He will argue that not all males are affected the same way so there cannot be a ban on all males. That some men need it more than others, its dependant on weight, diet, genetics, personality, enviornment, etc not just about being male. That they shouldnt discriminate because some males may need it for example for medicinal needs like depression, pain, alzheimers or cancer. Further, he will argue that the means is not substantially related to their interest because there are non discriminatory alternatives to ensure saftey of all people and wellfare of all people without only restricting men. For example, there can be a max amount of cannabis that can be bought at a time or max amount that can be possessed that applies to all people not just males.

Thus, the court will likely hold that the law is drcriminatory against males and violates the equal protections clause.

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2. Bing Bong Corporation (BB)

*Really only needed a dormant commerce clause discussion.*

Commerce Clause: Congress has broad power to regulate channels, instrumentalities and persons of interstate commerce and activity that substantially affects interstate commerce. The aggregate effects doctrine states that even purely intrastate activity can be regulated if it substantially affects interstate commerce according to *Wickard v Filburn*.

Affects interstate commerce if it creates obstacles for interstate dealers, impedes the flow of interstate goods, adds costs, or there is a distinction between foreign and in state sellers.

Here, BB will argue that the state violated commerce cl because the regulation is substantially affecting the interstate commerce. This is because now that the state allowed recreational use of weed the foreign states want to conduct business but since the state is not accepting any more business licenses, it is effectively putting a strain on interstate commerce. Now they are setting obstacles for interstate dealers because they are limited the dealers to people who are conducting the business in Moonshine 5 years prior to their application. Those people where mainly Moonshine businesses so they are in a sense only conducting with intrastate businesses and discriminating against out of staters. This impedes the flow of interstate goods and doesnt allow the commerce of weed to flow. This can impact cost of weed because having foreign sellers will be good. to fluxuate the market and keep it competitive.

The state will argue that there is an important interest because they were concerned about the influx of foreign corporations applying for the license to sell in the state. That this is a substatial interest because there is already a shortage of houses and a crisis so having foreign businesses move to the state will strain the crisis more. This is for the general welfare, safety and well being of its citizens to ensure there is not an influx of people

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coming in when there is not enough housing which will increase housing prices and lead to homelessness.

Thus, the court will likely hold that the law does violate commerce clause.

No. Kelo, weekend.  
- just  
dormant commerce  
clause  
↓

Dormant commerce clause: If congress hasn't regulated in an area, a state or local gov can regulate local interstate commerce unless the state law unduly restricts or discriminates against out of staters.

If it is discriminatory on its face then it is invalid but can be overcome by strict scrutiny standard if shown that it is narrowly tailored to achieve a legitimate purpose and substantially necessary.

If it is not facially discriminatory but has the effect or purpose of being discriminatory then the burden is on the state to justify the law's local benefits and show that there is no other non discriminatory alternatives for intermediate scrutiny standard. The Pike test is used for determining whether there is a purposeful discrimination by balancing the legitimate state interest with discriminatory impact.

Here, BB will argue it is discriminatory because it is discriminatory by effect and purpose since it essentially makes all out of staters who want to open a business in the state to sell cannabis unable to get a license since they had to already be in business with the state for 5 years.

The state will argue that there isn't discrimination because it affects in state and out of state citizens not just out of staters. It is applied to everyone. Further, there is an important interest because they were concerned about the influx of foreign corporations applying for the license to sell in the state. That this is a substantial interest because there is already a shortage of houses and a crisis so having foreign businesses move to the state

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will strain the crisis more. This is for the general welfare, safety and well being of its citizens to ensure there is not an influx of people coming in when there is not enough housing which will increase housing prices and lead to homelessness. Further, there is other means because this is the best way to ensure there is not an over influx of people coming to the state.

Thus, the court will hold that this is not discriminatory and not against dormant commerce clause.

Privileges and immunities: When states implement laws that discriminate against out of state citizens for fundamental constitutional rights or their ability to earn a livelihood. A state can't deny out of state citizens the privileges and benefits offered to in state citizens. However, the discriminating law can be allowed if the state can show that it is closely related to substantial state interest and there is no non discriminatory alternatives. Corporations and aliens are not allowed to use this only citizens.

Here, the BB will argue that the state is discriminating against out of states ability to earn a livelihood by implementing the reefer madness bill because it only allows business entities who had already been conducting the business in the state for 5 years prior to their business license application. This essentially cut out all out of states and only allows people who opened the business 5 years prior instead of allowing people from out of state who want to open a business there. This discriminates on out of states being able to get a license to open a marijuana business so this affects their ability to earn a livelihood. The state is effectively denying the out of states privileges of opening a cannabis business. However, the law isn't discriminating against out of states because it applies to all in state or out of state. [Also, that the corporation cannot use the privilege and immunities because it only applies to citizens and corporations are not citizens.]

yes! This is really all you needed  
to say w/ re: BB.

Thus, the court will hold that the BB cant use privileges and immunities because they are not citizens.

### 3. Laura

Commerce Clause (CC): Congress has broad power to regulate channels, instrumentalities and persons of interstate commerce and activity that substantially affects interstate commerce. The aggregate effects doctrine states that even purely intrastate activity can be regulated if it substantially affects interstate commerce according to Wickard v Filburn.

Affects interstate commerce if it creates obstacles for interstate dealers, impedes the flow of interstate goods, adds costs, or there is a distinction between foreign and in state sellers.

L will argue that the CC is violated because even though the law is restricting intrastate commerce it is affecting interstate commerce too. That because they are not allowing people who just moved to the state within a year to purchase weed they are affecting the flow of commerce. Now they will have to try to go elsewhere to purchase and the prices will decrease because there is less people buying who should be eligible to buy.

Thus, the court will hold that the commerce clause is violated. *- so why was it violated as to BB!?*

Privileges and immunities: When states implement laws that discriminate against out of stater citizens for fundamental constitutional rights or their ability to earn a livelihood. A

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state can't deny out of state citizens the privileges and benefits offered to in state citizens. However, the discriminating law can be allowed if the state can show that it is closely related to substantial state interest and there is no non discriminatory alternatives. Corporations and aliens are not allowed to use this only citizens.

Here, L will argue she is discriminated against due to being an out of state and is being denied the privilege to buy cannabis. The state prohibits the sale of cannabis to any person who recently became a resident within 1 year of the bill being passed. This essentially discriminates on all out of states who have recently moved to the state and are being denied the same privilege that is available to others who have lived there longer. The state will argue that this is substantially related to health and safety issues and there is no other alternative. However, this is not true because the means is not substantially related to that interest since it only affects out of states. If it was about health then it would affect every citizen.

— Does it affect a fundamental right or ability to earn a living?

Thus, the court will hold that the law violates privileges and immunities clause.

90

Good answer overall, I liked the analogies to other cases, which brings depth to your analysis, well done.

3)

A.

Under the 5th amendment takings clause, the federal and state government has the right to take private property for public use as long as just compensation is paid. Under the takings clause analysis you must first establish that there is a taking, either possessory or regulatory, secondly must establish that there was property, thirdly you must analyze if it was for public use, and lastly if just compensation was paid. *Good.*

James would argue that this is a regulatory taking because the taking is due to a regulation that he would claim leaves the property without reasonably viable economic use. He would fail under this analysis, because the legislature only stops him from building a multifamily house. James can still build a single family house. Next, when analyzing if this is property, this is concerning a beachfront property. Third when analyzing if it is for government use, this is a rational basis test, and basically any public use will be allowed. Lastly, when analyzing if just compensation paid, the government must pay fair market value if they do take the land. This was not a taking because there was no regulatory or possessory taking of the property. James can still use the land for other uses such as SFR use, or a building with 4 units or less, which is considered SFR, not multifamily. *very good!*

*95*

B.

*Yes,* Justiciability provides that the judicial power of the U.S. shall be vested in one supreme court and shall extend to all cases of law and equity arising under the constitution. The justiciability limits advisory opinions, standing, ripeness, mootness, and political questions doctrine. Here, the applicable justiciability limit of the court is mootness. A court will not hear a case where the injury has ended before the case has made it to court. However, the three exceptions to justiciability limits are (1) wrongs capable of repetition but evading review, (2) voluntary cessation, and (3) class actions. Here, the exception of wrongs

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*Wise argument!*  
~~capable of repetition but evading review~~ will apply. An example of application of this exception is *Roe v. Wade*, where a woman's claim was not moot just because she had the child before the case could make it to court. Cases take time to reach the court and a child is born in 9 months, and therefore although her case was moot, the court heard and ruled on the issue because it was an issue that could arise again in the future. Here, the Seastate's bird of the year contest is held annually. Issues with court take more than a year to be heard often times, and although he was not able to participate this year, the issue could arise again next year and the following year. Because this is an issue that could come again, the court will hear the case, even though his case is technically moot, under the exception of wrongs capable of repetition but evading review. 100 - good call on the issue and the exception.

### C.

Under the commerce clause, congress has the power to regulate interstate commerce of foreign nations and the states. Congress can regulate the channels and instrumentalities of interstate commerce as well as any activities that sufficiently impact interstate commerce. Under the aggregation doctrine, Congress can regulate intrastate commerce if the aggregation of multiple individuals not following the commerce power combined would significantly impact interstate commerce. Here Congress wanted to limit the amount of grapes farmers can produce to combat wild fluctuations of the price. This is a valid application of Congress's commerce power. If multiple grape farmers produced a little extra of grapes each year for wine for themselves, this would lower the amount of grapes they are buying in the open market, causing the prices of grapes to go down because the demand of grapes will be less if individual farmers across the nation were all growing extra grapes for themselves. This would contradict the powers of interstate commerce by deregulating the grape market, which is the opposite of what congress wants to accomplish. Under the aggregation doctrine, Congress can limit the intrastate commerce of farmers growing extra grapes for personal use because it would substantially affect interstate commerce. Yes. 100

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**D.**

Justiciability provides that the judicial power of the U.S. shall be vested in one supreme court and shall extend to all cases of law and equity arising under the constitution. The justiciability limits advisory opinions, standing, ripeness, mootness, and political questions doctrine. Here, the applicable justiciability limit of the court is the political questions doctrine. The court will not answer a political question that is designed to be decided by the legislative or executive branch. This includes impeachment, gerrymandering and foreign policy. Here, the government is asking that the court rule on impeachment. Impeachment proceedings are specifically enumerated rights of the legislative branch. The Constitution gives congress and the senate the right to impeach a president. This is not a decision that the court can make as it is a political question that is not reserved for the court to decide. The court will not hear this claim. Yes! 100

**END OF EXAM**

$$95 + 100 + 100 + 100 = 99$$