

# POLS 3352 – Final Exam Hypothetical Portion

## Instructions:

Below are three fictional scenarios that ask you to consider what you would do as a Supreme Court justice. **SELECT ONE** of the options and respond using at least two Supreme Court cases from the course to support your answer. You will not be graded based on the position you take, but on the quality of your argument and the how you connect cases to support your position.

Format: No formatting requirement. Write approximately two to three paragraphs explaining your position.

Remember! **You only need to answer one.**

## Scenarios:

### **1. Takings**

Within the city of Andoria, there are about 100 homes without city water and sewers. Mayor Piccard wants to better the city and he and the city council pass an ordinance that every home must be on city water and sewers within three years. The city will pay for the construction and pipes. However, residents who are hooked up to the city water system must pay for connection and installation once the pipes reach their property. A small group of residents do not want city water as they live above an underground aquifer that provides excellent well water. They also do not want to pay the estimated \$5000 that it will cost per home to make the connections. To stop the new law, the residents file suit in federal court claiming that forcing them to dig up their yards and add unwanted pipes and water to their properties constitutes a taking within the meaning of the 5<sup>th</sup> Amendment. If you were a justice on the Supreme Court, how would you decide this case? Use at least two cases to support your position.

Hint: Consider different interpretations of regulatory takings.

### **2. Federalism**

Congress passed legislation permitting citizens to register to vote when they obtained or renewed their driver's licenses (the Motor Voter Law). Congress passed this legislation with the understanding that the power could be implied from the various enumerated powers (Specifically: Article 1, Section 4 "The times, places and manner of holding elections for Senators and Representatives, shall be prescribed by the [state] legislatures; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.") The State of Idaho disagreed. While agreeing that the Motor Voter Law is constitutional as it pertains to federal elections, Idaho argued that it is unconstitutional as applied to state elections. In Idaho's view, the Motor Voter statute directly interferes with states' rights. In response, the state decided that they will allow voters who registered when they obtained their licenses to vote for federal candidates but not for state candidates. The federal government sued the state for violating the Motor Voter Law. The case makes it to the Supreme Court where you are a justice. Which side do you rule in favor of and why? Use at least 2 cases to support your position.

Hint: Consider interpretations of federalism and enumerated powers interpretations.

### 3. Congressional Powers

Anna is a college student who is living in southern California and is undocumented. She is also a participant in the Deferred Action for Childhood Arrivals (DACA) program, established by former President Obama to delay deportation of undocumented persons who came to the United States as children. Anna recently became politically active and vocal about her status, starting a social media campaign to put pressure on President Biden and Congress to pursue longer term immigration reforms. Anna was sent a formal request by Congressman Jordan, who chairs the U.S. House Committee on the Judiciary, to testify in a congressional hearing about immigration. After talking to her family and an attorney, Anna decided she did not want to testify as she feared it could be used against her to initiate deportation proceedings. Congress then voted to hold her in contempt until she agreed to testify. Supported by the ACLU, Anna sued challenging the constitutionality of her contempt order. The case eventually makes its way to the Supreme Court where you are a justice. Is the contempt order against Anna unconstitutional? Use at least two cases to support your answer.

Hint: Consider Congress' power to investigate and the limitations on that power.

Exam Rubric	90-100	80-89	70-79	60-69	<60
	A	B	C	D	F
Overall Quality of Position (50%)	Clear presentation of position with developed rationale in two to three paragraphs. Explanation is nuanced and considers multiple elements of the hypothetical.	Clear presentation of position with developed rationale in two to three paragraphs. Explanation is clear but may be more general without considering all elements.	Position is presented but rationale to support is not provided and/or only considers one area of the hypothetical. May be shorter than the prompt requests.	Insufficient explanation of position and/or insufficient rationale provided. May be significantly shorter than the prompt requests.	No explanation of position with no rationale to support. Likely significantly shorter than the prompt requests.
Support of Position (50%)	At least 3 cases relevant cases are used to support position with specific case elements connected to the hypothetical case.	At least 3 relevant cases are used to support position, with general ideas connected to the hypothetical case.	At least 3 cases are used to support, but cases may not be relevant. Or cases may be relevant but fewer than 3 are incorporated and lack specific connection.	Fewer than 3 cases are used to support position. Cases may not be relevant and connections back to hypothetical are not made.	No cases are used to support position.