

Assas

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Année d'étude : Deuxième année de licence droit

Discipline : *Anglais 1^{er} semestre*
(Unité d'Enseignements Complémentaires 1)

Titulaires du cours : **Mme Géraldine GADBIN-GEORGE**

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Durée : 1h30

Documents autorisés : AUCUN

I. Complete the following sentences, adding between 10 and 25 words. Use only one sentence. (20 points)

1. Due to the failure of the Articles of Confederation ...
2. Filibustering refers to ...
3. While revenue bills ...
4. Pursuant to its power of judicial review ...
5. The Supremacy clause establishes the principle ...

II. Read the following document and answer each of the questions below (approximately ten lines/100 words for each question). Use your own words. DO NOT QUOTE DIRECTLY FROM THE TEXT. (30 points)

That Supreme Court Stonewall May Not Crumble Anytime Soon

By CARL HULSE, *The New York Times*, Nov. 3, 2016

WASHINGTON — Senator Jeff Flake was startled a few months ago when a constituent pressed him on whether he was willing to hold up any Supreme Court nominee chosen by Hillary Clinton if she was elected president.

"I asked for how long, and he said for four years," Mr. Flake, an Arizona Republican, recounted in an interview. "I said no, of course not. That is not what I came to Washington to do."

But that's precisely what some of his Republican colleagues are considering. Having already blocked President Obama's nominee to replace Justice Antonin Scalia since March, they contend that Republicans should indefinitely stall any nomination by Mrs. Clinton to prevent an ideological shift in the court. Such a blockade would represent a major escalation in the judicial wars that have been waged in the Senate since the 1980s. [...]

But if Mrs. Clinton prevails and Republicans hold the Senate, they are likely to come under immense pressure from conservative groups to do whatever is necessary to prevent her from filling seats on the court, considered by many Republicans as their last defense against the advance of liberal social and governmental policy.

The idea of denying Mrs. Clinton a court pick has been quietly simmering in conservative circles as Republicans held firm in their refusal to take up the president's nomination of Merrick B. Garland before the election. It burst into the open in recent weeks after Senator John McCain, the Arizona Republican who formerly tried to defuse judicial clashes, said that Republicans would stand united against any nominee chosen by Mrs. Clinton. [...]

This week, Senator Richard M. Burr of North Carolina, who is in a tough re-election fight, was heard on a recording obtained by CNN promising to "do everything I can do to make sure four years from now, we still got an opening on the Supreme Court."

The comments were a significant departure from the Republican Party's public position that the court seat was being held open only to give voters a say in the choice through the election of a new president. Senator Mitch McConnell of Kentucky, the majority leader, has said repeatedly that filling the court vacancy should be left to the next president, not Mr. Obama.

Senator Susan Collins of Maine, who has met with Judge Garland and believes the party should have taken up his nomination, said pre-election tension could be playing a role in prompting the explosive comments.

"Emotions are running really high now at this stage of the most bizarre presidential election of my lifetime," she said. "After the election, I believe there will be a reassessment of how we should approach judicial nominees."

Ms. Collins, who was part of the so-called Gang of 14 that in 2005 struck a deal that judges should not be blocked except under extraordinary circumstances, said the Senate should return to that standard.

"I certainly understand that the court has become much more ideological than is desirable for that institution, and that is why there are those who have taken what I believe to be an untenable view," she said. "We don't even know who her Supreme Court nominees are going to be, so how could we possibly draw a line in the sand? I certainly hope we don't go down that route." [...]

QUESTIONS

1. What was the situation at the Supreme Court when the article was published? To what extent was it unusual?
2. How did Republican Senators justify their position on President Obama's nominee? What other motives are suggested in the text?
3. In your opinion, was the Senate overreaching its constitutional powers in this instance?

III. Choose ONE of the following topics and write an essay in approximately 250 words (+/- 10%). (50 points)

1. To what extent is the American presidency a powerful institution?
2. How do the federal and state levels interact in the American system?