

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

Mme Claire WROBEL

Durée : 1H30

Documents autorisés : AUCUN

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

1. At the Philadelphia Convention ...
2. Whereas representation in the lower house ...
3. During primary elections ...
4. In addition to its original jurisdiction ...
5. The USSC is composed ...

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 DO NOT QUOTE DIRECTLY FROM THE TEXT.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)

Trump could be removed for political incompetence — using the 25th Amendment

By Eric Posner, *The Washington Post*, September 12, 2017

Eric Posner is a professor at the University of Chicago Law School.

President Trump's tenure has exposed a defect in our constitutional system: A president can be impeached and removed from office if convicted of high crimes and misdemeanors. He can be removed, under the conventional understanding of the 25th Amendment, if he is incapacitated by mental or physical illness. But there is no obvious solution for a president who has not committed a crime or been disabled by illness, but has lost the confidence of the public because of a failure of temperament, ideology or ability.

The current understanding of the 25th Amendment should be enlarged so as to provide authority to address this problem, through creation of a Presidential Oversight* Council empowered to recommend removal of the president on political rather than medical grounds. (...)

Certainly, the authors of the 25th Amendment had in mind presidents who suffered from illness while in office, such as Woodrow Wilson after his stroke. But they deliberately used broad language that goes beyond

psychological or physical disability. The amendment refers to a president who is “unable to discharge the powers and duties of his office.” This language does not specifically refer to mental or physical factors as the source of the inability, and thus allows removal of a president whose incompetence results from other reasons — including a failure of temperament, ideology or ability.

The amendment explicitly authorizes Congress to create a “body” that, together with the vice president, is responsible for informing Congress that the president is unable to discharge the powers and duties of his office. There is no requirement that medical professionals serve in that body. It may consist of whomever Congress chooses. (...)

The council would consist of an equal number of Democrats and Republicans, and it would be able to declare the president’s unfitness based on a two-thirds majority vote. Such an arrangement means that the president would remain in office unless he lost significant support from his own party, including his own vice president. This would never happen — unless the president was truly incompetent.

But I mean incompetent in a political sense, not a mental sense. By politically incompetent, I mean incompetent to exercise the powers of the presidency in a way that meets the approval of the president’s party as well as the opposing party. (...)

What would be the advantages of this council over impeachment? The problem we currently face is that Trump may be incompetent to hold office even if he has not committed crimes of sufficient weight to justify impeachment. Impeachments are oriented toward specific acts, akin to criminal trials, while the problem we currently face — and may face in the future — concerns the president’s character.

The Presidential Oversight Council, in contrast, would be able to evaluate the president’s overall ability based on all of his behavior in office. Because the council would be a standing* body, oversight of the president would be normalized and wouldn’t require the sort of crisis that motivates impeachment proceedings.

Creating such a council would also produce some immediate practical effects. It would allow Republicans to demonstrate the gravity of their concerns about Trump’s behavior without forcing them to take a stand on impeachment, which would surely fail. It would be ready to spring into action if Trump, or any future president, showed signs of incapacity to govern. It would reinforce the notion that the president does not govern alone but must maintain the support of Congress and other institutions in the much-maligned* but essential “political establishment.” And it would give notice to Trump and his aides that outrageous behavior will no longer be tolerated and is not shielded by the Constitution.

VOCABULARY

**oversight* = supervision, control

**akin to* = similar to

**standing* = permanent

**maligned* = criticized

QUESTIONS

1. According to the author, what are the different options to remove the US president from office?
2. What arguments does the author produce to support the creation of a Presidential Oversight Council?
3. Comment on the underlined sentence.

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

1. What are the strengths and weaknesses of American democracy?
2. Discuss state autonomy in the US and its advantages.