

Practice Verbal Reasoning

7

Questions

By
Ken Evans, MSc, MD
Wynne Evans, BA
Philip Menard, PhD

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Number of Items: 40
Time Allowed: 60 minutes

DIRECTIONS: There are seven passages in the Verbal Reasoning test. Each passage is followed by several questions. After reading a passage, select the one best answer to each question. If you are not certain of an answer, eliminate the alternatives that you know to be incorrect then select an answer from the remaining alternatives. Indicate your selection by clicking on the answer bubble next to it.

Passage I

The new urban class emerged from a society that had heretofore been almost exclusively agrarian. The town dwellers were drawn primarily from the wealthier peasantry but also included vagabonds, runaway serfs, ambitious younger offspring of the lesser nobility, and, in general, the surplus of a mushrooming population. At an early date traders began to form themselves into merchant guilds to protect themselves against exorbitant tolls and other exactions levied by the landed aristocracy. A town was almost always situated on the territories of some lord, baron, bishop, count, duke, or king. And the merchants found that only by collective action could they win the privileges essential to their calling: personal freedom from servile status, freedom of movement, freedom from inordinate tolls at every bridge or feudal boundary, and the rights to own town property, to be judged by the town court rather than the lord's court, to execute commercial contracts, and to buy and sell freely.

By the twelfth century, lords were issuing charters to their towns that guaranteed many or all of these privileges. Some lords were forced to do so in response to urban riots and revolts; others did so voluntarily, recognizing the economic advantages of having nourishing commercial centers in their territories. Indeed, some farsighted lords began founding and chartering new towns on their own initiative, laying out streets on a gridiron plan within the new walls, and attracting commercial settlers by offering generous privileges.

The first urban charters varied greatly from one another, but in time it became common to pattern them after certain well-known models. The privileges enjoyed by the burghers of Newcastle-on-Tyne under King Henry I of England, and the charter granted by the French king Louis VI to the community of Lorris, were copied repeatedly throughout England and France. In effect, such privileges created semi-autonomous political and legal entities, each with its own local government, its own court, its own tax-collecting agencies, and its own customs. These urban communes paid well for their charters and continued to render regular taxes to their lord. But, and this is all-important, they did so as political units. Individual merchants were freed from the harassments of their lords' agents. Townspeople enforced their own law in their own courts, collected their own taxes, and paid their dues to their lord in a lump sum. In short, they had won the invaluable privilege of handling their own affairs.

One should not conclude, however, that the medieval towns were even remotely democratic. It was the prosperous merchants and master craftsmen who profited chiefly from the charters, and it was they who came to control the two governments, ruling as narrow oligarchies over the towns' less exalted inhabitants. Some towns witnessed the beginnings of a significant split between large-scale producers and wage-earning workers. Indeed, the medieval town was the birthplace of European capitalism. For as time progressed towns tended to become centers of industry as well as commerce. Manufacturing followed in the footsteps of trade. And although most industrial production took place in small shops rather than large factories, some enterprising manufacturers employed considerable numbers of workers to produce goods, usually textiles, on a large scale. Normally, these workers did not labor in a factory but instead worked in their own shops or homes. Since the entrepreneur sent raw materials out to the workers, rather than bringing the workers to the materials, this mode of production has been called the "putting-out system." As a direct antecedent of the factory system, it was a crucial

phase in the early history of capitalism.

1. According to the passage, the largest portion of the population of an early town was likely to be drawn from among
 - A) vagabonds and runaway serfs.
 - B) a mushrooming merchant class.
 - C) financially successful members of the peasant class.
 - D) retired farmers.

2. All of the following were important to merchants EXCEPT
 - A) the right to appear in the lord's court.
 - B) the right to buy and sell freely.
 - C) the right to own town property.
 - D) the right to enter into contracts.

3. Which of the following is implied in the passage?
 - A) Merchant guilds were the predecessors of modern labor unions.
 - B) A conflict of interests between manufacturers and workers is inherent in a constitutional system.
 - C) Most town charters resulted only after some violent activity by the townspeople.
 - D) Democracy was more prevalent in towns than in the agrarian society.

4. Residents of a chartered town did all of the following EXCEPT
 - A) pay taxes to a lord.
 - B) have their own courts.
 - C) have a local government.
 - D) None of the above

5. The best title for this passage would be
 - A) The Death of Agrarian Society
 - B) The Birth of Capitalism
 - C) The First Factories
 - D) Urban Liberties

6. Which of the following is not implied in the passage?
 - I. King Henry I opposed the widespread granting of town charters.
 - II. The centralization of trade in the towns led to the birth of large scale manufacturing.
 - III. Early manufacturers used the "putting-out system" to prevent the growth of labor unions.
 - A) I only
 - B) II only
 - C) I and II
 - D) I and III

Passage II

The key to successful treatment of cancer is to diagnose it at a stage when the cancer can be removed entirely from the body. We have at our disposal two methods by which such removal can be accomplished, surgery and X ray. These are not alternative techniques for all forms of cancer. Some forms of cancer are “radioresistant,” or not responsive to such doses of X-rays as can be safely administered. Other forms are sensitive to X-rays and are called “radiocurable” or “radiosensitive.”

Among the radioresistant cancers, which must be treated by surgery, are the cancers of the gastrointestinal tract and the associated organs, including the stomach, small and large intestines, gallbladder, pancreas, and liver. Surgical resection is also the primary curative approach to brain tumors, cancers of the breast, kidney, testis, ovary, bone, and muscle.

Very radiosensitive cancers, such as those arising from the lymph nodes and blood-forming tissues, of which Hodgkin’s disease and lymphosarcoma are examples, are usually best treated by X-rays. For cancers of the mouth and the face, the uterine cervix and the urinary bladder, either surgery or X-rays may be selected as the primary treatment.

There are, of course, many modifications of techniques used by surgeons and radiotherapists. The ideal management of most patients with cancer is by a smooth working team of a surgeon, radiotherapist, pathologist, and internist; with frequent consultations among the specialists regarding treatment and progress. In medicine, responsibility for a patient is not safely divided among doctors, and at any given time the primary management of a patient must remain in the hands of one of the clinicians.

Inadequate surgery or radiotherapy, which in the initial course of treatment does not include the total extent of the cancer, is not only doomed to failure but may well spread cancer cells and speed up the fatal course of the patient. That is why even the ancients, whose experience with cancer was usually limited to cancer of the breast, followed the principle of Hippocrates, “primum non nocere,” meaning, “first do not harm.”

Surgical resections of internal cancers became possible following the discoveries of two great boons to mankind, anesthesia and asepsis, during the 19th century. The German surgeon, Theodor Billroth, remains a giant of the early era, especially for his operations on the stomach and intestines. During the 20th century, with further improvements of surgical techniques and the introduction of blood transfusions and antibiotics, all portions of the human body became surgically approachable. American surgeons played an important role in the developments with Harvey Cushing’s operations on the brain, and Evarts Graham’s surgical removal of the lung for cancer.

Increasingly extensive operations for cancer have been perfected, and cancers of the cervix, head, and neck that were previously considered beyond operation are now accepted for surgery. The use of heart-lung pumps, artificial kidneys, and the replacement of bones and blood vessels were forerunners of transplantation of whole organs. Experiences with more conservative

resections of cancers of the breast, thyroid, and other sites show that these more limited procedures also have a definite place in the treatment of cancer. The question is not whether radical or more limited surgery is superior, because both have their place. The question is what procedures are best under what circumstances and in which patients with what tumors.

7. According to the passage the phrase “radioresistant” means
 - A) X-ray treatment will have no effect on a particular cancer.
 - B) a particular cancer is super-sensitive to X-ray treatment.
 - C) a particular cancer is not responsive to doses of X-rays that can safely be given to a patient.
 - D) X-ray treatment will be unable to affect a particular cancer because of its location.
8. According to the passage one prime difference between cancers of the gastrointestinal tract and associated organs and cancers of the brain is
 - A) cancers of the gastrointestinal tract are radioresistant while cancers of the brain are primarily treated by surgery but do not have to be treated exclusively in this fashion.
 - B) cancers of the gastrointestinal tract are radioresistant but cancers of the brain are always treated by X-rays.
 - C) cancers of the gastrointestinal tract are treated by surgery.
 - D) cancers of the gastrointestinal tract are treated by either surgery or X-rays while cancer of the brain is always treated by surgery.
9. The passage states that “responsibility for a patient is not safely divided among doctors;” however, it suggests that the ideal management of most cancer patients is
 - A) by one trained specialist with a knowledge of the patient’s history.
 - B) by one doctor in charge of several nurses.
 - C) by a team of surgeons, radiotherapists, pathologists, and internists, with consultation throughout the case.
 - D) by the teamwork of a surgeon and the family physician.
10. As used in the passage, the phrase “first do not harm” means
 - A) the physician should be careful not to spread the cancer by inadequate treatment.
 - B) a trained hand is essential to skillful surgery.
 - C) an antiseptic environment is necessary in order not to spread bacteria.
 - D) a skilful surgical team is necessary so that mistakes are made nowhere along the line.
11. The author’s primary purpose in this passage is to
 - A) give the history of cancer surgery.
 - B) show that surgery is more effective than X-ray therapy.
 - C) compare the use of X-ray therapy with surgery in the treatment of cancer.
 - D) show that the only effective treatment of cancer is a combination of X-ray therapy and surgery.
12. It can be inferred from the passage that use of heart-lung pumps and artificial kidneys
 - A) will be greatly expanded in the future.
 - B) will be handed over to specialists.

- C) will become more expensive.
- D) will eventually be replaced by the transplantation of living organs.

Passage III

“For the ease and pleasure of treading the old road, accepting the fashions, the education, the religion of society, he takes the cross of making his own, and, of course, the self-accusation, the faint heart, the frequent uncertainty and loss of time, which are the nettles and tangling vines in the way of the self-relying and self-directed, and the state of virtual hostility in which he seems to stand to society, and especially to educated society. For all this loss and scorn, what offset? He is to find consolation in exercising the highest functions of human nature. He is one who raises himself from private consideration and breathes and lives on public and illustrious thoughts. He is the world’s eye. He is the world’s heart. He is to resist the vulgar prosperity that retrogrades ever to barbarism, by preserving and communicating heroic sentiments, noble biographies, melodious verse, and the conclusions of history. Whatsoever oracles the human heart, in all emergencies, in all solemn hours, has uttered as its commentary on the world of actions, these he shall receive and impart. And whatsoever new verdict reason from her inviolable seat pronounces on the passing men and events of today, this he shall hear and promulgate.

“These being his functions, it becomes him to feel all confidence in himself, and to defer never to the popular cry. He and he only knows the world. The world of any moment is the merest appearance. Some great decorum, some fetish of a government, some ephemeral trade, or war, or man, is cried up by half mankind and cried down by the other half, as if all depended on this particular up or down. The odds are that the whole question is not worth the poorest thought which the scholar has lost in listening to the controversy. Let him not quit his belief that a popgun is a popgun, though the ancient and honorable of the earth affirm it to be the crack of doom. In silence, in steadiness, in severe abstraction, let him hold by himself; add observation to observation, patient of neglect, patient of reproach, and bide his own time, happy enough if he can satisfy himself alone that this day he has seen something truly. Success treads on every right step. For the instinct is sure. That prompts him to tell his brother what he thinks. He then learns that in going down into the secrets of his own mind he has descended into the secrets of all minds. He learns that he who has mastered any law in his private thoughts, is master to that extent of all translated. The poet, in utter solitude remembering his spontaneous thoughts and recording them, is found to have recorded that which men in crowded cities find true for them also. The orator distrusts at first the fitness of his frank confessions, his want of knowledge of the persons he addresses, until he finds that he is the complement of his hearers, that they drink his words because he fulfills for them their own nature; the deeper he dives into his privatest, secretest presentiment, to his wonder he finds this is the most acceptable, most public, and universally true. The people delight in it; the better part of every man feels. This is my music; this is myself.”

13. It is a frequent criticism of the scholar that he lives by himself, in an “ivory tower,” remote from the problems and business of the world. Which of these below constitutes the best refutation by the writer of the passage to the criticism here noted?

- A) The world's concerns being ephemeral, the scholar does well to renounce them and the world.
 - B) The scholar lives in the past to interpret the present.
 - C) The scholar at his truest is the spokesman of the people.
 - D) The scholar is not concerned with the world's doings because he is not selfish and therefore not engrossed in matters of importance to himself and neighbors
14. The scholar's road is rough, according to the passage. Which of these is his greatest difficulty?
- A) He must renounce religion
 - B) He must pioneer new approaches
 - C) He must express scorn for, and hostility to, society
 - D) He is uncertain of his course
15. When the writer speaks of the "world's eye" and the "world's heart" he means
- A) the same thing.
 - B) culture and conscience.
 - C) culture and wisdom.
 - D) mind and love.
16. The various ideas in the passage are best summarized in which of these groups?
- A) truth versus society, the case of living traditionally, and the scholar's functions
 - B) truth versus society, the scholar and books, and the world and the scholar
 - C) the hardships of the scholar, the scholar's functions, and the scholar's justifications for disregarding the world's business
 - D) the world and the scholar, the scholar's functions, and truth versus society
17. "public and illustrious thoughts" (1st paragraph) means
- A) what the people think.
 - B) thoughts in the open.
 - C) thoughts for the good of mankind.
 - D) is seen to be.

Passage IV

The growth and change that our nation has experienced in the past have brought substantial benefits. Population growth has been accompanied by even more rapid economic expansion, enabling the United States to enjoy the highest standard of living ever achieved by a major nation. Generally, the patterns of migration from rural to urban areas and from one region of the country to another have brought population to those areas where employment opportunities are greatest. Urban development and suburban growth have given millions of American families better housing, facilities, and services. The automobile and the extensive highway system, probably the most important forces influencing the pattern of growth in the post-World War II period, have increased the mobility of American families and provided them with greater access to jobs, housing, recreation, and shopping. This growth, in the form of population changes,

technological development, economic expansion, and individual initiative, will almost certainly continue during the foreseeable future.

In the last decades, however, we have recognized that a number of problems are associated with the process and patterns of growth.

Policies are needed to deal with these problems and to insure that future growth is both orderly and balanced. As Ex-President Nixon said in the 1970's, "The growth which this Nation will inevitably experience in the coming decades will be healthy growth only if it is balanced growth, and this means growth which is distributed between both urban and rural areas." Orderly growth requires overcoming the problems associated with past growth and preventing their repetition in the future. This will necessitate action by all parts of our society: individuals and families, private enterprise, and government at the local, state, and Federal levels.

The Nation's total rural population, that is, the number of persons living in open country or in places with less than 2,500 inhabitants, has remained relatively constant over several decades. Nevertheless, there have been changes in population composition for many small, non-metropolitan towns and other rural areas.

Since the 1940's, farm population has declined so rapidly that it now constitutes less than one-fifth of total rural population. At the same time, the number of market and service centers needed by this shrinking segment of rural America has fallen, meaning that many small towns are no longer able to serve their original function.

While some growth in non-farm employment did occur in non-metropolitan areas during the 1960's, the increase was unevenly distributed. In fact, half of the Nation's counties did not experience any growth in non-farm employment, due to such factors as their remoteness from large volume markets, lack of natural resources and skilled labor, inadequate public facilities, absence of recreational and cultural activities, the financial difficulties of local governments, and limited pools from which to draw effective leadership.

Where employment opportunities have failed consistently to match the number of jobseekers, many younger and better educated persons have sought jobs in larger towns and cities, leaving behind an older and less skilled population in the midst of deteriorating economies. Often, the result is a tax base inadequate to finance basic public services or to attract new job-producing investment (which would augment the tax base). Consequently, many indicators show non-metropolitan areas lagging behind metropolitan areas in terms of economic and social conditions.

18. The author lists all of the following as benefits of growth except
- I. The population has been relocated to where there are employment opportunities
 - II. Economic expansion
 - III. Decrease in rural population
- A) I only
B) II only
C) III only

- D) I and III only
19. In the passage, the phrase “healthy growth” refers to
- A) urban growth.
 - B) rural growth.
 - C) balanced urban and rural growth.
 - D) planned economic growth.
20. It may be inferred from the passage that in order to achieve healthy growth
- A) present methods of growth must continue.
 - B) new methods of organizing growth must be devised.
 - C) action will be required by some parts of our society.
 - D) individuals and families must take action.
21. According to the passage, since the 1940’s farm population has changed so rapidly that it now constitutes
- A) less than 1/5 of the urban population.
 - B) less than 1/5 of the suburban population.
 - C) more than 3/5 of the rural population.
 - D) less than 1/5 of the rural population.
22. It may be inferred from the passage that rural towns and cities are in economic trouble because
- A) they lack skilled leadership.
 - B) the number of non-farm jobs in rural areas is not sufficient to give a sound economic base to the community.
 - C) the farming jobs in rural areas do not produce enough income to give a sound economic base to the community.
 - D) most major industries have their home offices on the East coast.
23. According to the passage, the main reason that many young and well-educated persons have sought jobs in large towns and cities is that
- A) employment opportunities in rural areas have often failed to match the number of job seekers.
 - B) the jobs in rural areas tend to be noncreative and mundane.
 - C) recruiters from urban based companies go out of their way to hire rural applicants.
 - D) rural areas do not need the skills which the well-educated offer.

Passage V

Much debate has occurred concerning the causes and effects of acid rain. The leading theory posits that the two facets of its causation are weather patterns and human activity. The burning of sulfur-containing coal by industry and utilities, and smelting and refining activities, primarily in the Midwest, produce the gases sulfur dioxide and various oxides of nitrogen. The amount of such emissions has been estimated between tens and hundreds of millions of tons annually.

These industrial gases are carried into the atmosphere where part of the mass may be oxidized further to sulfur trioxide and sulfates and higher oxides of nitrogen. Once air-borne, these combined pollutants are carried by prevailing winds over north-eastern states where they combine with atmospheric water and fall to earth in ordinary rainstorms. The magnitude of controlling the problem is appreciated by recognizing that emission and injection into the atmosphere occur in State A, further oxidation may occur over State B, while precipitation and final harmful effects occur in State C, 1,000 or more miles distant.

It is beyond question that airborne pollutants can be transported great distances. Industrial pollution has been detected on the Greenland ice cap, thousands of miles from industrial sites. Nor is it seriously debatable that the increased acidity of precipitation is due to human activities. Rain and snow have shown a detectable and significant increase in acidity over the last 200 years, being transformed from "pure" precipitation to an acid one. This rise in acidity parallels the rise in industrial activity and the use of coal as a major fuel, beginning with the Industrial Revolution.

Although the phenomenon of acid rain has come under scrutiny only relatively recently, a number of presently identifiable effects and potential consequences have received attention. When acidic components remain suspended in air long enough for inhalation, as in the case of fogs or aerosols, terrestrial mammalian respiratory problems arise. In those aquatic systems which lack much buffering capacity, fish are affected by a drop in pH, resulting in lowered disease resistance and failure to reproduce. Thus, a disruption in the food chain begins. One effect on plants is the actual leaching of nutrients from within the plants themselves by direct acid rain action. The combined effects portend a decrease in forest productivity as well as a like effect on cultivated grain crops.

Human endeavors are likewise the direct victims of such pollution. Acid rain has been blamed for the decomposition of marble structures such as the Parthenon in Athens, hitherto relatively unscathed by normal weathering in 25 centuries. Thus, in a relatively few decades, man's industrial activity has risen to the point of threatening serious harm to his own well being as well as that of plant and animal ecosystems. Further, a decline in fossil fuel use in the next 30 years is not likely.

There are three fundamental obstacles to effective control of acid rain: the bifurcated territorial nature of the emission/precipitation phenomena, the federalist character of government within the United States, and contemporary political defects. Acid rain would seem to present an archetype situation ripe for interstate compact utilization. The emitting states must admit that industries within their borders are causing serious harm to other states, with long-term irremediable effects. The downwind states must likewise concede that it is impractical to demand of vital industries that they either stop polluting immediately or shut down, without those states providing incentives.

24. From details of this passage, we can infer that acid rain in Europe
- A) is not a problem.
 - B) is not so harmful as it is in the United States.
 - C) has been controlled by laws.
 - D) is a problem in the industrial north but not in Mediterranean countries.
25. According to the passage, a predictable effect of acid rain is the
- A) decline in the productivity of cultivated grain crops.
 - B) increase in the insect population.
 - C) increase in cardiac disease in humans.
 - D) increase in richness of the forest soils.
26. Which of the following, according to the passage, would most directly reduce the incidence of acid rain?
- A) Increase in the height of industrial chimneys in the Midwest
 - B) Decrease in the use of solar and water power to create electricity
 - C) Use of nuclear energy to replace use of fossil fuels
 - D) Reliance upon wind power in lieu of nuclear power
27. The reference to the continued use of fossil fuel in the last sentence of the fourth paragraph is intended to
- A) make logical the transition to the next paragraph.
 - B) remind the reader that the primary cause of acid rain will not go away.
 - C) fix the blame for acid rain upon the users of fossil fuels.
 - D) encourage the development of other sources of energy.
28. Of the “three fundamental obstacles to effective control of acid rain” in the last paragraph, the author deals
- A) equally with all three.
 - B) mostly with the first.
 - C) mostly with the second.
 - D) mostly with the third.
29. In the last paragraph, the phrase, “bifurcated territorial nature of the emission/precipitation phenomena” refers to
- A) the two houses of the federal legislature.
 - B) pollution in one state becomes acid rain in another.
 - C) states that possess heavy industry are more willing to pass strict environmental laws.
 - D) states without heavy industry are more likely to pass strict environmental laws.

Passage VI

For centuries, death was defined as occurring when there was a total stoppage of blood circulation and respiration. Not surprisingly, physicians and laymen concluded, when “a person’s heart stopped beating and he stopped breathing, he was dead.” The inability of medical

science to reestablish the heart and lungs after the cessation of activity was ample justification for its definition of death.

The availability and widespread use of cardiopulmonary resuscitation (CPR) has necessitated a redefinition of death. There is a growing trend to define death as an irreversible loss of brain function. All body elements require oxygen, but the brain requires more than any other tissue. The probability of damage after oxygen flow to the brain has ceased depends upon the speed of application of CPR. If the oxygen flow is reestablished within four minutes, brain damage is unlikely. If reestablishment is delayed from four to ten minutes, brain damage is probable. Should the brain lack oxygen for over ten minutes, brain damage is almost certain. Although a debate still continues within the medical profession as to the specific criteria to be utilized to determine brain death, brain death has become the accepted medical standard.

There are nineteen states that have enacted legislation focusing on the cessation of brain function as a statutory definition of death. In 1970, Kansas was the first state to adopt brain death as part of its death statute. The statute provided for alternative definitions of death—one based on brain death, the other based on the absence of spontaneous cardiac and respiratory function. Maryland, New Mexico, and Virginia modeled their statutes after the Kansas law. The remaining fifteen states have passed legislation within the last few years. These statutes differ from the previous ones in that there is no provision for the determination of death based on respiratory and cardiac cessation, the sole criterion for defining death being the absence of brain function.

The problem of distinguishing ordinary and extraordinary levels of care has not been simple. The first noted distinction was phrased as follows:

Ordinary means are all medicines, treatments, and operations which offer a reasonable hope of benefit and which can be obtained and used without excessive expense, pain, or other inconvenience.

Extraordinary means are all medicines, treatments, and operations which cannot be obtained or used without excessive expense, pain, or other inconvenience or which, if used, would not offer a reasonable hope of benefit.

Reasonable hope of benefit is no longer an applicable standard. The value of life is not to be equated with quality of life. It is fundamental to the human condition to seek life and to retain it, no matter how heavy the burden. In a recent case, the Court held that a mentally-retarded person has a right to experience life to his greatest potential, and that the patient's ultimate mental capabilities should not enter into a physician's decision regarding treatment.

Also, the excessive pain standard is no longer applicable. No doctor can subjectively assess what treatment or diagnostic procedure causes a person excessive pain, as each person has a different tolerance level. In addition, pain can be managed with analgesics. Then too, treatments such as chemotherapy and setting a broken leg can cause excruciating pain but are deemed to be within the ordinary standard of medical care. Diagnostic procedures such as arterial blood gases and angiograms can cause excruciating pain but are also regarded as within the ordinary standard

of medical care.

A physician is responsible for providing reasonable and ordinary care according to present standards of the medical profession in the treatment of patients. A doctor, however, has no duty to provide extraordinary care, and such services may be withheld at any time. As medical science advances, our definition of the physician's standard of care changes to incorporate newly acquired skills and knowledge.

CPR has traditionally been included within the extraordinary standard of care. Changes in distinguishing extraordinary-ordinary care, CPR advances in medical skill, and the attendant redefinition of death have transformed CPR into an ordinary standard of medical care. This means that when a physician writes DNR (Do Not Resuscitate), ONTR (Order Not to Resuscitate), or similar meaning phrases informing trained personnel not to perform CPR, he may now have breached his duty.

30. Cardiopulmonary resuscitation undermines the nineteenth-century definition of death because it
 - A) restores the flow of oxygen to the brain.
 - B) may enable a patient to be moved to a hospital before brain damage can occur.
 - C) restores the flow of oxygen to the heart.
 - D) restores the operation of the heart and lungs.

31. Compared to older legal definitions of death, the most recently adopted ones are likely to use
 - A) only heart cessation as a criterion.
 - B) both heart and breath cessation as criteria.
 - C) only cessation of brain function as a criterion.
 - D) both cessation of heart and brain function as criteria.

32. According to the passage, the use of brain death as the standard to determine death
 - A) has replaced the use of heartbeat and breathing.
 - B) is the accepted legal rather than medical norm.
 - C) is the universal criterion in hospitals.
 - D) still varies from state to state.

33. The passage alludes to chemotherapy and angiograms in order to
 - A) illustrate the advances of modern treatment of diseases.
 - B) illustrate medical procedures that may be very painful.
 - C) cite examples of ordinary medical care.
 - D) cite examples of extraordinary care.

34. The final paragraph of the passage asserts that a physician ordering trained personnel not to perform CPR
- A) may have forbidden extraordinary care.
 - B) is operating within his or her rights as a doctor.
 - C) may do so if the patient is suffering excessive pain.
 - D) may have failed to provide for ordinary care.
35. The central point of the passage is that
- A) CPR is no longer an extraordinary standard of care.
 - B) CPR is no longer an ordinary standard of care.
 - C) legal definitions of death have failed to keep pace with medical ones.
 - D) legal decisions can affect medical practices.

Passage VII

Aliens have been entering the United States illegally at a phenomenal rate in recent years, and a substantial segment of this influx may be children. This migration has brought with it the unique problem of determining what benefits are constitutionally due to these children. The constitutionality of legislation affecting such children may depend largely on what standard of scrutiny under the equal protection clause to which legislation affecting undocumented children is subjected.

Equal protection analysis was initially confined to two levels of inquiry. The Supreme Court has traditionally upheld the constitutionality of a statute if the legislation bears a rational relation to a legitimate state interest. This method of evaluating legislation is extremely deferential to the state, and its application usually results in validation of the legislation since there is almost always a modicum of rationality in a statute.

The Supreme Court has opted for a more stringent level of scrutiny when state legislation infringes on fundamental rights or burdens a suspect class. Under the “strict scrutiny” standard, the legislation must bear a “necessary relation to a compelling state interest.” In contrast to the deferential rational basis test, strict scrutiny has proven largely fatal to legislation, as it demands that the classification be absolutely necessary to promote the asserted state interest and that no more reasonable means of achieving the state goal be available.

In response to the unyielding rigidity of the two-tier system, a middle level of scrutiny has emerged. The most common formulation of this intermediate test requires that the state show a substantial relation to an important governmental interest. Intermediate scrutiny has been triggered in two circumstances: “... if important, though not necessarily ‘fundamental’ or preferred ‘interests are at stake’ ...,” or “... if sensitive, although not necessarily suspect, criteria of classifications are employed.” The question heretofore unanswered is this: Do undocumented children qualify as either a sensitive or suspect class that would automatically invoke heightened scrutiny?

In a controversial Texas case, the Supreme Court struck down a Texas statute that withheld from

local school districts any state funds for the education of children not legally admitted to the United States and authorized local school districts to deny enrollment to those children. The Supreme Court has to date recognized three suspect classes: race, national origin, and alienage. But the Court makes clear that illegal alienage is not to be accorded the same status as alienage and “reject[s] the claim that ‘illegal aliens’ are a ‘suspect class.’” Suspect classes must, by the Court’s previous definition, “suffer from ‘an immutable characteristic determined solely by accident of birth.’”

Analysis of the opinion in the Texas case mitigates against the possibility that illegal alien children are for all purposes a sensitive class that will trigger immediate scrutiny. The loose analogy the Court draws between the plight of illegitimate children and undocumented children does not compel the conclusion that the latter should be accorded sensitive status. Nor can undocumented children be deemed a sensitive class by the mere fact that intermediate review was triggered because the presence of the potentially important right of education makes that conclusion impossible. However, the Texas case may depict a new scheme under which conjunction of right and class is looked at in determining the applicability of middle level review. If future cases bear out the validity of this formula, the question whether undocumented children or any class is a sensitive one may well become moot. Suffice it to say that at this time, the Court’s decisions make it impossible to proclaim with any certitude that the class of illegal alien children is a pure sensitive class, but clearly it is of sufficient sensitivity to warrant the application of middle level review when the legislation affecting undocumented children simultaneously impinges upon a right of above marginal importance.

36. In the past, laws infringing on the equal protection rights of a suspect class were likely to be overturned because they must be
- A) the most reasonable means of achieving a compelling state interest.
 - B) related to an important state need.
 - C) both reasonable and related to compelling state interests.
 - D) absolutely necessary to what may be regarded as state interests.
37. Moving in order from the most relaxed to the most stringent, the adjectives now applied to describe the “relation” of the state governments’ interest are
- A) rational-necessary-substantial.
 - B) rational-substantial-necessary.
 - C) rational-compelling-necessary.
 - D) necessary-substantial-compelling.
38. In the Texas case discussed in the fifth and sixth paragraphs, the important right of children that had been threatened was
- A) citizenship.
 - B) education.
 - C) medical services.
 - D) legitimacy.

39. According to the passage, the decision in favor of the children of illegal aliens in the Texas case demonstrates that
- A) alienage and illegal alienage are not the same.
 - B) the children of illegal aliens will be regarded as a suspect class in constitutional rights cases.
 - C) the nature of the denied right may determine the nature of the review by the courts.
 - D) the states do not have the right to deny any children entrance to schools.
40. Which of the following best states the central idea of the passage?
- A) When an important right is threatened, illegal aliens will be protected by the intermediate scrutiny of the courts.
 - B) There are now three levels of court scrutiny.
 - C) A landmark Supreme Court decision has protected the rights of illegal aliens that state laws in Texas had threatened.
 - D) The important rights of children of illegal aliens may now be subject to intermediate scrutiny by the courts.

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