

FINAL Examination
CONSTITUTIONAL LAW I
Professor Christiansen
SPRING 2008

1. You have two and a half (2.5) hours for this examination.
2. This is a **closed** book examination.
3. This examination contains two parts: multiple choice questions and an essay question.

Part I consists of fifteen (15) multiple-choice questions. Correct multiple choice answers are to be marked on the separate “ParSCORE TEST FORM” using pen or pencil and following the instructions on that form. If you change your answer, place a clear “**X**” through the wrong answer and mark the correct answer. A machine will score the exam and any ambiguities will be counted as a wrong answer.

Part II consists of one essay question. I strongly encourage you to spend at least 10 minutes outlining the answer before writing. I have allotted sufficient time for you to outline, write and review your answer. Read the question carefully to ensure you address all the issues identified.

NOTE: The relative importance of the two parts of the exam is explained below.

Part I – 40% of the final exam grade (20% of the overall course grade)

Part II— 60% of the final exam grade (30% of the total course grade)

4. Write your student exam number on your exam envelope. Put your student exam number at the top of this page, each page of questions, each blue book, and the “ParSCORE TEST FORM.” **Do not** use your name, student ID number or Social Security Number on any exam materials.
5. At the conclusion of the exam, all examination papers—including the Part I ParSCORE test form, your answer for Part II, the examination questions, these instructions, and all notes—must be placed back in the exam envelope. Failure to

return all materials will result, among other sanctions, in a failing grade of “F” for the course. **Do not** seal the envelope.

Relax and have confidence in your abilities. Now, take a deep breath and begin.

GOOD LUCK!

PART II: Essay Question

Recommended Time: 75 minutes

To: My (Exceptionally Talented) Congressional Aide for Constitutional Issues

From: The Honorable Eric C. Christiansen, Speaker of the House of Representatives

Dear Congressional Aide,

Like you, I am horribly concerned about the devastating rise of sexual immorality among Americans. It is intolerable and I know the voters of my home district agree. Next week I will propose passage by my House and Senate colleagues of the Mandatory State Anti-Adultery Act (MSAAA).

If passed by Congress and signed by the President, the MSAAA will require each state to pass a criminal law punishing adultery. Adultery is defined as any “voluntary act of sexual intercourse between a married person and a person who is not his or her spouse.” (I know that many states already have adultery laws, but it is critical that all states have such laws so as to catch “sexual refugees” getting away with their lascivious acts in overly permissive states!)

If the MSAAA is constitutionally problematic, Congress could instead pass the Federal Anti-Adultery Act (FAAA), a federal criminal statute punishing adultery nationwide. We would, of course, pass the FAAA under our commerce clause authority.

I would like your opinion on a few legal issues related to the constitutionality of my proposed laws:

1. Is the MSAAA permissible under modern Tenth Amendment jurisprudence?
2. Is the FAAA constitutionally permissible under our commerce clause authority? (If necessary, please suggest additional steps that could be taken to increase the likelihood that the FAAA will survive judicial scrutiny.)
3. Do the MSAAA or the FAAA violate any fundamental rights provisions of the Constitution? (You need not address any equal protection issues.)

END OF PART II

END OF EXAM