

FINAL Examination
CONSTITUTIONAL LAW I
Professor Christiansen
FALL 2007

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) Legal Aide for Legislative Matters

From: Senator Eric C. Christiansen

As you know, my constituents are very concerned about the increasing number of sexually transmitted diseases (STDs) in my home state. Infection rates, the incidence of illness, the cost of state-provided medical assistance, the burden of unpaid medical bills, private financial hardships caused by paying for treatment, and all of the discomfort and pain associated with STDs—all of these things have been on the rise for decades.

Moreover, extensive research has recently shown that people miss a great deal of work because of STD-related illnesses. It costs my state hundreds of millions of dollars each year—in lost productivity, direct costs to the state, and unnecessary financial burdens on individuals. It places similar costs on other states and on the federal government.

Recently, it was pointed out to me that these problems have increased each year since the regular availability of the birth control pill (the Pill). I have come to believe that the easy availability of birth control pills has contributed to this STD problem; too many couples rely exclusively on the Pill to prevent pregnancy and as a consequence are susceptible to STDs that would be prevented by other forms of pregnancy prevention (condoms being the obvious example). Because other, safer forms of STD prevention are readily available, I think we should find a legislative means to discourage the exclusive use of the Pill.

I would like to propose a law making it illegal for doctors to prescribe the Pill unless they have first educated patients on the risks and provide free condoms at their place of medical practice. Additionally, I believe we should also make possession of the Pill illegal for individuals who are not part of a Federal STD Prevention Registry. Membership in the Registry will require watching, and passing a brief quiz on, "Popping the Pill Can Make You Ill," the one-hour public service presentation I recently attended at a condom industry function.

Of course, we do not want an increase in unwanted pregnancies. So, if necessary, we will also increase the availability of pregnancy prevention materials that more effectively prevent the spread of illness, but we can address that in later legislation.

Please answer three questions for me, in the following order:

1. Can Congress pass such a law under its Commerce Clause authority?
(And, if you have advice as to how Congressional legislators could increase the likelihood that the Supreme Court will uphold the law, let me know that as well.)
2. Could we pass such a law under our Tax and Spend power?
3. If my proposal becomes law, would it violate fundamental rights protected by the U.S. Constitution under Supreme Court precedents? (You may ignore any potential Equal Protection claims for now.)

END OF EXAM