

**FINAL EXAMINATION
CONSTITUTIONAL LAW I
PROFESSOR CHRISTIANSEN
SPRING 2007**

1. You have two (2) 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 twenty (20) 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 5-10 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

In December 2006, Congress passed and the President duly signed the Fostering the Elevated Morality of American Ladies Enactment. Under this federal law, every woman who wishes to have an abortion at a private medical facility must sign a statement that says “I hereby acknowledge I have watched the 4-hour, federally-mandated educational video series “Motherhood Rocks!” (depicting the joys of parenthood, the cuteness of babies and the near-sacredness of the institution of motherhood). I have paid close attention and carefully considered my options. I know abortion to be an act condemned in many places and by many religious traditions. Nevertheless, I wish to proceed with the procedure.”

Passage of the federal law included committee findings and speeches on the floor of the House and Senate that (1) stated such a law was necessary because it created “an appropriate set standard to diminish the burden on interstate commerce of forcing women to travel from States in which greater legal barriers exist to States with lesser requirements for a legal abortion”; (2) asserted “the annual loss to abortion of 1 million future American workers harms the economy”; and (3) included extensive calculations of the “substantial effects on income, productivity and interstate commerce maximization” as a result of abortions.

In February 2007, North Dakota passed a state law that mandated a different video: “Death by Abortion” (focused on the unpleasantness of the abortion procedure in a very graphic and potentially—according to critics—exaggerated manner as well as featuring happy, cartoon-animated fetuses wearing tiny “Choose Life” baby clothes). The North Dakota law required a different statement for signature by every woman wishing to have an abortion in the state: “The U.S. Supreme Court allows me the right to commit murder against an innocent baby in my womb. As a selfish and immoral person, I choose to do so.”

Abortion rights groups and many individual Americans were appalled by the new North Dakota law. After a lengthy process through the courts, the Supreme Court has granted certiorari.

Justice Christiansen, for whom you work as a clerk, has asked you to analyze some of the constitutional law issues. Because Justice Christiansen may join, concur with, or dissent from elements of the eventual majority opinion, he wishes for you to examine the two questions below independently from one another, examining any necessary issues related to the federal law where they arise. (The First Amendment, Procedural Due Process and Equal Protection Clause challenges are assigned to a different clerk and should not be analyzed by you.)

1. Is the North Dakota law preempted by the Fostering Elevated Morality on American Ladies Enactment? What impact does the preemption determination have?
2. Is the North Dakota law a violation of the Fourteenth Amendment to the U.S. Constitution?

END OF EXAM