

**FINAL EXAMINATION  
CONSTITUTIONAL LAW I  
PETER KEANE  
SPRING 2005**

**INSTRUCTIONS**

1. You have **three (3) hours** to complete this examination.
2. This is a **closed** book exam. No outside materials are allowed.
3. The exam consists of 3 essay questions. Each question is worth 1/3 of the total grade. I suggest you devote at least one hour and no more to each question, but you are free to apportion your time as you like.
4. Please answer these questions in the blue books provided to you. Write only on the right hand side of the page (skipping a page each time) and double-space your work. Please write legibly.
5. Write your exam number on your exam envelope. Put your student exam number at the top of this page, each page of questions, and each blue book. Do not use your name, student ID number or Social Security Number on any exam materials.
6. At the conclusion of the exam, return all exam materials to the exam envelope and submit it to the proctor. Do not seal the envelope. Students who do not return all exam materials at the end of the exam may not be graded.

**GOOD LUCK!**

**Question 1**

Separate congressional committees hold hearings on:

- A. Matters relating to homeland security needs as a means of protecting the country from imminent terrorist attacks,
- And,
- B. The lack of adequate mathematics training and computer skills training for African American students in the nation's public school system.

As a result of these hearings, Congress passes the following legislation:

1. Police departments in all cities with populations over 500,000 people shall provide instructions to all police officers on the meaning of the various color alerts – red, orange, blue, etc. – which are used by the Department of Homeland Security.
2. No grants of any federal monies shall be made to any police department that does not

engage in terrorism investigation for at least 15% of the total on duty time of all officers in the department.

3. For each grade school or high school with an African – American student population above 50%, the state education department and the local school board must ensure that a minimum of \$300 per year per pupil is spent on mathematics teaching and computer skills.

4. Any African-American student or their parents or guardians shall have a civil cause of action in the federal courts to sue any state, any state’s education department, any local school board or any state or local official to enforce item c (above). In such suits the plaintiffs shall recover money damages as well as obtain injunctive relief against any state or local officials.

Discuss all constitutional issues raised by these facts.

### **Question 2**

The San Francisco Board of Supervisors passes the following ordinances:

1. No permits shall be issued to develop any commercial real estate within 1000 feet of Golden Gate Park unless the developer agrees to convert at least 50% of the property’s energy needs to solar power use through installation of rooftop energy panels.
2. It shall be a municipal violation punishable by a fine for any single-family home owner to receive compensation for allowing any non-resident of the house to park a vehicle in the garage of that house under any lease or rental agreement.
3. Flowering fruit trees developed in the Golden Gate Park Conservatory shall be offered for sale only to residents of San Francisco.
4. Gardeners hired to work in the Recreation and Parks Department of the City must reside within a ten-block radius of Golden Gate Park.
5. Because of the physical demands of the job, no one shall work in the position of gardener for the City of San Francisco after they have reached 55 years of age.

Discuss all constitutional issues raise by these facts.

### **Question Three**

The California legislature passes and the governor signs into law the following legislation:

1. No patient surviving on life support systems, who is unable to communicate, shall be removed from the systems unless there is a living will or other written document which was created by the patient and that clearly instructs that the patient’s life is not to be maintained by any such systems.
2. If any student in a public grade or high school is shown to have voluntarily engaged in any act of anal sex, that shall be grounds for the expulsion of the student.
3. All minors under the age of 16 who are being home schooled, or otherwise educated outside of the regular school system, must attend a minimum 10-hour course each year in

health, nutrition and personal hygiene. Such courses shall be made available and conducted by the Department of Health of each local county.

4. The performance of abortions shall only take place in private hospitals that are located within a city with a population of over 250,000 people. Any such hospital shall only be permitted to perform abortions if it is licensed by the State Abortion Board. Licenses shall be issued solely within the discretion of the Board after a public hearing has been held by the Board to determine whether licensing a hospital is within the interests of the local community.

Discuss all constitutional issues raised by these facts.

**END OF EXAM**