

FINAL EXAMINATION
CONSTITUTIONAL LAW II

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INSTRUCTIONS:

1. You have **three (3) hours** to complete this examination.
2. This is a **closed** book exam. No outside materials of any kind are allowed, nor may you consult or collaborate with other students.
3. The exam consists of two parts.

Part I consists of 20 multiple-choice questions worth 1/3 of the total grade. Please mark your responses to the questions on the separate ParSCORE test form using pen or pencil and follow the instructions on that form. If you change your answer, place a clear **X** through the wrong answer and mark the correct one. A machine will score the exam and any ambiguities will be counted as a wrong answer.

Part II consists of two essay questions, each worth 1/3 of the total grade. You should budget your time to devote one hour and not more to each question. Please write your responses in the blue books provided. Write clearly and **legibly**. Write on every other line and every other page to permit instructor comments.

4. Write your exam number on your exam envelope. Put your correct class section and 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, return all test materials, including blue books, ParSCORE answer form, scratch paper, and this exam packet to the 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.

PART II

Essay Question One of Two Questions

One Hour

The San Jose public library has a large lobby. On occasion, the library commission allows meetings to be held in the lobby by literary and poetry societies. In addition, local authors have given lectures in the lobby on their latest books. Anna asks the commission for permission to hold a Nazi Party political rally in the lobby. The commission turns her down without giving any reasons.

Anna and several Nazi Party members show up at the library and hold a rally in the lobby. Anna is arrested for trespass and the other Nazis leave the lobby after being ordered to do so by the police. Outside on the street, the Nazis continue their rally as a large hostile group gathers around them shouting threats. The police captain speaks with Robin, Anna's assistant and asks her if she will get the Nazis to stop yelling anti-Semitic slogans. Robin says, Go f--- yourself, you miserable Jew lover. The captain arrests Robin.

The captain orders two of the Nazi picketers to put down signs that say: Gas everyone except members of the White Race. The picketers refuse to put them down and they are arrested.

With the arrival of a large group of angry people carrying signs reading Descendants of Holocaust Victims, the police believe that a physical attack upon the Nazis is likely to occur. The police order the Nazis to leave. When the Nazis refuse, the police begin to arrest them. They succeed in arresting several Nazis, but suddenly one of the remaining Nazis fires several shots into the crowd, killing two people. In the resulting confusion, the remaining Nazis escape and the police do not capture the shooter.

The next day, the district attorney investigating the killings subpoenas the secretary of the Nazi party to appear before a grand jury. The secretary is ordered to turn over the membership list of the Party. He refuses and is jailed for contempt. The District Attorney also files conspiracy charges in connection with the killings and indicts all known members of the Nazi party in San Jose on the charges.

Discuss all constitutional issues raised by these facts.

PART II, continued

Essay Question Two of Two Questions

One Hour

The University of California Board of Regents is the state policy-making body for the University of California system. At their last meeting they formulated a number of regulations relating to the University of California's Medical School in San Francisco.

1. The Board is concerned about the low number of African Americans who are admitted to the medical school and to the Post-medical School Center for Medical Specialties Training. In response, the Board:
 - A. Enacts a regulation that African American applicants to the medical school will have their undergraduate grade point average weighted by the admissions committee to allow for flexibility in determining admission status. For all other applicants, unweighted grade point averages are used to determine if they are eligible for admission.
 - B. Enacts a regulation that African American applicants for admission to the post-Medical School Center for Medical Specialties Training will have their race considered along with seven other criteria as additional factors in determining admission. Other applicants have the seven criteria considered as additional factors, but not race.
2. The Board hears expert testimony and considers studies on the physically rigorous demands that are put upon doctors who are emergency room surgeons. As a result the Board passes a regulation that no applicants over the age of 45 shall be admitted to the program for emergency room surgical training at the Post-Medical School Center for Medical Specialties Training.
3. The Board is concerned about the fact that only 5% of the total number of obstetrician-gynecologists in the medical profession are women. The board hears testimony that this is still mainly due to a long history of discrimination against women in the medical profession. The Board also hears testimony concerning the particular need for women OB/GYNs due to the nature of that practice. As a result, the Board passes a resolution that female applicants to the OB/GYN program at the Post-medical School Center for Medical Specialties Training shall be given preferred status in admissions.
4. The Board is concerned about a growing financial deficit in the operation of its teaching hospital in San Francisco. They hear testimony about an increasing default in payments on the part of patients obtaining emergency room treatment. Data shows that the majority of the defaulting patients are illegal aliens who have no medical insurance and are not covered by MediCal or Medicare. The Board passes a resolution that undocumented aliens seeking treatment at the emergency room must pay a cash advance of \$500 before being admitted.

Discuss all constitutional issues raised by these facts.

- END OF EXAM -