

**FINAL EXAMINATION**  
**CONSTITUTIONAL LAW II**

**Professor Peter Keane**

**SPRING 2008**

1. You have three (3) hours for this examination.
2. This is a **closed** book examination.
3. This examination contains two parts:

**Part I** consists of twenty (20) multiple-choice questions worth 1/3 of the total grade. 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 two (2) essay questions. Each of the 2 essay questions is worth 1/3 of the total grade. So you should budget your time to devote one hour and no more to each question. Please write your response in the blue books provided. Please write clearly. Write on every other line and every other page to permit instructor comments.

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.

**GOOD LUCK!**

**Part II: Essay Questions**

**Recommend Time: 2 hours**

**Question 1**

A San Francisco organization called The “Circe Cult” practices polyandry (each woman marries multiple husbands). Several of the members are prosecuted for bigamy. At the trial, the courtroom is filled with members wearing jackets displaying the Cult’s logo: a naked woman with two naked men on each side of her. The judge orders them to remove the jackets or cover up the logos; they refuse and are arrested.

The Cult announces it will protest the prosecutions with a parade down Market Street the following weekend. They also say they will not apply for a permit under the city ordinance that parades require permits that will only be issued by the Mayor if it is found that they will not be ...”disruptive to traffic or offensive to the public.” The Mayor, in an attempt to mediate, announces that he will grant the permit if the group applies and agrees not to display the logo. They refuse.

At the parade, about half the group is wearing the logos; the police arrest the logo-wearing members for violation of the ordinance, but allow the others to march. After several blocks, the marchers are confronted by a large group of angry counter demonstrators who favor monogamous marriage. Several Cult members taunt the monogamy group calling them “Wimps.” The police arrest the taunters for “Disturbing the Peace.” When the police conclude that the counter – demonstrating monogamy group is so enraged that they are about to attack the Cult members, they tell the Cult members to disperse. The members refuse and are arrested.

That evening, logo - wearing Cult members riot and burn down City Hall, killing several people. The following day, police raid Cult headquarters with a search warrant for its membership list, which they find. All of the people on the list are charged with conspiracy to commit murder and to destroy public property.

Discuss all constitutional issues raised by these facts. State how these issues should be resolved and why.

## **Question 2**

### **The City Council passes the following ordinances:**

1. Because of a shortage of revenue, the City Public Hospital shall no longer treat patients over 65 requiring geriatric services and shall lay off all Obstetrics-Gynecology physicians treating women’s health problems.
2. Because of massage establishments operating as prostitution services:
  1. No further massage establishment permits shall be granted.
  2. No billboards, signs, leaflets or published advertisements of any kind for massage services shall be permitted within the city limits.
3. In order to preserve peaceful, quiet neighborhoods, no public establishment allowing lewd or lascivious conduct or any public nudity shall be permitted within the city limits.

4. No political party shall be allowed the use of any city property such as school auditoriums or class rooms which have been made available for evening and/or weekend public use.
5. No candidate for local office may personally solicit any person or organization to expend more than \$500 on behalf of the election of that candidate in any single election.

**Discuss all constitutional issues raised by these facts. State how these issues should be resolved and why.**

**END OF EXAM!**