

**FINAL EXAMINATION**  
**CONSTITUTIONAL LAW I**

**PETER KEANE**

**FALL 2005**

**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**

Congress passes the following legislation which the President signs:

1. A law requiring all School Districts in the United States to provide preschool education for children between the ages of 3 to 5 years of age. This legislation results from congressional hearings which determine the country's educational system is seriously deficient and that students graduating without adequate education are negatively affecting interstate commerce. Expert testimony at the hearings establishes that learning ability of students is significantly improved by preschool education.
2. A law distributing money grants to states to develop day care centers for the children of working parents. To receive the grants the state must satisfy the following conditions:
  - (a) Pass state legislation that allows the state to be sued in either a federal or state court for violations of the Americans with Disabilities Act.
  - (b) Repeal all state legislation that establishes compulsory retirement ages for state employees.
3. A law requiring that private automobiles shall be prohibited from operating within the metropolitan center of any City with a population larger than one million people. The law is passed after congressional hearings determine that gridlocked traffic conditions within large cities are impeding the flow of interstate commerce in the United States.
4. A law which declares that the Supreme Court of the United States shall have appellate jurisdiction in any case where a state court judgment awards punitive damages of more than ten times the amount of actual damages and the judgment was affirmed by the state's highest court.
5. A law declaring that if the President determines, in any particular instance, that any law of the United States affecting treatment of enemy combatants in the war on terrorism is not in the national interest, the President may temporarily suspend enforcement of that law.

**Discuss all constitutional issues raised by these facts.**

## **PART II, continued**

### **Essay Question Two of Two Questions**

#### **One Hour**

- A. The California legislature passes the following laws which are signed by the Governor:
1. No truck carrying any inflammable cargo may travel on any highway in the state of California unless it contains a fire extinguisher within the reach of the operator of the truck. New York, Colorado and Florida all have laws prohibiting any kind of pressurized containers inside the cab of trucks traveling on their highways because of the danger of the container exploding. There is no federal congressional legislation on fire safety requirements for trucks on highways. (Fire extinguishers are pressurized containers.)
  2. There shall be a 10% tax on all mattresses sold within the State of California. As background to this law, consider the following:
    - (a) There already exists a provision of the California State Constitution that exempts all mattresses manufactured in California from being subjected to any state taxes. So the 10% tax law will not apply to mattresses manufactured within California.
    - (b) The entire mattress manufacturing industry in California is carried out by ten mattress plants located in various cities throughout the state. All of these plants are owned and operated by the State of California.
  3. No facility providing full-time board and nursing care to the elderly shall cease providing such care to any person unless they first have obtained the permission of the county director of medical care in which the facility is located.
- B. The San Francisco Board of Supervisors passes the following ordinances:
1. Because of the need to be prepared for emergency services after any catastrophic earthquake damage which leaves the San Francisco cut off from the surrounding area, preference in hiring applicants for positions of police officer or firefighter shall be given to residents of the City and County of San Francisco.
  2. In order to prevent erosion of remaining open space on Twin Peaks, no private development of any kind shall be allowed on any vacant lots within 300 feet of the summit of Twin Peaks.

**Discuss all constitutional issues raised by these facts.**

**- END OF EXAM -**