

## CONSTITUTIONAL LAW I - Professor Moskowitz

### Final Examination – Spring, 2005

1. You have **two (2) hours** to complete this exam.
2. This is a **closed** book exam.
3. This exam consists of one (1) essay 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 exam number on your exam envelope. Put your correct class section and student exam # 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.
5. At the conclusion of the exam, return all test materials, including blue books, ParScore answer sheet, 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.

**Constitutional Law I  
Professor Moskowitz  
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### **FINAL EXAMINATION**

2 hours, closed book

Last year, Harriet Hooker (H) purchased the Bronco Ranch, a 100-year old bordello (a house of prostitution) in Clark County, Nevada. The Ranch housed about 20 prostitutes. Hooker planned to make money by running the operation and taking a cut of the earnings of each prostitute. Prostitution in bordellos (though not “on the street”) between consenting adults was then legal in Clark County, and business was good, so Hooker paid \$1 million for the building and business. At this price, it would be difficult to make much of a profit, but Hooker planned to build an addition to the bordello that would make room for 10 more prostitutes, making the operation profitable for Hooker. Soon after the purchase was completed, Hooker signed a contract with Fred (F), a building contractor, to construct an “annex” for a total price of \$200,000. And because the original building was so old and charming, and the County wanted to draw tourists to the County, the County signed a 5-year contract with Hooker whereby she would charge tourists \$10 per person to visit the building during weekday mornings, (when prostitution business was low anyway), in return for a payment of \$1,000 a month from the County to Hooker.

This year, however, the County decided that it wanted to draw more families to buy home in new housing subdivisions in the County, to increase its property tax base, and

bordellos might discourage families from moving to the County. So the County enacted a new ordinance (Section 123) making it a crime to operate a house of prostitution. If valid, this ordinance will force Hooker to end her prostitution business.

And the County also enacted Section 789, which requires all owners of “historical buildings” (over 80 years old) in the County to permit the public to visit their buildings for at least seven hours a week, charging an entry fee of no more than \$5 per person.

To preserve the “traditional appearance” of the County and draw more tourists, the County also enacted an “historical building” ordinance (Section 456), barring any alteration or addition to any building over 80 years old and invalidating any contract to build such an alteration or addition. If valid, this will invalidate Fred’s contract to build the addition, causing him to lose a profit of \$30,000.

Hooker would like to challenge the constitutionality of Section 123 and 789. Fred would like to challenge the constitutionality of Section 456. What are the best arguments they can make and the best arguments the County can make in rebuttal, and how is the court likely to rule? If more facts would help you to predict how the court would rule, say what they are and why it matters.

- END OF EXAM -