

**Final Examination**  
**Constitutional Law II**  
**Professor Moskowitz**  
**Spring, 2006**

1. You have **three (3) hours** to complete this exam.
2. This is a **closed book** exam.
3. This exam consists of two questions, each worth 50%.
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, 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 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.

**GOOD LUCK!**

To: My law clerk

From: Merry Goround, City Attorney, City of San Francisco

The Board of Supervisors recently enacted a couple of ordinances.

**QUESTION I**

50%

The Police Department has very few Asian female police officers over age 40. (The Department refused to hire Asians until 1970 and females until 1980.) The population we serve has quite a few Asian females over 40, many of whom do not speak English. We need to relate to them and their needs. Asian females over 40 should be better able to relate to this community. Also, they can attend staff meetings and training sessions and

help other officers understand the needs of these people and how to communicate with them. So the Board adopted Ordinance #123:

#123: The Police Department shall give preference in hiring police officers to Asian females over age 35, until the percentage of these officers is substantially the same as the percentage of Asian females over 35 in the City of San Francisco.

Will this ordinance be upheld?

## **QUESTION II**

50%

Last year, the Board of Supervisors began to set aside 30 minutes at the beginning of each Board meeting for public comment, giving members of the public three minutes to address the Board. Sometimes a speaker uses this occasion to hurl loud, racist, and profane epithets at the Board. And sometimes these comments have a nasty religious angle. These things interfere with a civilized and fruitful discussion and resolution of important issues, and they might discourage more timid citizens from running for office to join the Board of Supervisors.

Indeed, last week, Don Duck got mad about a new parking regulation and he yelled at Supervisor Wong and called him a “Buddhist asshole” and then ran at Wong with his fist raised, before a police officer stopped him. Duck is now charged with violating Ordinance #456, which the Board adopted a couple of months ago:

#456: Any person who uses loud, racist, or profane language, or makes comments that demean any person’s religion, in any presentation to the San Francisco Board of Supervisors shall be guilty of a misdemeanor.

Two questions: (1) Duck’s attorney has moved to dismiss the charge against him. Will the judge grant the motion? (2) Can you redraft the ordinance to give it a better chance of being upheld in the future, while still accomplishing as much of its purposes as you can?