

Final Examination

Constitutional Law I

Professor Moskovitz

Fall 2007

1. You have two hours to complete this exam.
2. This is a closed book exam.
3. This exam consists of two (2) essay questions. 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, 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 have their exams graded.

GOOD LUCK!!

QUESTION I (75% of grade)

Animal rights activists have lobbied the San Francisco Board of Supervisors to stop people from wearing furs. Sally Sable (S), head of the Anti-Fur League, told the Board: "Nature created cute little furry creatures to enjoy life just as much as we do, and people shouldn't kill them to steal their skins. Our members hate seeing people wear furs."

The Board responded by enacting the "Anti-Fur Ordinance", which provides:

Section 1: No person shall kill any animal in order to use or sell the animal's fur.

Section 2: No person shall wear any animal fur.

The Ordinance provides for misdemeanor penalties against anyone who violates the Ordinance.

Paula Peltz (P) has been raising five minks in a pen in her home in San Francisco. When they become mature, she plans to kill them in her pen and sew their pelts into a jacket for her to wear to various nightclubs. "I raised my minks so I can be the hottest babe in town!" she says.

If she goes ahead with her plan and the District Attorney prosecutes her for violating the Anti-Fur Ordinance, what constitutional defenses might she have, and how will the court rule on them?

QUESTION II (25% of grade)

Discuss one case you have read in this class this semester, in which you (1) like the *result*, as a matter of personal or political preference, ideology, societal benefit, or the like, *but* (2) feel that the Court did not reach this result through proper Constitutional analysis. Explain why.