

FINAL EXAMINATION
CONSTITUTIONAL LAW I

Professor Moskowitz

Fall 2006

1. You have two (2) 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, 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!

Constitutional Law I

Professor Moskowitz, Fall, 2006

FINAL EXAMINATION

2 hours, closed book

QUESTION I

75% of grade

Greg Greed (G) bought 1,000 acres of land in Cowboy County, for \$1 million, from Farmer Jones. Jones had used 999 acres to grow wheat, and one acre for his small home (worth about \$20,000). Greed planned to demolish the home and use all 1,000 acres for a new development, called Greed Gardens, on which Greed plans to build homes and a shopping center. Greed wants to sell the homes but keep title to the shopping center, rent out spaces, and manage it.

1. This land lies between a crowded city and some picturesque mountains, and new buildings would block the views that city residents now have of the mountains. For this reason, Cowboy County officials would like to enact an open space ordinance forbidding any new building on the 1,000 acres. Would such an ordinance be constitutional?
2. As an alternative, Cowboy County officials propose the following. When Greed applies for a permit to build Greed Gardens, grant the permit only on condition that he build a one-acre park someplace in the development that has a good view of the mountains, and allow the public access to the park at all times. Would this condition be constitutional?
3. Greed has entered into a contract with Harriet Holmes, whereby Holmes will buy one of Greed's newly-built homes for \$100,000 (which will cost Greed \$60,000 to build). Greed has also entered into a contract with Cowboy County, whereby Greed will have a sheriff's substation built at Greed Gardens in return for a payment of \$100,000 from the County (which will cost Greed \$ 60,000 to build). Greed is now negotiating a contract to have Dan Dean build the shopping center (consisting of 20 buildings) at a cost of about \$10 million (on which Dean expects profits of about \$2 million per year), but he does not expect to have the contract signed for another month.

The County is considering enacting a new ordinance requiring all new buildings to include fire sprinklers. This would add about \$10,000 to the cost of each new building.

If such an ordinance were enacted now, would it be constitutional as applied to Greed?

QUESTION II

25% of grade

Bill and Hillary are husband and wife. Bill would like to marry Condi too. Both Hillary and Condi also want this arrangement. Hillary says, I could really use some help with this guy. None of the parties has any religious motivation for wanting this. Bill loves both women, and they both love him. Bill has plenty of money to support two families.

California Penal Code 281 provides that Every person having a husband or wife living, who marries any other person, is guilty of bigamy.

1. If Bill marries Condi, will the U.S. Supreme Court rule that California Penal Code 281 may not constitutionally be applied to Bill?
2. If you were a Justice on the U.S. Supreme Court, how would you rule?

END OF EXAM