

EXAM # _____

FINAL EXAM

Constitutional Law II

Professor Marc Stickgold

Spring 2008

INSTRUCTIONS:

1. You have **three (3) hours** to complete this exam.
- 2 This is a **closed book** exam. No materials may be used during this exam.
3. There are **3 parts** to this exam:

PART I: 16 multiple-choice questions. The total points allocated to PART I is **32**. Be certain to read each question fully and carefully. Often one word may make a difference. There is one best answer for each question. You must choose among the answers provided. The fact that there may be an additional unlisted answer that you like better must be ignored. (Recommended time: **50 minutes**)

PART II: (60 minutes) Two short answer essay questions counting for **30** points total.

PART III: (70 minutes) One essay question counting for **38** points.

Allocate your time accordingly. Think about the questions before you begin to write. If something is unclear to you, state your assumptions clearly and then proceed.

For the Multiple Choice, darken in the letter corresponding to the correct answer on the ParScore answer sheet. If you change your answer, **please be sure your erasures are complete**. A machine will score the exam and any ambiguities will be counted as a wrong answer.

Please use pen for the Essay Question. Write on only ONE SIDE OF EACH PAGE if you are writing your answer in a Blue Book. DOUBLE SPACE your work, whether written or typed.

4. Write your exam number on your exam envelope, at the top of this exam question packet, your Par Score sheet, and any blue books or typed essays. **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 have their exams graded.

STAY COOL! YOU’LL DO FINE! RELAX!

ESSAY QUESTION (38 points)

Happyville is a fairly typical Midwestern town. But economic times are hard; the economy is depressed; crime is up. The town, whose population is divided almost equally between a White community and an African-American community, now has a serious problem of gang violence. Both communities have gangs, and much of the violence is between White gangs and Black gangs. The town leadership decides it cannot wait for all the larger economic problems to be solved before some decisive action is taken to quell the violence. It is decided that a first important step is outreach to the gangs. There is now a great deal of mistrust between the White and Black communities because of the violence—each tending to blame the other for the problems. Old grievances have also risen to the surface.

The city decides to form two task forces made up of police, social workers, and others to work with the two communities and try to begin a “peace process” between the gangs. On advice from experts and educators, it is decided that in light of the serious tensions between the two communities, that the task force for the Black community be composed of Black officials, and the task force for the White community consist of White officials. The hope is that if some initial progress is made, the communities will then be willing to work with task force members of any race, but that this is not possible in this first period given the serious tensions.

Some people in town believe that this plan of separate racial task forces will just reinforce racial divisions, not heal them. They come to you to see if there is any legal action that can be taken to prevent the plan from going forward as designed. Analyze the situation from both sides, assuming that a proper plaintiff could be found.

Others in the community take more direct action. They hit the streets to protest this plan. It includes both White and Black people, with a range of objections. At a protest on the sidewalk in front of the police station, the following events occur:

1. Reverend Jerry Jackson, a Black minister, speaks passionately to the crowd, and urges folks to walk in protest through the predominantly White part of town. He exhorts them—“Let’s go now! Don’t let them separate us. Move out!” At this point a significant number of people begin marching with him to the wealthy White section of town. He is later arrested and charged with “inciting action likely to lead to violence.”

2. Another speaker, Laura Lender condemns all the violence that has occurred,

and then pours the contents of a large jar, labeled “our children’s blood,” over pictures of recent victims of violence that she has displayed around her, much of which flows onto the sidewalk. It requires a city crew to clean it up the staining of the sidewalk. She is arrested and charged with “defacement of public property.”

Discuss constitutional issues that might arise in the defense of these two cases.

END OF ESSAY QUESTION

END OF EXAM