

PS 210: Law & Social Justice

Block 7, 2016

Professor Galves

FINAL EXAM

IMPORTANT: READ THESE INSTRUCTIONS CAREFULLY.

This is an “open book” examination. During both the writing of the exam itself, and when preparing to write it, **you may consult ANY materials you wish, including:** a) the readings assigned for this class; b) your notes; c) the internet, or d) ANY materials you choose. **However, your work must be your own, and you may not consult or communicate with anyone during the exam. You may take the exam in either the classroom or in the library. You may either type your exam (laptop) or write your answer in an exam booklet.**

There are two (2) Essay Questions, each with three subparts. Each essay question is 90-minutes (averaging 30-minutes per subpart of each essay question); but keep your own time and use your time as you see fit for each essay and each sub-part. The times are suggested times only.

Each essay question counts for one-half (50%) of the exam.

For each question, you will be asked to provide your legal analysis of a set of three statutes (hence the three “subparts” of each essay question).

Although the exam is completely “open book,” you need not consult any sources other than the readings and your notes in order to answer the questions. In answering, make sure to analyze each statute (subpart) provided, using any relevant and applicable doctrine, cases, arguments, and policy that we considered and discussed in class. In answering, please “Be Specific”!! When you write out

the examination, use your time to analyze the statutes, and explain your arguments and reasoning as carefully as you can (do not simply provide general conclusions).

TWO (2) 90-MINUTE ESSAY QUESTIONS:

ESSAY QUESTION ONE **(90 MINUTES)**

Over the last two years, assume that a small town in Colorado, “Springfield,” has had many devout Muslim immigrants from Syria and Iraq recently move and settle into town. Assume also that these Muslim immigrants have just completed a large Mosque located in the center of town, and as a result, they have received many death threats, and many Springfield citizens have begun to voice several terrorism concerns. After much political strife and negotiating, and in order to promote better understanding and relations between the traditional Christian, white culture of Springfield, and the culture of the new Muslim immigrants, the Springfield City Council has just passed three new “Brotherhood and Understanding” ordinances, providing the following:

- (1) Children in all public Springfield elementary schools will now learn about the Islamic religion and culture once a week in special school classes, and all students will have field trips every two months to the new Mosque, in order to observe services there and then be able to ask questions about Islam and the history of political strife in the Middle East;
- (2) The Springfield Police Department has been legally directed by the City Council to “strongly consider” hiring more Muslim police officers; and as a financial incentive to do so, the Police Department will receive the equivalent of four months’ salary of a new police officer, for each new Muslim police officer hired, if the Police Department hires at least three new Muslim police officers this coming year; and, finally,
- (3) In exchange for passing the two ordinances described above, and in the interest of making the traditional residents of Springfield feel safe, Springfield police officers will now be authorized by ordinance to perform random “*Terry* Stops” of all Muslim citizens, and search the cars they are driving or riding in, so that police officers can confiscate any firearms that may be in their possession, as well as check for any terrorist activity they might be engaged in, all either with or without probable cause. Assume that all of the Muslim immigrants in town have signed a petition saying that they consent to these stops and searches as necessary for national security purposes, and as a sign of good faith to the Springfield City Council for enacting these three new “Brotherhood and Understanding” ordinances.

The members of the City Council of Springfield have requested that you legally advise them as to whether these three “Brotherhood and Understanding” ordinances are constitutional, and/or whether they might violate the Civil Rights Act of 1964.

ESSAY QUESTION TWO
(90 MINUTES)

Assume that the City of Springfield appreciates your legal perspective so much that it has also asked for your legal analysis of the following:

- (1) Many Christian and Muslim residents of Springfield have become very concerned about “Public Displays of Affection” (“PDA”) and how it is contributing to the moral decay of the City. As a result, the City is considering passing a new law making it illegal for individuals to “passionately kiss on the mouth in public.” Further, the City wants to prohibit the “holding of hands in public,” but only as between homosexual males, meaning that homosexual females, as well as heterosexuals, will be allowed to hold hands in public. Accordingly, only male homosexuals will be prohibited from holding hands in public (unless they are merely greeting one another by shaking hands);
- (2) In order to protest the proposed PDA ban ordinance, described above, a group of homosexual males in Springfield has been organizing “kiss-ins,” where they enter a church or a mosque and passionately kiss their male partners, and hold hands, until they are arrested, or kicked out of the churches or mosques by church or mosque officials. The homosexual male protesters believe that the City and the church and mosque officials’ actions are a violation of their First Amendment rights because they are being very peaceful in their protest “kiss-ins,” and they are engaging in fully protected symbolic public speech, for which they cannot be arrested. They also believe the churches and mosques do not have the right to kick them out, especially when they do not kick out heterosexual couples who might engage in similar behavior (hold hands); and,
- (3) In order to give women who want abortions “full information” before receiving an abortion, and in order to help women with potential future grief resulting from an abortion, under a new proposed ordinance, any woman seeking to abort a fetus that has a heartbeat, must first listen, for one minute, to the heartbeat of that fetus in a doctor’s office, and then sign a consent form stating that the woman now fully understands and

realizes that by having an abortion, the “mother is stopping the beating heart of her un-born baby.”

The members of the City Council of Springfield are very concerned that their proposed ordinances, and their reactions to the “kiss-in” protesters, might not be legal/constitutional, and so they have again sought your legal advice regarding both the constitutionality of the ordinances, and the City’s reactions to protesters, and whether the City, as well as the churches and mosques, might be violating the Civil Rights Act of 1964.