CONSTITUTIONAL LAW II Section A Instructor: Dean Freeman page 1 of 3 FINAL EXAMINATION Spring 1989

GENERAL INSTRUCTIONS:

- 1. Be sure that your examination number appears on all bluebooks that you use. <u>USE ONLY ONE BLUEBOOK UNLESS ABSOLUTELY NECESSARY.</u>
- Please do not use pencil to write this part of the examination. If you use a felt-tip fountain pen, please write on only one side of each sheet of paper in the bluebook.
- 3. Leave a margin on the left-hand side of each page for me to use in grading.
- 4. Do not take the bluebooks or the examination copy out of the room in which you are writing.
- 5. When you are finished with Part I of this examination, place your bluebook on the instructor's table at the front of theroom announced at the beginning of the examination. If you use more than one bluebook, place one inside the other.

SPECIFIC INSTRUCTIONS:

- 1. Do not assume facts not given, and do not change the facts. In particular, do not assume the existence of statutes unless referred to in the question.
- Part I consists of 6 separate and unrelated questions. You can answer one without having read the others.
- 3. ANSWER THE OUESTIONS IN NUMERICAL ORDER and number your answers.
- 4. Each question is valued at 4 to 6 points, depending on the number and complexity of the issues.
- 5. Discuss each question in full before discussing another question. Within each question, complete in full your discussion of one issue before discussing another issue.
- 6. Discuss each issue fairly raised by a fact pattern, even if your answer on one issue makes discussion of another issue unnecessary.

- 1. Adams State University is a state university that offers a broad liberal arts curriculum. As part of this curriculum, all students are required to take a broad range of required courses in areas such as science, social studies, foreign language, humanities, fine arts, philosophy, and religion. Once such course is entitled "Introduction to Religion," which is a comparative study of major world religions. Student Bill Barton filed suit in federal district court, alleging that the religion requirement violates the first amendment both on its face and as applied to him (Bill is an atheist who is opposed to all religion and all study of religion). The United States Supreme Court ultimately decided the case. What result, and why?
- Adams State University has a student union building that 2. contains meeting rooms. University regulations provide that the meeting rooms can be used by any student organization for any lawful purpose except for religious worship because, in the university's opinion, such activity in a state facility would be unconstitutional. Student groups desiring to use a meeting room must apply for permits from the Dean of Students, who is authorized to refuse a permit to any group which, in the opinion of the Dean, does not reflect the high moral and ethical standards of the University. Pursuant to this regulation, the Dean denied permits to both the Fellowship of Christian Students, a fundamentalist religious group that wants to use a meeting room for worship, and to the student chapter of the Ku Klux Klan, which the Dean determined does not reflect the high moral and ethical standards of the University. Both groups filed suit in federal district court, alleging that the denial of a permit was unconstitutional. The United States Supreme Court ultimately decided the cases. What results, and why?
- 3. A group of students at Adams State University stormed a faculty meeting to protest a proposed tuition increase. Another group of students gathered on the sidewalk outside the building where the meeting was held, also to protest the proposed tuition increase. Both student groups began chanting and singing and, when asked to leave, they refused to do so. In spite of their defense that they were merely engaged in free expression, both student groups were arrested and subsequently convicted of criminal trespass. The convictions ultimately were reviewed by the United States Supreme Court. What results, and why?

- 4. Adams State University, which has a competitive admissions policy, requires all applicants to take the Scholastic Aptitude Test. The test scores are one of the primary determinants of whether an applicant is admitted or not. Several black applicants denied admission because of low SAT scores filed suit in federal district court, seeking to enjoin the university from using the results of this test. Uncontroverted evidence shows that, as a group, black applicants score several points lower on the test than do white students. The United States Supreme Court ultimately decided the case. What result, and why?
- 5. Adams State University has an athletic department which fields six men's teams and six women's teams for intercollegiate athletics. One of the women's teams is a volleyball team. There is no men's volleyball team. Don Davis, a male student, was not permitted to try out for the women's volleyball team. He filed suit in federal district court, seeking to compel the university to permit him to try out for the team. The United States Supreme Court ultimately decided the case. What result, and why?
- 6. Nels Jensen is a recent immigrant to the United States who has not yet applied for naturalized citizenship. He filed suit in federal district court challenging three statutes: a state statute that denies state welfare benefits to aliens; a state statute that prohibits aliens from voting on tax levies; and a federal statute that denies federal welfare benefits to aliens. The United States Supreme Court ultimately decided all three cases. What results, and why?