

TIME LIMIT: ONE HOUR AND TWENTY MINUTES

GENERAL INSTRUCTIONS:

1. Be sure that your examination number appears on your bluebook. USE ONLY ONE BLUEBOOK.
2. 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 the room announced at the beginning of the examination.

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.
2. Part I consists of 6 separate and unrelated questions, each containing either one or two issues. You can answer one question without having read the others.
3. Each issue is valued at 3 or 4 points.
4. ANSWER THE QUESTIONS IN NUMERICAL ORDER and number your answers.
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. The Franklin State legislature enacted a statute providing for free medical examinations for all students attending public, parochial, and private elementary and secondary schools within the state. Only black students were tested for sickle cell anemia, a medical condition that primarily affects blacks. Two legal challenges ensued:

- a. Several taxpayers filed suit to enjoin free medical examinations in any church-affiliated school.
- b. Parents of several black and white students, alleging racial discrimination, filed suit to enjoin any medical testing for sickle cell anemia.

Both cases ultimately were decided by the United States Supreme Court. What results, and why?

2. The Franklin State Capitol Commission, a bipartisan agency appointed by the leadership of the state legislature, decided to construct several informational kiosks. Each kiosk was glass-enclosed, so that notices could be placed under the glass only by a person with a key to unlock the glass windows. One kiosk was placed in the rotunda of the State Capitol Building. The others were placed on the four corners of the Capitol grounds. One Commission regulation required that only public service oriented notices could be posted on the kiosks; political notices and commercial advertising were expressly prohibited. A second regulation required that persons desiring to post notices submit five copies of the notice to the Commission secretary, who would post them under the glass on all five kiosks on a first-come, first-served basis until all space was taken. A third regulation provided that notices would be posted for a maximum of one week, and that they could not exceed the dimensions of 8.5 inches by 11 inches. All three regulations were challenged on constitutional grounds. The cases ultimately were reviewed by the United States Supreme Court. What results, and why?

3. A group of students at Capital City High School decided to leave school three hours early to join a political protest outside City Hall. In spite of their argument that they were expressing their political opinions, they were declared truant by their principal and suspended for one day of school. Also, along with other protesters, they were arrested and subsequently convicted in Juvenile court for violating a city ordinance that prohibits "conduct tending to lead to a breach of the peace". Both their one day suspension and their conviction were ultimately reviewed by the United States Supreme Court. What results, and why?

4. Eddie Edwards, student at Capital City High School is a religious fundamentalist, as are his parents. The public High School requires all students to take a year-long biology course, about one-fourth of which is devoted to a study of the origins of life taught from the viewpoint of evolution. Because of their religious beliefs, Eddie with his parents' approval refused, as a matter of conscience, to attend biology class when evolution was being discussed. As a result, he has failed biology and therefore has been prevented from graduating from high school. Eddie and his parents filed suit to compel the school to award him a graduation diploma. The case ultimately

was decided by the United States Supreme Court. What result, and why?

5. Harry Homeowner decided to sell his house. He put a sign in his front yard and purchased classified ads in local papers. Harry was approached by Alan Agent, who stated that he represented Betty Buyei. Harry and Alan negotiated an agreement for the sale of the house to Betty. At Harry's insistence, a provision was included in the contract that stated: "This contract is entered into by the seller in reliance on the representation that the buyer is white. If it should be determined that the buyer is not white, then this contract is null and void." The contract was signed, voluntarily and knowingly, by Harry and by Betty. Upon learning that Betty was not white, Harry refused to execute a deed. Betty then brought suit for specific performance of the contract. The state court, applying racially neutral contract law, held that there had been no "meeting of the minds" and that the contract was void. The United States Supreme Court reviewed the case on federal constitutional grounds only. What result, and why?

6. Charles Carson and Doris Davis, students at Capital City High School, filed suit seeking a declaratory judgment to have declared unconstitutional a school board policy providing for separate physical education classes for male and female students. The case ultimately was decided by the United States Supreme Court. What result, and why?