

QUESTION 1

Ronald Rump campaigned for President of the United States on a platform of ending illegal immigration into the United States. Once he took office, he instructed treasury officials to stop the transfer of any money to California designed to fund welfare programs to the extent that recent studies showed such funds were being paid to illegal aliens in violation of existing law.

President Rump also asked Congress to pass a law imposing a high tax on finished goods coming to and leaving California. The tax was to be replaced after a year by a total ban on all finished goods coming to or leaving the State. The law would stay in effect until California began cooperating with Federal authorities in the deportation of illegal aliens. Congress passed the law.

California's Governor responded by instructing State officials to assist merchants in avoiding the new Federal law. California's legislature enacted punishments for any State official who cooperated with Federal authorities in the enforcement of the new Federal law. It also enacted a law authorizing money payments (or bounties) to persons in California who smuggled goods into and out of the State. The law included the following language: "Californians must stand together against interests in other States that aim to harm California's interests" and "only Californians can be trusted to advance the State's interests."

California's legislature also enacted a law imposing a 50% tax on exports of raw materials. The law's sponsor said "in these challenging times, when we are besieged on all sides, California must conserve its precious resources." As the law was actually administered, tax waivers were consistently granted on any exports of raw materials to States that voted *against* Rump.

Legal issues abounded following enactment of these laws. Welfare recipients, born in Mexico but residing in California, sued to enjoin Federal authorities from withholding welfare money intended for California. Miller, a resident of Nevada, objected to the limitation on money payment by the State to smugglers residing in California and sued to force the State to extend payment to him for smuggling goods into and out of the State. Under protest, Lee paid the required tax when he imported raw materials from California into Arizona (which had supported Rump). He then filed suit to recover the tax. Finally, California official Kirby was arrested and prosecuted by California authorities for failing to assist smugglers in avoiding Federal law.

Discuss 3 of the following issues:

1. What arguments can be made for and against the suit to force transfer of welfare money to California?
2. Does California's smuggler bounty violate the Article IV Privileges & Immunities Clause?
3. Focusing in part on Dormant Commerce, what arguments can be made for and against the tax paid by Lee?
4. Focusing in part on the Commerce Power & Preemption, what arguments can be made for and against the prosecution of Kirby?

QUESTION 2

In defiance of the Rump administration, California passed a law making all illegal aliens in the State citizens of the State, with rights to vote, sit on juries and serve in elected office. In cities throughout California, the newly empowered citizens swept into office. Former illegal aliens now held the majority of State assembly seats and controlled the governments of all cities with populations over 100,000. 15 illegal alien “citizens” were even elected to Congress.

The California legislature also approved an agreement negotiated by the Governor with four Central American governments. The agreement permitted any person living in the four signatory countries and California to freely enter and exit any of those countries and California to enjoy all civil liberties which the laws of those countries and California authorized.

The United States Congress refused to seat the 15 illegal alien representatives. California’s government retaliated by cutting off power to all Federal facilities in the State. President Rump then called out the militia in California in order to seal the border and enforce Federal interests in the State. Specifically, Rump called on all private citizens in California who supported his policy to report to particular locations to organize under the lead of militia captains he was appointing. These citizens were to bring their own weapons.

California’s government enacted an emergency gun confiscation law. The governor instructed State law enforcement agents to target for confiscation only people whose names were on a list of known and suspected Rump supporters. State law enforcement officers began searching homes and confiscating guns from these people. They even attempted to arrest several militia captains and break up militia meetings, with mixed results. Shortly afterward, an arrested militia captain named Mad Dog was charged by State authorities with disturbing the peace.

Discuss **4** of the following issues:

1. What Constitutional arguments can a California voter make against the State election results?
2. Can the elected California Congressional Representatives be denied their seats in Congress?
3. Is the State’s agreement with the Central American governments Constitutional— why or why not?
4. What Constitutional arguments can be raised by persons whose guns were seized out of their homes by State officials?
5. What Constitutional arguments can be raised by Mad Dog in his defense and how would the State respond?

QUESTION 3

President Rump ordered federal law enforcement officials in California to arrest and deport illegal aliens who had been convicted of crimes in the United States. The Governor of California and a group of California mayors issued a statement saying California was under attack and that it was the duty of every Californian to resist federal tyranny.

Federal Agent Ditko was a resident of California. He served an arrest warrant on Perez and arrested him. Perez was a convicted criminal who was in the country illegally. While the arrest was taking place, Perez's friends came to his aid, freed Perez and beat Ditko up. As soon as the beating was over, California law enforcement officers stepped forward, arrested Ditko and charged him with kidnapping, among other crimes.

Ditko was denied bail. He filed for a Writ of Habeas Corpus, but the Court refused to hear it. He filed an appeal, asking the appellate court to review the lower court's denial of bail and refusal to hear his case.

Before his appellate hearing, but while the charges were pending, President Rump pardoned Ditko. Ditko had been in jail for 6 months, during which time he wasn't able to work or earn his salary.

After the pardon, Ditko filed a suit in State Court against Perez's friends and the arresting officers under Section 1983, seeking damages for violation of his Constitutional rights. Shortly after he filed suit, California's legislature enacted a resolution declaring Ditko an enemy of the State because he violated the civil rights of others. The State legislature also enacted a law depriving those who had ever violated the civil rights of others from voting, suing in court or travelling outside the State for five years. When Ditko attempted to visit his sister in Nevada, he was stopped from doing so at the border. When he returned home, he learned that his lawsuit had been dismissed.

Discuss each of the following issues:

1. Should the lower Court be ordered by the Court of Appeal to hear Ditko's Habeas Corpus action?
2. What are the arguments for and against Ditko's civil rights claims against Perez's friends and the arresting officers?
3. How, if at all, has the State violated Ditko's Constitutional rights following Ditko's filing of his civil rights lawsuit?