

Question One – 1 Hour

Becca was born in Mexico. She married and had a daughter, Lolo. Later, after her husband's death, she had another daughter, Naomi, but was not married to the girl's father, nor did she marry the father afterwards.

After Naomi's birth, Becca applied for a work permit in the United States. The permit was granted. She took her daughters to California and began working as a custom clothing maker. One of her main contracts was with the City of Mill Valley, making uniforms for municipal crossing guards. After several years of working and living in the United States, Becca applied for permanent residence. Though she was living in the country legally and providing a living for her two minor daughters, her application was denied by the U.S. government.

The government denial of Becca's application was based on a section of the "Immigration Act." This section required the government to reject permanent residency applications of female nationals of another country who have minor children born out of wedlock. The purpose of the law, according to the text of the law itself, was to discourage the influx of alien minors who might become a burden on local, state and federal resources.

After receiving notice of the denial of her application, Becca received a notice from the City of Mill Valley indicating that it would not be renewing its contract with her due to a recent resolution of the City Council requiring the City to contract only with citizens and companies owned by citizens.

1. Discuss any Equal Protection-based Constitutional objections to the denial of Becca's permanent residency application.
2. Discuss any Equal Protection-based objections to the cancelation of Becca's City contract.

Question Two – 1 Hour

After the United States entered into war against the Banana Republic, Congress passed, and President Rebeca signed, the “Banana War Homeland Protection Act.” The law prohibited any person from publishing any criticism of the nation’s war policy, or disclosing any information relevant to the nation’s war plans.

After the Act took effect, Frito published in his internet blog comments that condemned Congress for going to war so hastily against the Banana Republic and referred to President Rebeca as a drunken old rum-runner. Prior to being President, President Rebeca owned and operated a business selling a drink called “Feel Good Juice.”

At the end of these written comments, Frito noted that supply ships would soon be heading from Bodega Bay to provide supplies to American troops massing for an invasion of the Banana Republic. Frito then called for people to assist him in organizing demonstrations at Bodega Bay before the ship-out date. Frito’s website, where the blog appeared, included several advertisements requesting job applications from persons interested in organizing demonstrations and getting signatures on petitions to Congress. The advertisements mentioned that those chosen to fill these positions would be paid.

Discuss the following issues:

1. Should Frito be convicted for incitement (or threatening the public order) in violation of the “Banana War Homeland Protection Act”?
2. Has Frito defamed President Rebeca?
3. Viewed as a restriction on commercial speech, is the “Banana War Homeland Protection Act” a measure that properly restricts Frito’s published comments?

Question Three – 1 Hour

Congress passed, and President Grant signed into law, the Coinage Act of 1873. The Act permitted the Secretary of Treasury to place the motto “IN GOD WE TRUST” on the nation’s legal tender, including coinage. The motto has withstood every constitutional challenge.

Recently, Congress passed the “New Coinage Act.” President Rebeca signed it into law. This Act reaffirms the use of the motto “IN GOD WE TRUST” on the nation’s legal tender, but also requires that the new 7 cent coin bear the motto “GOD’S JUSTICE IS PERFECT.” The Act also requires that the new 15 cent coin bear the motto “JESUS LIVES.”

Prior to passage of the Act, it was debated in Congress. During debate, Congresswoman Raaida said that it is true that Allah’s justice is perfect and that the prophet Jesus has much to teach the nation. Other members of Congress spoke in support of the law as well, some of whom made favorable references to their Christian faith.

California has a law that prohibits private businesses from discriminating against employees and customers on account of their religious beliefs.

Sometime after the new coins went into circulation, Frito purchased some fritos and a coke at a 7/11. When the cashier, whose name was Muhammad, handed him his change, Frito noticed that along with some pennies (that bore the “IN GOD WE TRUST” motto), there was a 7 cent coin and a 15 cent coin. Frito asked the cashier if he could exchange the 7 and 15 cent coins for other coins. He explained that use of these coins was a violation of his conscience and that he did not wish to use such coins in commerce. The cashier refused. In fact, the cashier went so far as to say that the Prophet Jesus would destroy Frito at the end of the world for his blasphemy.

Frito filed suit against the United States and Muhammad.

Discuss the following issues:

1. Does the “New Coinage Act” violate Frito’s rights pursuant to the Establishment Clause?
2. Does the “New Coinage Act” violate Frito’s rights pursuant to the Free Exercise Clause?
3. Does California’s anti-religious discrimination law conflict with any of Muhammad’s First Amendment rights?