

CONSTITUTIONAL LAW I
FINAL EXAMINATION

FALL 2025

DAVE KING

EXAM INSTRUCTIONS

You will have three hours to complete this exam. There are two essay questions to be answered in Questions 1 and 2; Question 3 consists of four short answer questions. Each question will count for 1/3 of your exam grade.

Unless expressly stated, assume that there are no Federal or State statutes on the subjects addressed.

Your answer should demonstrate your ability to analyze the facts in the question, to tell the difference between material facts and immaterial facts, and to discern the points of law and fact upon which the case turns. Your answer should show that you know and understand the pertinent principles and theories of law, their qualifications and limitations, and their relationships to each other.

Your answer should evidence your ability to apply the law to the given facts and to reason in a logical, lawyer-like manner from the premises you adopt to a sound conclusion. Do not merely show that you remember legal principles. Instead, try to demonstrate your proficiency in using and applying them.

If your answer contains only a statement of your conclusions, you will receive little credit. State fully the reasons that support your conclusions, and discuss all points thoroughly.

Your answer should be complete, but you should not volunteer information or discuss legal doctrines that are not pertinent to the solution of the problem.

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Question No. 1

The Department of Defense promulgated the following regulation:

“The Department may experiment on animals in trauma skills testing for defense purposes.”

Pursuant to the regulation, the Department plans to begin experiments on chimpanzees early next year at its Fort Ketrick facility in California, north of San Diego. The Department hopes to learn from the experiments how fighter pilots will react in combat when exposed to potentially lethal doses of radiation.

In the Fort Ketrick experiments, some 40 chimpanzees will be trained to perform on flight simulation machines. After the chimpanzees have achieved a certain level of proficiency on the simulator, they will be placed in a flight simulator in a sealed radiation chamber and exposed to lethal doses of radiation. Various monitoring devices will be strapped to the chimps and their reactions will be videotaped for later observation and analysis.

The experiment, which has received the personal approval of the President, will cost taxpayers about \$240 million.

Sue Goodall, President of Friends of Animals, a public interest organization promoting the humane treatment of animals, heard about the Department’s plans and was shocked. Goodall is certain that her organization’s membership, totally 20,000 nationwide, would support any legal action that might be taken to block the proposed experiments at Fort Ketrick.

Goodall has asked you to represent her organization in a suit to enjoin the Department of Defense’s experiments. Your research has turned up a law that might be the basis for a legal challenge, California Primate Experimentation Act. Relevant sections from the law appear below:

California Primate Experimentation Act

§ 121 No experiment using non-human primates may be conducted in the state of California without a permit issued by the state Director of Agriculture.

§ 124(b) No permit shall be issued for an experiment which subjects non-human primates to unreasonable pain or distress.

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(c) No permit shall be issued for an experiment which will cause, or is likely to cause, the death of non-human primates unless the benefits of the experiment to human health are clear and substantial.

§ 166 It shall be unlawful to transport into the state of California non-human primates for purposes of experimentation, except in compliance with the provisions of this Act.

§ 301 Any citizen may bring suit in the courts of this state to enforce any provision of this Act.

You have discovered that some fifty chimpanzees were air shipped from Virginia for participation in the experiment. They arrived at Fort Ketrick on December 12. The Secretary of Defense has not applied to the California Department of Agriculture for an experimental permit, and has stated his clear intention not to do so.

Please answer each of the following questions:

A. Will the court consider the merits of the Friends of Animal's case? What are the principal issues that need to be resolved before the merits are reached and what is the likely outcome of each issue?

B. The Department of Defense will probably argue that the California Humane Experimentation Act cannot lawfully be applied against its proposed experiment. What are the bases for the contention, and how will the court likely resolve the issues, assuming it reaches the merits?

C. Wally Cox, a California Congressman, has introduced legislation in the House that would specifically prohibit the Department of Defense from using its appropriations to fund experiments using chimpanzees. The President has indicated that he considers the proposed legislation an unconstitutional limitation of his inherent powers and powers as Commander-in-Chief of the Armed Forces. Does the President have a strong argument? Why or why not?

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Question 2

On December 1, 2025, Congress passed the Child Gender Protection Act (“the Act”). The law prohibits a healthcare provider from “[s]urgically removing, modifying, altering, or entering into tissues, cavities, or organs of a human being under the age of 18,” or “[p]rescribing, administering, or dispensing any puberty blocker or hormone,” for the purpose of (1) “[e]nabling a minor to identify with, or live as, a purported identity inconsistent with the minor’s sex,” or (2) “[t]reating purported discomfort or distress from a discordance between the minor’s sex and asserted identity.” Among other things, the Act notes that these prohibitions are intended to “protec[t] minors from physical and emotional harm” by “encouraging minors to appreciate,” rather than “become disdainful of,” their sex. Under the Act, a healthcare provider may administer puberty blockers or hormones to treat a minor’s congenital defect, precocious (or early) puberty, disease, or physical injury. The Act takes effect on January 1, 2026.

The Act also compels State officials to create and maintain a registry of all medical facilities in their State who have offered gender affirming care to minors in the last five years and to report the data they obtain to the U.S. Secretary of Health and Human Services.

A 17 year-old transgender girl who goes only by the name, “Syxseven,” has been receiving gender affirming care in the State of California since she was 13, which care includes hormone therapy. As she turns 18 on December 31, 2025, she is eager to bring suit to enjoin enforcement of the Act, and she files suit on December 30, 2025.

Please answer each of the following questions:

- A. Will the court consider the merits of Syxseven’s case? What are the principal issues that need to be resolved before the merits are reached and what is the likely outcome of each issue?
- B. Assuming that the court reaches the merits of the case, analyze Syxseven’s Equal Protection claim and state how the Court is likely to rule on that issue and why.
- C. The governors of California, Illinois, New York, and Minnesota bring suit to enjoin enforcement of the Act on the basis of the 10th amendment. Analyze the governors’ Tenth Amendment claim and state how the Court is likely to rule on that issue and why.

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Question 3

Write a short answer to questions A, B, C, and D; Each question is worth 25 points.

- A. The State of Georgia enacts a statute that prohibits persons who have been residents of the State for fewer than 6 months from applying for a liquor licenses in the State. Sheila Lushacre moved to Georgia a month ago, but wishes to open and manage a wine bar that would require her to apply for a liquor license. When she discovers that she is prohibited from doing so, she brings suit. How is the court likely to analyze and rule on the issues raised in Sheila's lawsuit?
- B. A new fungus that affects only species of the fig plant develops and begins to spread in the United States. In response, Congress enacts a statute prohibiting the cultivation of any species of the fig plant. Romulus Remus has been growing figs in his backyard solely for personal consumption for years prior to the enactment of the statute and brings suit claiming that Congress does not have the power to regulate his backyard figs. How is the court likely to analyze and rule on the issues raised in Romulus's lawsuit?
- C. Without presenting it to the Senate for ratification, the President of the United States enters into an executive agreement with the island nation of Nauru with the aim of cultivating mutual tourism between the two nations. U.S. Senator Mazer Rackham brings suit to enjoin the executive agreement. How is a court likely to rule on the Constitutional issue presented by Senator Rackham's suit?
- D. A contractor sues the the sitting President of the United States, who was a businessman before becoming President, for failing to pay him for work he performed on one of the President's golf courses before the President was elected. The President moves to dismiss the suit claiming that he is immune from civil suits while in office. How should the court rule on the President's motion to dismiss and why?

Constitutional Law Final Exam Answer Outline Fall 2025

Question 1

A.

Standing issue- does the nonprofit have standing to challenge the law? They are arguably “injured” directly or indirectly. Can they assert third-party standing?

Ripeness- Nothing injurious to the chimps has yet occurred. Is injury imminent (*Abbott Laboratories v. Gardner- drug labelling cases for imminent harm*)?

B.

Dormant Commerce Clause- Federal preemption, no need to reach discrimination/balancing

Supremacy Clause- implied preemption: conflict preemption/impeding a federal objective (*Florida Lime & Avocado Growers, Inc. v. Paul*- no conflict preemption where one can comply with both laws/rules)

C.

While the President’s inherent authority over the executive branch is broad, Congress controls the power of the purse and the President’s power is significantly weakened where Congress has acted prohibiting the President’s (or Sec. of Defense’s) proposed action. The President’s arguments re: inherent powers and status as commander-in-chief would be very weak against a Congressional act directly prohibiting his action.

The best answers will include mention of

a. Federal property clause- Congress has broad authority to manage and regulate federal lands.

b. General foreign policy/military affairs/separation of powers issues. Is this foreign policy (i.e. fighter jets=foreign deployment)? If so, can Congress contradict the executive branch position re: how best to prepare its pilots ala *Zivotofsky v. Kerry*?

Question 2

A.

Standing- S will be over the age of 18 before any action taken on her case. She will neither suffer injury, nor imminently suffer injury. Also not a case likely to be repeated, but evading review as other, younger transgender minors can challenge the law.

Ripeness- the law has not gone into effect at the time of the filing of the suit. However, a court will know whether the law has gone into effect by the time any action is taken on a demurrer.

Mootness- at any major point in the litigation, the law will not apply to S as she will have turned 18 shortly after filing suit.

B.

Note that under *Bolling v. Sharpe*, the EP clause of the 14th amendment applies to the federal government under the Due Process clause of the 5th amendment.

Under the Court's new ruling in *U.S. v. Skrametti*, this law does not present a gender discrimination issue or a gender identity discrimination issue, but rather an age and a medical use discrimination issue. Both age and medical use discrimination get rational basis review. This law survives an EP claim under rational basis review and the *Skrametti* rule.

C.

10th amendment- Is this a *Baker v. Carr/Reno v. Condon* incidental use of State officials, or a *Printz* commandeering? Students should discuss why it is one or the other.

Question 3:

Q 3 A

Dormant commerce clause- facial discrimination ala *Tennessee Wine and Spirits Retailers Association*= presumption against validity and the State must show that it is narrowly tailored to advance a legitimate local purpose (which it cannot do under that case's rule/reasoning).

Privileges and Immunities Clause- discrimination against out-of-staters' right to earn a living.

Students can get either or both, but only one is sufficient for full credit.

Q 3 B

This is a *Wickard v. Filburn* cumulative effect interstate commerce clause case or, if you like, a *Raich v. Gonzalez* case. Congress can legislate even if the thing in commerce is never sold or transported interstate if lots of people like Romulus, in the aggregate, grew figs for personal consumption in their backyards, it could have a substantial effect on interstate commerce.

Q 3 C

Executive agreements need not be presented to nor ratified by the Senate to be valid. Treaties must; executive agreements do not have to be.

Q 3.D

Under *Clinton v. Jones*, a sitting President can be sued civilly while in office for acts performed prior to his having become President.

1)

1. WILL THE COURT CONSIDER THE MERITS OF THE FRIENDS OF ANIMAL CASE/ JUDICIAL REVIEW

CAN THE FEDERAL COURT REVIEW FRIENDS OF ANIMALS V. UNITED STATES?

Under *Marbury v Madison*, the federal judiciary may invalidate or review any executive or legislative action that violates the constitution. This power is set out in article 3 section 2 and limits the federal judiciary to only reviewing actual cases and controversies. The enforcement is established through justiciability doctrines: standing, ripeness, mootness, political question doctrine, and prohibition of an advisory opinion. All must be met for the case to be reviewed by a federal court.

IS FRIENDS OF ANIMALS, THE PROPER PLAINTIFF TO BRING THIS SUIT TO FEDERAL COURT?/ STANDING/ ORGANIZATIONAL STANDING? THIRD PARTY STANDING?

Standing is whether the plaintiff is the proper person to bring the claim for federal court adjudication. Standing requires that the plaintiff suffered an injury in fact that is actual and personal to the plaintiff, the harm the plaintiff suffered is fairly traceable to the defendant's conduct (causation) and that the court can redress the injury upon a favorable court ruling (redress ability).

Here, Friends of Animals promotes the humane treatment of animals, and they heard about the plan for the Department of Defense to perform experiments on chimpanzees hoping they can learn how fighter pilots react in combat when exposed to potentially lethal doses of radiation. Although Friends of Animals is not having specific chimpanzees harmed in these experiments, they can say that the organization is suffering harm personal

to them because they promote conduct prohibiting exactly what the department of defense is doing because exposing the chimpanzees to lethal doses of radiation is arguably inhumane and Friends of Animals, as an organization wants to stop it. Friends of Animals would argue that the conduct is fairly traceable to the defendants conduct because the department of defense plans to run these experiments on the chimpanzees. So, but for the department of defense running the experiments, the chimpanzees wouldn't be exposed to lethal doses of radiation causing inhumane harm to the chimpanzees. Lastly if the court rules in favor of Friends of Animals, the conduct would stop with the department of defense because Friends of Animals is seeking an injunction to stop the conduct, therefore it would likely be able to redress it. On the other hand, the united states would argue that Friends of animals does not have standing because they are just an organization acting for animals rights, but none of their animals were directly harmed or will be harmed in the experiments by the department of defense. Also, the US will state that the organization is nationwide and therefore is not confined to the california law it is asserting the experiements go against and that violating california law does not harm a nation wide organization.

Thus, the court probably wont find that Friends of animals has standing, but if the court does find that they do the analysis continues below as such.

Organizational Standing

An organization can bring standing on behalf of its members if (1) all regular standing requirements are met: injury in fact, causation, and redressability, (2) the interests of the organization are germane to the organizations purpose, and (3) neither the claims asserted nor the relief requested required individual participation of the organizations members.

Here, the organization may not meet (1) because the organization does not suffer a personal injury from the united stated department of defense from operating experiments on chimps in the state of california, but the court could grant orgnaizational standing

because the very conduct that the department of defense is doing is the very kind that the organization wants to stop. (2) The interests of the organization in this case is to stop the chimps from being exposed to inhumane amount of radiation because it could kill them which is important to the organizations purpose which is to promote the humane treatment of animals. and (3) the releif requested and the claims asserted does not require participation of the organizations members becuase the claim is being brought by the president of the organization not a member and the releif requested is an injunction to cease the experiments from happening in california and the enforcement of that does not require participation of the organizations members.

Thus, the court will probably grant orgnaizational standing to Friends of Animals.

Third Party Standing

A third party generally cannot assert claims of another person not standing in front of the court except if the plaintiff and the third party bear a significantly close relationship, and the third party cannot assert the claims on their own.

Here, sue brought the case on behalf of the organization. the organization itself does not have legs to walk into court to bring the suit so sue, having a close relationship to the organiation as its president, brought the suit on behalf of the organization.

Thus, third party standing is also met.

IS FRIENDS OF ANIMALS BRINGING THIS CASE TOO EARLY?/ RIPENESS

*not really
at
issue*

Ripeness analyzes whether the case is being brought to federal court too early. This is a timing issue. A case will be ripe if (1) the plaintiff will suffer imminent harm if review is not granted, and (2) the case must present a legal issue. if a case is ripe, the court will grant pre-enforcement review.

Here, the experiments have not happened yet, they are going to begin "early next year", so Friends of Animals is seeking pre-enforcement review. Although, it can be argued that the operations have already started because chimps were already shipped from virginia for participation in the experiment. If this review is not granted, the chimps may be harmed because experiments will be run on them and that is the type of harm that the organization is trying to prevent as animal activists and the case does present a legal issue because the law in california prohibits unfair treatment of animals specifically ran through experiments.

Thus, the case is ripe.

DOES FRIENDS OF ANIMALS HAVE A LIVE CASE AT ALL STAGES OF LITIGATION? MOOTNESS

not at issue
Mootness is when the party no longer has a cognizable interest in the case after filing the lawsuit because the conduct has stopped, the parties circumstances changed, or the law changed. The federal court can only hear live cases and controversies at all stages of the litigation. There are three exceptions: wrongs capable of repetition yet evading review, voluntary cessation, and class actions.

Here, the case is not moot because the conduct has not stopped, there has been 50 chimpanzees air shipped from virginia to begin the plans of the experiments in california at Fort Ketrick, so Friends of animals will say that the case is live at this point of litigation because the prep has started for the experiments.

Thus, the case is not moot.

IS THE ISSUE PRESENTED BY FRIENDS OF ANIMALS A POLITICAL QUESTION?

The political questions doctrine prohibits a case from being heard when the case is an issue that is reserved to the political branches of government for review and enforcement. Typically the cases prohibited are those asserting claims under the republican form of government clause, the presidents foreign affairs, impeachment or removal, partisan gerrymandering.

Here, there is not a political question doctrine because there has been conduct that is a violation of a state law and thus able to be reviewed by the federal court because the federal court may review cases where the united states is a party to the case.

Thus, there is no political question.

IS FRIENDS OF ANIMALS ASKING THE COURT FOR AN ADVISORY OPINION?

An advisory opinion is an interpretation of a case rather than reviewing the legality of the conduct that occurred between the parties which is prohibited because it interferes with separation of powers.

Here, there is no advisory opinion because there is a clear violation of the law alleged by Friends of Animals and the court is going to review the conduct and the laws rather than just make an interpretation.

Thus, there is no advisory opinion.

Conclusion

The Federal court may grant organizational standing on behalf of Friends of animals for the federal court to review the case.

2. HOW WILL THE COURT RULE OVER THE DEPARTMENT OF DEFENSES ARGUMENT THAT THE act cannot lawfully be applied against the proposed experiment?

yes. Does the Federal Law Preempt the California Humane Experimentation Act?

Under the supremacy clause, federal law is the supreme law of the land thereby preempting any state law that conflicts with federal law (federal preemption) There are 2 kinds of preemption: express and implied. Express preemption is when the federal law expressly displaces the state law. And implied preemption is when the federal law displaces federal laws either by conflict preemption, ^{impedes federal objectives} ~~obstacle~~ preemption, or field preemption. Conflict preemption is when the federal law and state law cannot be complied with at the same time because its impossible (mutual exclusivity), obstacle preemption is when the state law makes an ^{plus works.} obstacle for achieving a federal objective, and field preemption is when the federal government clearly shows that they want to regulate that entire field.

Good analysis! Here, The department of Defense will claim that the federal law preempts state law because the California law conflicts with federal law because the state and federal law cannot be complied with at the same time. The federal law states that "The department may experiment on animals in trauma skills testing for defense purposes" and the califonria state law states "No experiment using non-human primates may be conducted in the state of california without a permit issued by the state director of agriculture, no permit shall be issued for an experiment which subjects non-human primates to unreasonable pain or distress. No permit shall be issued for an experiment which will cause death of non human primates. The california law explicitly states things that the department of defense is going to be doing in california, Testing chimps using potentially lethal doses of raditation in order to learn how fighter pilots will react in combat when exposed to potentially lethal doses of radiation. Because the federal law allows for this experimenting to happen, the califonia law is probably going to be preempted and thereby

invalid because it also puts an obstacle on a federal objective. The federal objective is to test the chimps in order to find out information about fighter pilots for purposes of the united states military. Not allowing these experiments makes it harder for the united states to find out necessary information from these experiments because they may not have another facility to go to to do these experiments.

Thus, under conflict preemption and obstacle preemption, the California law will be displaced by the federal law allowing for these experiments.

3. DOES THE PRESIDENT HAVE A STRONG ARGUMENT THAT THE LEGISLATION PROPOSED BY WALLY COX IS AN UNCONSTITUTIONAL LIMITATION ON HIS INHERENT POWER AND POWERS AS COMMANDER IN CHIEF OF THE ARMED FORCES?

The president will assert that he has the ability as a commander in chief to do what is necessary in order to provide for a strong united states military (these experiments). Although, wally will state that he does not have the ability to use taxpayers dollars to fund the experiments because the experiments violate state law and that the president cannot declare taxes. Wally will assert that the federal program only taxes california citizens so that the tax is not geographically similar, and its not proportional to the united states citizens of the federal experiments. Wally will assert that the tax is not being imposed on every state where the experiments are happening and that they are only taxing California residents and since its a federal experiment for war time data, that everyone in the united states should be taxed. Although the president does have a strong claim because the president can impose what he thinks is necessary in order to achieve safety for the united states by declaring war-time related activities and this experiment may be considered one of those activities.

Thus, the president does have a strong argument against the legislation proposed by Wally cox. *Probably not. Under the Youngstown Framework, The President's power is at its weakest when Congress has directly acted. Still, power over military is the president's best argument.*

Very Thorough response Good issue spotting, rule statements,
and analysis.

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2)

A. Is Syxseven able to assert a claim under Justiciability for mootness since she will be turning 18 on December 31, 2025 and the Child Gender Protection Act will take effect on January 1, 2026?

Justiciability

A case or controversy suit rises there must be to 1. standing, 2. mootness, 3. Ripeness 4. no political question. Standing is whether that is the correct party bringing the claim, ripeness is if the claim is still there (ripe) and anticipatory, mootness is when the injury has ended (court will not hear a case where injury is over) 4. no political question is when the claim does not raise an issue for congress, federal grounds.

Standing: injury, causation, redress

Here, Syxseven ^{yes} does not have standing because she will no longer be 17 when the act is effective. She will have no injury, because once 18, she can continue taking her puberty/hormone blockers. Syxseven does not meet this standard.

Mootness: Mootness is when the injury has ended (court will not hear a case where injury is over) 3 exceptions to this 1. cause 2. voluntary cessation 3. class actions.

Here, she does not have a claim for mootness since she will be 18 when the law is effective and her injury will not even exist during that time. Mootness in her case would have been more effective had she been 17/16 years old wanting to take the puberty blockers. For example, under Roe v. Wade, the case arises out of an abortion issue, its not reasonable for a pregnant person to be pregnant for more than 9 months and there would be that exception_____ She does not meet this standard.

Ripeness: if the claim is still there (ripe) and anticipatory

Here, Syxseven does not meet this standard. Her claim is invalid because she is not a candidate under this act when it will be effective.

Political question: When the issue is not a political question.

Here, again this issue is not a political question, because Syxseven does not meet the criteria.

CONCLUSION

Therefore, Syxseven will not have a claim under Justiciability because she does not have standing, since she will already be 18 years old when the act will take effect.

B. Will rational basis scrutiny level suffice under Syxseven's equal protection claim (EPC)?

missing some context here. Something about laws that facially discriminate against protected classes and how E.P. applies to the fed. govt. would be good.

Under the 14th amendment, every citizen and their rights are protected under the constitution. There are levels of scrutiny that apply. Strict scrutiny is when there are issues arising out of national origin and race, the government has the burden of proof. Intermediate Scrutiny is when the issues arise out of gender claims, the government has the burden of proof. The rational scrutiny has the minimal level where all other claims arise.

Good

Here, gender is not at issue since the Gender Protection Act is prohibiting all minors under the age of 18 that are taking puberty blockers. The name of the act having "gender" does not make it discriminatory for any gender. Since Intermediate scrutiny applies to gender based class, this level of scrutiny will not be applicable here. As for Strict scrutiny, the issue in this case medical care and age, therefore strict scrutiny would not apply since it deals with national origin and race. In *United States v. Skirmty*, the court applied the rational basis test because in that case medical care and age were at issue, similarly as in this case. Syxseven claims equal protection, but since she is already going to turn 18 on December 31, 2025 and the law will take effect on January 1, 2026 she will not be a

yes

candidate to assert a claim. The act is acting on behalf of the welfare, safety and health of minors best interest since it is protecting minors from physical and emotional harm. Moreover, the act does not completely compel minors to stop the puberty blockers, it also has made exceptions where healthcare providers may administer puberty blockers/hormones to treat minor's congenital defects, precocious/early puberty, disease, or physical injury. So if there is an emergency and it is necessary to take puberty blockers/hormones then considering those exceptions minors may take them. Syxseven would have more of a claim if she was not going to turn 18 when the act will take effect and if the act did not have any exceptions. Her age will not be a factor and she can resume her puberty blockers since it is only for minors under the age of 18.

Conclusion: Therefore, Syxseven will not prevail under the equal protection claim because she will be over the age of 18. Excellent answer.

C. Whether the Child Gender Protection Act violates the 10th amendment right?

Under the anti-commandeering doctrine, congress may not compel state officials to comply for noneconomic interests. enforce federal law.

Here, the Child Gender protection Act compels state officials to create and maintain a registry of all medical facilities in their states who have offered gender affirming care to minors in the last five years and then report that data to the U.S. Secretary of Heath & Human services. In *New York v. United States*, congress had asked state officials to regulate radioactive waste or take title to it. Just like in *United States v. Printz*, congress had imposed state officials to collect and report data by having them conduct background checks on handgun purchasers. In *Printz*, the court struck down the provisions of the Brady act holding it unduly burdensome and imposing an obligation on the state officials, similarly in this case it is unduly burdensome, since the act is asking for medical records of minors from the last five years.

Conclusion: Therefore, the Supreme Court will favor the state officials since the Child Gender Protection Act violates the 10th amendment right under the anti-commandeering doctrine by imposing state officials to enact to legislative interests that do not serve a legitimate economic interest.

Sellar essay here. Really well done. The only ways it could have been improved would have been an analogy to the Reno case in part C, and the other statements could have been fleshed out a bit more. Otherwise, this is top notch work.

95

3)

A. Under Dormant Commerce Clause, states may pass local state laws if congress has not done so, as long as the law does not unduly restrict or discriminate out of staters. If it is discriminatory on its face then it is invalid and the strict scrutiny applies if it shows its tailored legit purposes.

Privileges & Immunities: protects discriminatory action from states towards individual's rights, however Corporations do not have any protection under this.

100 Here, the state of Georgia has prohibited out of state persons residing less than 6 months from applying for a liquor license. She will prevail in her suit against the State of Georgia since she would like to obtain a liquor license and the State is not allowing her to do so. Under the privileges and immunities clause she is a person that is an out of stater who just moved to Georgia and the state statue is effecting her means to earn/livelihood because if she would like to work as a bartender she cannot do so. The statue is affecting commerce since it is discriminatory and prevents new comers from obtaining licenses, it will cause them to move out of the state. Also it is so random thing to prohibit and does not really address why it is only prohibiting newcomers to Georgia. Court will likely rule in Shiela's favor.

100 B. Under Commerce clause, congress has the power to regulate interstate commerce including (1.) channels, (2.) instrumentalities and (3.) activities that affect interstate commerce. Congress may regulate under aggregation doctrine if it affects intrastate commerce like in *Wickard*.

Here, fungus that affects only species in the fig plant spreads in the United states, and Romulus Remus has been growing figs for sole and personal consumption for years. Since the fungus only affects species in the fig plant and the statue prohibits cultivation of any species in the fig plant. The court will likely favor congress because it is for the public

welfare, safety and health especially since its beginning to spread in the U.S. Although, Romus will argue that it is only for his personal consumption and he is not selling in the commerce, it still will be a safety concern.

100 C. Official acts are those that give the president implied and express authority, powers delegated by the congress and discretionary power. Here, executive agreements are considered official acts. The court will overrule the constitutional issue presented by the Senator. Congress may not impeach, gerrymander or be part of foreign policy. Under the job duties of the President and his delegated powers by congress he may enter into foreign policy which is basically an executive agreement with the island nation of Nauru. The president is not signing a treaty which requires 2/3 vote. He is acting in is official act.

100 D. Presidential Immunity- A president is immune from civil and criminal prosecution while serving as an official. However, he is not immune to personal acts or acts done before his presidential term. Official acts are those that give the president implied and express authority, powers delegated by the congress and discretionary power. Here, the president will not be immune from this civil suit while in office, since he committed this act before he became president of the United States. Not paying the contractor before becoming president is not an official act and he is liable for this. The court will not grant the President's motion to dismiss and he will need to pay the contractor for work that was done on the golf course before becoming president.

END OF EXAM

$$100 + 100 + 100 + 100 = \frac{400}{4} = 100$$

Q1: 70
Q2: 95
Q3: 100
} 88