

Sultan
Constitutional Law I
Spring 1994

(Read the entire question before attempting to answer any part of it.)

A. The year is 1855. Following a "tax payer revolt" at the polls, the state of Ohio, through then existing democratic processes, amends its constitution from a "free state" status to a "slave state" status. The state legislature subsequently promulgates a statute requiring the eldest son of each Ohio family to perform five years of uninterrupted service to the state free of charge. Between the ages of 18 and 23, these eldest sons will, on an ongoing basis, either fulfill the personnel needs that had been satisfied by state employees or be hired out to private employers at a fee. The Governor of the state signs this new legislation and issues a statement that the people of Ohio will now be free from taxes forevermore. (25 points).

USING ONLY MATERIALS ASSIGNED and/or DISCUSSED IN CLASS
evaluate the constitutionality of this legislation (25 points).

B. Same facts as above, except the year is not 1855, but a decade later. The Thirteenth Amendment to the United States Constitution has just been ratified (the Fourteenth Amendment will not be ratified before 1868).

Using only the same materials/discussions required in your answer to "A." above, evaluate the constitutionality of the legislation at this time (25 points).

(Caution: Your conclusions regarding each part of this question do not necessarily have to be different.)

