

Sultan

CONSTITUTIONAL LAW II

Fall 1989

INSTRUCTIONS

The proctor will first distribute the essay question and scrap paper. Thirty minutes later you will receive the blue books. You will then have thirty minutes to answer the question.

Please make sure you have your examination number on each blue book and that they are sequentially numbered before you submit them to the proctor. All question sheets must be handed in with your blue books.

GOOD LUCK

The following news item appeared on the front page of the Dayton Daily News on October 23, 1989:

There's a picture of a young white man on the leaflet that was distributed at Wright State University, and the words: "Fed up with school, or just with minorities taking over?"

The flip side of the leaflet reads: "If you're fed up with minorities making your school a combat zone, shaking you down, beating you up, rappin' all around you, raping your girlfriend...YOU'RE A NATIONALIST. Quit letting minorities, queers and commies run the USA. Take back every inch of turf. Make English the only language. Clean house of foreign scum.

"MAKE THIS SCHOOL AN MFZ (Minority Free Zone) ORGANIZE, FIGHT AND WIN. For a decent school, neighborhood, job and future."

The leaflet, which first appeared on campus about four

weeks ago, was published by the Nationalist Movement, a Jackson, Miss. based group that claims members in cities in 27 states-including Fairborn, Ohio where a Nationalist program appears on the public access cable television station.

Local Nationalists also distributed a letter in Wright State student mailboxes in early October which outlined a dozen of their beliefs and carried the headline, "WHITES HAVE RIGHTS TOO!"

This is the gospel according to Richard Barrett, a 44-year-old Manhattan-born attorney transplanted to the Deep South who was described by Newsday earlier this year as "one of the rising stars of modern racial hatred."

In a telephone interview from his office in Jackson, Barrett said his Nationalist Movement is "a pro-majority organization, pro-freedom, pro-working man, pro-American," His objective: "purifying America"

"Our goal is to take back every inch of American turf-- every city, every neighborhood, every school, every street," he said. "But ultimately, we aim to win in the hearts of the American people. In the day when we are victorious we will be known as the peacemakers of our generation."

These "peacemakers" have a "warrior training camp" in Mississippi where a "strike force" of Nationalist skinheads (young right-wingers so named because of their shaved heads) takes target practice and learns militaristic methods. Barrett said the training is necessary for the Nationalists to "defend ourselves against those who hate us."

He would not say how many members there are in the group, but he said the average age is about 20.

#### YOUNG MOVEMENT

"We are definitely a young movement," Barrett said. "Which

is why we can say the liberals can have the past, the moderates can have the present, but the Nationalists will have the future."

Nationalists, usually turning out in small numbers, have demonstrated against racial integration, homosexuality, communism, affirmative action, abortion and the observance of Martin Luther King Day since the movement got off the ground in Forsyth County, Ga., nearly three years ago.

Sometimes, the Nationalists have come up against much larger groups of counter-demonstrators who have made their points with rocks, bricks and bottles...

Barrett said Nationalists have been distributing pamphlets at colleges throughout the country, doing "the same thing Thomas Paine did in sparking the American Revolution."

#### APPALLED AT WSU

WSU spokeswoman Lynnette Heard said university officials are "appalled that anything like this (literature) could make its way onto a college campus where hopefully higher thought...would help combat racism."

WSU President Paige Mulhollan in August formed a "multi-cultural diversity task force" to look at racism on campus. The action was prompted by racial incidents at other campuses and some "signs of intolerance" at WSU last academic year, Mulhollan noted in the letter announcing the task force...

Assume that the task force has suggested and the University has adopted a regulation that no items may be placed in student mailboxes without prior permission of the Student Affairs Office of the University. Larry D. Howard (known to his friends as "LD") a member of the Nationalist Movement and a student at Wright State, is apprehended by campus security while placing Movement literature in student mailboxes without having sought prior approval. After a

hearing before a panel of three faculty and four students, he is suspended from school for two years.

A recent graduate of the University of Dayton Law School, you are in practice in Fairborn, Ohio, two blocks from LD's home. He appears in your office one morning requesting reinstatement and monetary damages.

1. What constitutional issues are involved?
2. How will they probably be resolved?
3. Why will they be so resolved?