

Sultan

CONSTITUTIONAL LAW II

Fall 1990

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.

Read the entire examination carefully before you write. Plan your answers. WRITE IN INK. WRITE CLEARLY ON ONE SIDE OF THE PAGE ONLY. DO NOT REPEAT THE QUESTION. BE AS DETAILED AND SPECIFIC AS POSSIBLE. ANSWER THE QUESTION. DO NOT SURVEY. DO NOT REPEAT YOURSELF. No materials of any kind are allowed with you.

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.

GOOD LUCK

After Congress failed to override President Bush's veto of the Civil Rights Act of 1990, members of the Socialist Solidarity Party, USA (SSP) decided to make a "public statement" in the South. They chose Fenwick, Alabama, a predominantly white, small city in that state and a local KKK stronghold.

On April 10 (the anniversary of General Lee's surrender to General Grant in 1865) SSP members circulated in the downtown area during lunchtime and distributed fliers reminding readers of the significance of the date, calling Klan members "treacherous scum elements" and "racist cowards" and challenged them to attend their rally that

evening. When Klansmen arrived at the rally the SSP members shouted epithets at the demonstrators, they pounded on the cars of the Klansmen and chanted, "Death to the Klan". At this point, the Klan members opened fire with shotguns and handguns. Five SSP members were killed and ten were wounded, five seriously.

One month later John Liberty, President of the SSP and leader of the demonstrations, was charged by Alabama with incitement to riot, a crime with a possible maximum sentence of twenty years.

What constitutional issue(s) does the prosecution of Liberty raise? How will it (they) be resolved? Why will it (they) be so resolved?

BE AS SPECIFIC AS POSSIBLE!