

Sultan

CONSTITUTIONAL LAW II

Fall 1994

INSTRUCTIONS

The proctor will first distribute the essay question and scrap paper. One hour later you will receive the blue books. You will then have forty-five 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 IS POSSIBLE. ANSWER THE QUESTION.

DO NOT SURVEY AN AREA OF THE COURSE. RATHER APPLY THE LAW TO THE FACTS. DO NOT REPEAT YOURSELF. No materials of any kind are allowed with you. All question sheets must be handed in with your blue book(s).

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 a national membership convention and parade by the Ku Klux Klan in Dayton, Ohio, during the summer of 1994, the City, responding to local pressures, on September 1, 1994, passed the Dayton Bias-Motivated Crime Ordinance [BMC] that reads as follows:

"Whoever places on public or private property a symbol, object, appellation, characterization or

graffiti, including, but not limited to, a burning cross or a Nazi swastika, which one knows or has reasonable grounds to know arouses anger, alarm or resentment in others on the basis of race, color, creed, religion or gender commits disorderly conduct and shall be guilty Of a misdemeanor."

On October 2, 1994, Mohammed Kalee, an immigrant from Iraq, moves into a racially integrated neighborhood in Dayton, where he has taken up employment with a local business firm. Bill Jones, age 15, who lives across the street, lost his older brother in the Gulf War.

At 3 a.m. on October 25, Bill places a large wooden crescent (the symbol of Islam or the Moslem faith) along with a large poster reading "Camel-Jockeys Out" on Kalee's lawn and sets the crescent ablaze. Kalee recognizes Bill in the light from the fire and tells the fire investigators.

One week later Bill is charged as a juvenile for violation of the BMC.

What constitutional issue(s) does the situation raise?

(Address the most important first!)

How will it or they probably be resolved?

Why will it or they be resolved in that manner?