

Constitutional Law Examination

May 10, 2025

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Instructions:

You will have **three hours** to complete this exam. There are two essay questions. Each question is worth 50% of the final score. Each question has a 1,000-word limit. Anything you write past 1,000 words will not be read. Both answers combined should not total more than 2,000 words.

Please use the word-count (not the character count) feature to check the length of each answer. The **character count** for the exam will be visible just above the formatting icons on your screen. By clicking on the document icon, you may view the **word count**. If you hand-write the exam, or can't utilize the word-count feature, please do a manual word count.

The exam is completely open-book. You can use anything you wish, so long as that it was created *before* the distribution of this exam. Obtaining any new information from anyone or anything *after* the exam is prohibited.

Please don't begin until the proctor signals that the exam has begun.

Good luck!

Part I (50%)

Instructions: The year is 1956. The Supreme Court recently decided the school desegregation cases. However, the integration process is facing substantial obstacles. You are a law clerk for the Chief Judge of the U.S. District Court for the District of Columbia. He has asked you to address five questions.

Question #1

The District Court ordered the District of Columbia public schools to promptly adopt an integration plan that is consistent with the Supreme Court's rulings. The public schools in the District of Columbia announced a temporary, gradual integration plan: all school houses will be open to both black and white students, but the classrooms will still be segregated. For example, in a High School, there will be classrooms for white students and classrooms for black students. This temporary plan is designed to limit possible disruptions in classroom instruction. In all other regards, the teachers, instruction, and materials will be identical for the classes. The schools plan to fully integrate the classrooms over the following five years. The NAACP sued the D.C. public schools, asserting that this temporary integration plan denies black children the equal protection of the law.

1. How should the District Court resolve this suit?

Question #2

Congress passes, and the President signs, the D.C. School Closure Act of 1956. The law has two sections.

Section 1: Congress finds that providing a free public education to all students in the District of Columbia has become too expensive, controversial, and ineffective.

Section 2: Effectively August 1, 1957, all public schools in the District of Columbia will be permanently closed.

The NAACP challenges the constitutionality of the Closure Act. The suit alleges that the law deprives children of their liberty without the due process of law.

2. How should the District Court resolve this suit?

Questions #3 and #4

The chaos at the D.C. public schools has made it nearly impossible for black students to learn. In response, the NAACP announces the organization will open new private schools that are *only* open to black students in the District of Columbia, Maryland, and Virginia. White students will not be admitted. The NAACP

determines that, at least temporarily, these schools will ensure that all black children could receive a proper education. The NAACP also plans to hold classes in the evening so they can hire teachers from other schools to “moonlight” and work the night shift.

In response, Congress passes, and the President signs, the Civil Rights Act of 1956. The law has five sections.

Section 1: Section 2 of this law shall only apply to new private schools that are opened after the date of this Act. Private schools that were open prior to the enactment of this Act are exempted.

Section 2: No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in any private school that is described in Section 1 of this Act.

Section 3: Congress determines that teaching is a stressful and unhealthy profession, and that teachers who teach more than eight hours in a day may become ineffective teachers. Congress seeks to avoid any risks that may arise when overworked teachers are entrusted with students.

Section 4: No teacher shall be required or permitted to work as a teacher more than eight hours in any on one day.

Section 5: This Act invokes Congress’s powers under Article I, the Thirteenth Amendment, and the Fourteenth Amendment.

The NAACP schools are opened after the enactment of the Civil Rights Act of 1956. White parents try to register their children to the NAACP school in the District of Columbia, and offer to pay the tuition, but they are rejected solely on the basis of their race. The white parents sue the NAACP for violating Section 2 of the Civil Rights Act of 1956. In response, the NAACP argues that Section 2 of the Civil Rights Act of 1956 is unconstitutional, as applied to their school.

3. How should the court resolve the constitutionality of Section 2 of the Act as applied to the NAACP school?

The NAACP attempts to hire a teacher from a D.C. public school to work the night shift at the new school. However, the United States Attorney for the District of Columbia determines that the teacher already works eight hours each day at the public school, and cannot work more hours at the NAACP school. The NAACP and the teacher challenge the constitutionality of Section 4 of the Civil Rights of 1956.

4. How should the court resolve the constitutionality of Section 4 of the Act as applied to the NAACP school and the teacher?

Question #5

The District Court ordered the D.C. public schools to integrate each classroom *immediately*. The schools announced they would not follow the order, as that is not what the Supreme Court had ruled. Soon mobs formed outside the schools, and prevented black students from entering the classrooms. President Dwight D. Eisenhower announced that he would take no action based on the rulings concerning the District of Columbia schools, which he said had no basis in law.

5. What should the District Court do in this situation?

Part II (50%)

Instructions: Today is May 5, 2025. The Trump Administration has determined that the biggest crisis facing society is the low birthrate. The government has taken a series of measures to increase the number of child births, and decrease the number of abortions. You are a law clerk to Chief Justice Roberts—he knows who you are.

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Question #1

Congress passes, and the President signs into law, the *Make America Pregnant Again Act*, known as MAPA. The law has 4 sections.

Section 1: Congress determines that the birthrate has declined significantly in recent years. Congress further finds that notwithstanding the *Dobbs* decision, the number of abortions in the United States continues to increase. This decline has created a national security risk, as the United States needs a growing population to sustain our long-term national welfare.

Section 2: Any woman who has an abortion, at any stage of her pregnancy, shall pay the Treasury Department the amount of \$500.

Section 3: The Secretary of the Treasury has the discretion to reduce the amount due in cases of financial hardship.

Section 4: This Act invokes Congress's powers under Article I and the Fourteenth Amendment.

In New Mexico, abortion remains legal at all stages of pregnancy. A pregnant woman in New Mexico challenges the constitutionality of MAPA. The lower courts uphold MAPA and the case is promptly appealed to the Supreme Court. The plaintiff is still pregnant.

1. How should the Supreme Court resolve this dispute?

Questions #2 and #3

Congress passes, and the President signs into law, the *No Babies Unless Moms are out of Prison Act*, known as the NO BUMP Act. The law has 5 sections:

Section 1: Congress finds that pregnant women should not be forced to carry and deliver their babies while in harsh conditions of state prisons. However, states incarcerate women during all nine months of pregnancy. States also make abortions available to pregnant inmates.

Section 2: Congress hereby establishes *Club Mom*, a special federal prison in the District of Columbia where pregnant inmates will receive personalized medical care, healthy diets, and prenatal care. Abortions are

not permitted at *Club Mom*. All pregnant prisoners in America must be transferred to *Club Mom*.

Section 3: States are prohibited from performing abortions on pregnant prisoners.

Section 4: All state judges shall immediately furlough—that is order the release—of any pregnant female inmate from any state prison or jail to *Club Mom*. The furlough will last until the mother is no longer pregnant.

Section 5: The failure of a state to comply with the NO BUMP Act shall result in the forfeiture of 5% of federal educational funding.

The California Attorney General challenges the constitutionality of the NO BUMP Act, as applied to the state.

2. How should the Supreme Court resolve this dispute?

A pregnant prisoner in New York wishes to have an abortion. However, she is denied access to an abortion under the NO BUMP Act, and is instead transferred to Club Mom. The prisoner challenges the constitutionality of the NO BUMP Act, as applied to her.

3. How should the Supreme Court resolve this dispute?

Question #4

Congress passes, and the President signs, the Members of the Military Sterilization ban, or MOMS Act. The law has 3 sections.

Section 1: Congress finds that members of the military and their spouses should be encouraged to have more children. These real American heroes are ideal parents to instill patriotism in the next generation of citizens. However, far too many members of the military undergo voluntary sterilization procedures which render them incapable of having children.

Section 2: Members of the military and their spouses shall be prohibited from undergoing voluntary sterilization procedures prior to the average age of non-fertility. For females, who tend to lose their reproductive capacities earlier, that age is 50. For males, who tend to lose their reproductive capacities later, that age is 65.

Section 3: Members of the military who violate this statute will be dishonorably discharged. Spouses of members of the military who violate this statute will be denied all spousal benefits.

A transgender member of the military seeks to obtain a “transition” surgery that would remove the member’s reproductive organs. The military prohibits the member from obtaining the surgery.

The wife of another service member wants to undergo a medical procedure that would prevent her from having children. She is forty-five years old. However, losing the spousal benefits would create a great hardship for her family.

These two plaintiffs challenge the MOMS Act.

4. How should the Supreme Court resolve this dispute?

Question #5

In many Equal Protection cases, the Supreme Court will either level *up* or level *down*. Please discuss these two choices of remedies.