

NAME \_\_\_\_\_

**DIRECTIONS:** Answer any five(5) of the following questions. Your answers must be detailed, and contain examples whenever possible. If you refer to the text, you must be careful to cite, and place in quotation marks all ideas and sentences taken from the book. Keep such quotes to a minimum. Use as many technical legal terms as possible in your answers, being sure to define them as you use them. *This exam must be typed, and this exam sheet must be stapled to the top of your answers.* **Due: All exams are due no later than Tuesday, April 26. If the exam is not handed in during the class in which it is due, the exam must be signed and dated by a staff member before it can be left in my office or mailbox. If these instructions are not followed, the exam will not be accepted.**

- 1) a. Carefully explain the difference between “Judicial Activism” and “Judicial Restraint.”  
b. Explain Dworkin’s defense of Judicial Activism.  
c. Explain why Dworkin would agree with O’Connor’s views in the article “High Court: Prisons cannot Segregate Inmates.”
- 2) Brief the case *Planned Parenthood v. Casey*, including its Dissent.
- 3) a. Explain the term “Clear and Present Danger,” showing how it is related to the terms “Proximate Cause,” “Prior Restraint,” and “Fighting Words.”  
b. Illustrate how these terms are important in any two of the following cases: *Schenck v. United States*; *Whitney v. California*; *Village of Skokie v. National Socialist Party*.
- 4) a. Briefly describe the difficulties Alice Paul and the National Women’s Party had in trying to secure the right to vote for women. That is, what were the arguments *against* suffrage, according to the film?  
b. In your view, should the 14<sup>th</sup> Amendment, ratified in 1868, have been interpreted to include women’s right to vote? Should it have included the Black vote? Explain.
- 5) a. Brief the *Engel v. Vitale* case, being sure to include the Dissent. (Note: You may need to look up the meanings of the terms *Plaintiff*, *Defendant*, *Appellant/Petitioner* and *Respondent*.)  
b. Do you agree with the majority decision in this case? Explain carefully.
- 6) a. Referring to the article by John Arthur, briefly describe the transition of this right through the *Griswold*, *Eisenstadt* and *Hardwick* cases.  
b. In your view, which, if any, or if all three, of these cases was decided correctly? Explain your choices carefully.
- 7) Referring to the Singer article, What does Equal Rights mean?  
a. Carefully show how Singer illustrates the difficulties in using the term “Equality.”  
b. Do you believe his notion of “Equality of Consideration” is useful? Explain.
- 8) a. Carefully explain the differences between the *Three Levels of Scrutiny*, and the term *Suspect Class Status*.  
b. Regarding the article “Judge: Calif. Can’t ban gay weddings,” carefully explain what level of scrutiny was used by Judge Kramer.  
c. Do you agree with the Supreme Court’s decisions as to who should be classified as a member of a Suspect Class? Explain.