FINAL EXAM INSTRUCTIONS: PLEASE READ CAREFULLY

This final examination consists of Two essay questions. The exam should have TWO (2) pages. Please be sure NOW that you have all of the pages.

THIS IS A TAKE-HOME EXAM:

YOU WILL HAVE 24 HOURS TO COMPLETE THE EXAM;
EXAMS MAY BE PICKED UP AT MY OFFICE BETWEEN 12:00 NOON and 1:00 p.m.
AND DROPPED OFF AT MY OFFICE ON THE NEXT DAY.

EXAMS MAY BE PICKED UP ON ANY DAY FROM THE FIRST DAY OF THE EXAMINATION PERIOD TO THE DAY BEFORE THE LAST DAY OF THE EXAMINATION PERIOD ON ANY DAY OTHER THAN FRIDAY, SATURDAY OR SUNDAY.

Put your exam number on each page of the paper you will be submitting. You do not need to put any other information on the papers you turn in. Do not write your name on the examination or on any of the papers you submit to me --I REALLY DO NOT WANT TO KNOW WHO YOU ARE AS I GRADE THE EXAMS!!!!

This is an open book exam. Instructions on answering the essay questions are underlined and are found at the end of each question. Follow these instructions carefully and discuss the issues presented fully. BE SURE TO ANSWER ONLY THE QUESTION ASKED OF YOU. YOU DO NOT HAVE TO ANSWER THE QUESTIONS IN ANY
Plan and organize your answers before starting to write them out. Please keep the following in mind as you write your answers. The most important thing you can remember is this: **answer the question asked and only the question asked.** A good rule to follow is to read the question before reading the facts presented. Do not discuss legal doctrines that are not pertinent to the questions asked; likewise long introductory paragraphs which are not directly responsive to the questions asked will receive no credit. Points will be deducted for erroneous statements of law. Please be sure to apply the law to the facts of the question as presented. If you think additional facts are necessary for a complete answer, state those facts and the reasons you believe such additional facts are necessary. An answer containing only a statement of your conclusions will receive no credit. Where this may be helpful to support your arguments, refer to specific cases by name (complete names and citations are not required) and to articles, statutes and otherwise by number (Bluebook form citations are not required).

**EXAM REQUIREMENTS – PLEASE READ CAREFULLY!!!!!!!**

1. **EXAMS MUST BE:**
   (A) DOUBLE SPACED,
   (B) ON STANDARD AMERICAN 8.5X11 PAPER,
   (C) ONE (1) INCH MARGINS ON ALL SIDES OF THE PAGE
   (D) NO SMALLER THAN 11 POINT TIMES ROMAN FONT
   (E) NO FOOTNOTES; ENDNOTES; OR OTHER NOTES

2. **MAXIMUM LENGTH OF EXAM IS TEN (10) TYPED PAGES.**

   **FINAL RULE OF THUMB: KEEP IT SHORT AND TO THE POINT!!!**

   I have enjoyed the semester with you all. I look forward to seeing you all again in another class!
QUESTION 1:

The City of Lake Havasu prides itself on being the most orderly retirement community in the nation. For years, the city has strived to make itself “old people” friendly. Over the course of the last 10 years, the City Council has commissioned a number of studies relating to the factors which draw senior citizens to settle in Lake Havasu. Topping the list is quiet – the old people surveyed preferred to live in a place quiet as a morgue. As a result, since 1995, the City of Lake Havasu has used its zoning laws to ban night clubs and discotheques. Two years ago even the “Square Dance Rodeo” Club, catering to couples over 70 had to shut down because the sole fiddle player employed by the club was making too much noise. As a result of its reputation for quiet, Lake Havasu has become the home of many of the U.S.’s Quietist Protestants, a sect established in Central Romania in 1699. All of the members of city government are Quietists, as are 85% of Lake Havasu’s residents.

Services at the Quietist churches consist of silent prayer and meditation. The founder of Quietism – Awanna B. Silent – preached a devotion based on the power of the unexpressed. The core of Quietist worship services is called the “Almighty Silence” and consists of opening the windows of the place of worship each Sunday at Noon to absorb the Divine communication. Noise, especially noise during Quietist service is sacrilege. In order to protect the worship rights of Quietists, Lake Havasu municipal ordinances prohibit the making of any noise within 1000 feet of any church. There is no place within Lake Havasu city limits that is not within 1000 feet of a Quietist church.

Starting in 2000, a small number of refugee families from the Samarkand region of Central Asia have found their way into Lake Havasu. All of these families are members of a small sect called the Wailers. For Wailers, communication with the Almighty is possible only by shouting. Indeed, the communion of the community must be expressed each Sunday at Noon with the “Shout Almighty” – a great community shouting made through the open windows of the Wailer place of worship.

The Wailers bought a property 50 feet from the First Quietist Church of Lake Havasu. There the Wailers consecrated the Church of the Great Wailing. At Noon on the Sunday set for the consecration, both the Wailer and Quietist Congregations opened their Church windows. The Wailers expressed the “Shout Almighty;” the Quietists called the Mayor. At a meeting of the Lake Havasu City Council held the next day, the Council passed a new hate crimes ordinance, making it a misdemeanor, subjecting violators to a maximum $10,000 fine and imprisonment for not more than 6 months, to deliberately disrupt the worship services of any group.

The head of the Wailer community has just received notice of the ordinance. He comes to see you, a local practitioner. He thinks that the ordinance will make Wailer services impossible in Lake Havasu and wants to know if there are any constitutional protections for Wailer services.

WRITE A MEMO TO YOUR BOSS DISCUSSING COMPLETELY ANY CONSTITUTIONAL ISSUES THAN CAN BE RAISED ABOUT THE ORDINANCE. WOULD IT MAKE A DIFFERENCE IF THE STATE HAD ADOPTED A RELIGIOUS FREEDOM RESTORATION ACT SUBSTANTIALLY THE SAME AS THE FEDERAL STATUTE?
QUESTION 2:

While studying for the final exam a classmate of yours said the following:

I think that Zelman absolutely overruled Everson. After Zelman the federal government may provide any religious organization direct monetary support for its activities without any restriction whatsoever.

WRITE A ENTRY IN YOUR DIARY EXPLAINING FULLY HOW YOU WOULD RESPOND TO THAT STATEMENT.