

Constitutional Law Exam 9

Fact Pattern:

Jane applied to a government funded public law school, but was rejected by the admission staff because she was a clone. Jane challenged the admissions policy in federal court. While the lawsuit was ongoing, the law school decided to go ahead and admit Jane since she was so impressive in court and because her “mother” the “genetic donor” was an alumni. Jane was happy, but decided to keep fighting the lawsuit to set a precedent for other clones.

With the law school admissions challenge under her belt, Jane was feeling feisty so she decided she wanted to run for U.S. Senate. There was only one problem, she was only 23 and you have to be 30 to be a U.S. Senator. Jane decided to file another lawsuit in federal court to challenge the 30 year old age limit.

After filing yet another court case, Jane decided to celebrate with a glass of New York Wine. Unfortunately for Jane the State of Confusion had banned all New York liquor sales within the state after a we-hate-Yankees-Baseball referendum went to the voters last year. No New York wine? This must be unconstitutional, she thought, so she filed another lawsuit to have the state ban declared unconstitutional.

Questions:

1. Will Jane be able to keep fighting her admissions policy lawsuit to set a precedent for other clones?
2. Will Jane be successful in her court challenge to the 30 year old age limit for U.S. Senators?
3. Is the State of Confusion’s ban on New York Wine sales unconstitutional?

Example Answer

Will Jane be able to keep fighting her admissions policy lawsuit to set a precedent for other clones?

Standing

Did Jane have standing to bring the lawsuit?

Courts are only empowered to hear cases involving real controversies, and a plaintiff has standing to bring a case only if he or she suffers, or will imminently suffer, an injury in fact that may be remedied by the court's action. In order to establish an injury where a statute is challenged based on its unconstitutionality, either the statute must have been enforced against someone or the failure to rule the statute invalid before enforcement must be an extreme hardship to the complaining individual.

Here Jane is a clone and was being rejected from law school for being a clone. Jane was suffering an injury in fact which the court could remedy by declaring the public school rules unconstitutional.

Jane did have standing to bring the lawsuit.

Mootness

Is Jane's case moot now that she has been admitted to law school?

Courts are only empowered to hear actual cases and controversies. A case will be dismissed as moot unless there is an actual controversy at all stages of the litigation including appeal.

Here Jane is admitted to law school. There is nothing more a court could do for her. If her case was a class action case on behalf of all clones the court would still be able to hear the case.

Under the facts of this case Jane's case is moot and should be dismissed by the court.

Will Jane be successful in her court challenge to the 30 year old age limit for U.S. Senators?

Constitutionality

Can the age limit be challenged constitutionally?

The thirty year old age limit is contained within the text of the constitution. It is therefore constitutional and cannot be challenged constitutionally.

Political Questions

Even if the age limit were not specified in the constitution, if Congress set the age limit themselves, Jane would still not be able to challenge it as it is a political question.

Political questions are matters which the Constitution has assigned to another branch of government rather than the courts.

Here the age limit for Senators is set out under the rules of the Senate under Article I. Furthermore the Senate has the power under the constitution to set its own rules. The court would therefore determine that it could not hear the case as it is a political question.

Is the State of Confusion's ban on New York Wine sales unconstitutional?

Dormant Commerce Clause/Negative Commerce Clause

Does the dormant Commerce Clause/ Negative Commerce Clause prevent the State of Confusion's ban on New York Wine?

A state or county may not regulate interstate commerce in a way that is discriminatory against interstate commerce or in a way that unduly burdens interstate commerce. Here, the statute discriminates against interstate commerce by prohibiting all Wine from New York state. This regulation places an undue burden on interstate commerce

A regulation on interstate commerce may still be upheld if the regulation serves an important interest which outweighs the economic impact. Here the regulation's state purpose because the citizens of the State of Confusion hates Yankees baseball. This is probably not an important enough interest to outweigh the competing economic interest.

Under these facts, the statute will violate the Dormant Commerce Clause and be declared unconstitutional.

Twenty First Amendment to the Constitution

Does the twenty-first amendment to the U.S. Constitution provide a basis to exclude wine from New York?

The twenty first amendment to the U.S. Constitution provides:

The transportation or importation into any State, Territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

Here, the State of Confusion is signaling out New York Wine or alcohol in its ban. It probably would be constitutional to ban all wine or all alcohol. However because only New York wine is banned, this regulation runs afoul of the dormant commerce clause and will be found unconstitutional.

Under these facts, the statute will not be saved by the twenty-first amendment and will be declared unconstitutional under the dormant commerce clause explained above.