

1.

Pam Protester spent the weekend protesting the involvement of the United States in overseas conflict. In her state capital, she marched with hundreds of other protesters, carrying a sign that said “End this fucking war.” Some, but not all, of the protesters were armed with handguns and rifles. At some point during the march, she amended the sign to add “Or we’ll come and get you.” After she returned home, two police officers arrived to present her with an indictment for violating a city ordinance banning “indecent and offensive language,” and for violating a state law that makes it a crime to “threaten others for political purposes.” Finding the door ajar, and hearing loud noises from within, the officers entered and observed Pam and her partner watching a pornographic film.

Pam was duly convicted of violating the city ordinance and state statute, and her sentence was enhanced by two months according to a separate state penal statute setting out additional penalties if the defendant threatened others for political reasons. Pam was also convicted under an obscure state law that makes it a crime to “possess obscene materials.” This morning, Pam engaged you as her attorney. She wants to appeal her convictions, and she asks:

- 1) Is the city ordinance prohibiting “indecent and offensive language” constitutional?
- 2) Is the state law making it a crime to threaten others for political reasons constitutional?
- 3) Is the state penal statute extending sentences for some crimes constitutional?
- 4) Is the state law prohibiting the possession of obscene materials constitutional?
- 5) Are there any other factors that will be important in Pam’s case?

2.

Gary Gunslinger participated in the same protest. He carried no sign, but did carry several weapons, including a crossbow that fires explosive bolts. Gary was immediately arrested and charged with violating a state law that forbids the carrying of crossbows without a showing of “proper cause,” and with violating another state law that prohibits the possession of explosive ammunition entirely. Your research reveals that permits for carrying crossbows are rarely granted. This afternoon, Gary hired you as his attorney. He is certain that his rights have been violated, and he asks:

- 1) Is the state law requiring a showing of “proper cause” to carry a crossbow constitutional?
- 2) Is the state law forbidding the possession of explosive ammunition constitutional?

3.

A recent state law, passed in the wake of the Supreme Court’s decision in *Dobbs v. Jackson*, prohibits abortions without any exceptions. The law also prohibits family planning services from discussing abortion with their clients, many of whom are married couples. Your clients, one such couple, are being prosecuted for obtaining an abortion illegally inside their own home (within the state’s borders). They want to dispute the law’s constitutionality. Because of recent changes to

the composition of the Supreme Court, you think it might be possible to persuade the court to revisit the *stare decisis* analysis in *Dobbs*. Your clients ask you to:

- 1) Discuss the state law's constitutionality, given the *Dobbs* ruling.
- 2) Explain the court's *stare decisis* analysis in *Dobbs*, and suggest a different interpretation of the test that would lead the court to a result more favorable to your clients.