

Introduction to Legal Studies

Fall 2004

In-Class Examination

October 5, 2004

You have the full class period (2:30-3:45) to complete this exam. *All students must respond to question one. You may then choose between questions two or three (answer one or the other).* Responses must be in essay form. Question one will count for 60% of the grade, question two or three will count for 40%.

1. **Read the following story and analyze it according to the three concepts of legality set out in *The Common Place of Law*.**

The Welfare Office in Springfield was a sight to see. As one entered, the state seal of Massachusetts adorned the wall along with a quote from the Massachusetts Bill of Rights – “All men are born free and equal” – painted in gold letters above it. A large reception desk separated the incoming clients from the caseworkers in the open office beyond. As people entered they spoke with the receptionist, who quickly checked to see if they had the proper documentation to file a claim and then told them to take a seat in the waiting area. After an hour, maybe two, a caseworker would come and call them to one of the dozens of cubicles behind the receptionist’s desk.

The caseworkers went through the evaluation process quickly, asking rapid-fire questions and filling in blanks on pre-printed forms. They asked for specific documentation – proof of address, tax returns, pay stubs, children’s birth certificates, apartment leases, etc. – and made photocopies of all such materials for the file. If a client was missing a needed piece of information they were sent home to retrieve it and come back another day to restart the process. When all the papers were in order, however, the process was efficient and clients would leave the office with a check for that week’s food. Another check would follow quickly after and then again every two weeks, sent on a Friday and arriving the following Monday. Many welfare recipients were happy with the dependability of the payments and only went back to or called the Office from time to time to update their information to check one or another regulation. They felt secure that the Office would maintain adequate records month-to-month and year-to-year, even as caseworkers came and went.

Many clients, like Ms. G, did not have such an experience, however. Last winter Ms. G’s apartment caught fire, destroying all her possessions. Her children suffered from smoke inhalation and spent a week in the

hospital. Ms. G spent all her time that week in the hospital with the kids. As a result of her time at the hospital she lost her job as an Assistant Manager at Wal-Mart. Between hospital bills and expenses related to replacing her and her kids' clothes and furniture, she rapidly exhausted her small savings account. Unable to find another job, she went to the welfare office.

On her first trip to the Office, the receptionist sent her home for failing to bring basic documentation of the fire and her current living situation. She attempted to explain her situation – that her lease was destroyed in the fire and the fire inspector had not yet filed a report on the blaze – but the receptionist repeated the rule about documentation and asked her to come back later. She returned the next day with a letter from her landlord and a note from the fire inspector. The receptionist had never seen such documents and though they contained the needed information, she believed they were not the type of proof required under the guidelines. The receptionist asked Ms. G to come back later with “proper” documents, but Ms. G refused.

Instead, she marched past the reception desk and onto the main floor of the Office. She marched to the back where she saw a spacious and official-looking desk. Seeing that it was the Welfare director's office, she walked in and sat down. She saw a small book on the desk before her titled *Welfare Rules and Regulations – Caseworker Manual* and picked it up, thumbing through the pages. “STATE PROPERTY – DO NOT REMOVE” was written across the top. When the director walked in she slipped the manual in her purse and proceeded to tell the director her story. He smiled while he told her he could not help, that she needed to see a caseworker for her problems, and that she must leave. She refused, telling him she would not leave until she had a check in hand. A stand-off followed for over an hour, bringing the Office to a grinding halt while the director consulted with others as to what should be done. Finally, he returned with security guards who physically threw Ms. G out of the building and onto the sidewalk. Ms. G took the bus home, reading the *Case Worker Manual* the whole way. As she read, she smiled for the first time in weeks, having hatched a plan to call a lawyer and the press and turn over the *Manual* to them.

Answer **ONE** of the following two questions

2. Using the readings on law's basis, make an argument for or against the following proposition: "Power to the People" is the best basis for law in contemporary America. You may wish to touch on questions of power and how it operates in the law-making process.
3. What is jury nullification and how does it differ from civil disobedience? Using the ideas discussed in the readings as well as our class discussion, make an argument as to each one's acceptability or unacceptability in a nation governed by law. You may wish to use examples to illustrate your argument.