

Introduction to Legal Studies

Spring 2005

In-Class Examination

February 24, 2005

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%. I recommend you spend 45 minutes on the first question and 30 minutes on the second.

1. **Read the following story and analyze it according to the three concepts of legality set out in *The Common Place of Law*. You are NOT expected to touch on every single way in which this story connects to the three concepts of legality. However, demonstrate that you understand the concepts contained within Ewick & Silbey's book and that you can correctly apply those concepts to the story below.**

It was a busy night at the police station in Worcester. The Desk Sergeant, Mary Killackey, was doing all she could to keep the flow of arrestees and complainants from clogging up the front hall, much less keeping the process going. She was particularly conscious of the crime victims sitting below her in the waiting area.

One of the first people to approach the desk was an old woman from the area: JoAnne Grange. Ms. Grange had recently been mugged and her purse had been stolen, she told Killackey. Ms. Grange gave detailed descriptions of the two young men who had assaulted her, all the time looking up at the Sergeant behind the large oak podium and speaking to her with respect. Ms. Grange was barely audible above the din, but she told Sgt. Killackey that she wasn't worried about losing her purse. "All I had in it was a few dollars and some pictures of my late husband," she said with a tear in her eye. "But I just don't want anyone else to become a victim of these two hooligans." Ms. Grange continued, "I wanted you to get my story in the files because I know you can get the word out over the network and that the boys in blue will find these men and the District Attorney will prosecute them like the law requires." "We'll bring them in, Ms. Grange," Sgt. Killackey promised. "The police always get their man." The old woman nodded in agreement. "Well," she said in parting, "I'm off into the wild again! I'll leave you to take care of the law."

Sgt. Killackey smiled a little smile until the next person approached the desk. It was her family friend, Wilson Sonsini. "Hi Mary," he said as he approached the desk. "How are your parents doing?" Killackey and Sonsini caught up on family gossip for a few minutes before Sonsini launched into a tirade. His car had been stolen – again – and he wanted someone to pay. "I paid \$55,000 for that beauty," he told the Sergeant, "and not two weeks later it got stolen off the street. I came and filed my report like a good citizen, and you found the car a few weeks later and returned it to me with a speech about bad luck and how the police are doing their jobs and the crime on my block would stop. I believed you. But now my car was stolen again. Again! Where were the police?" Sgt. Killackey tried to calm him, but Sonsini wouldn't let up. "I've organized a neighborhood watch and I got the city council to hold hearings on this and they are on my side! I know my rights and I know that if a block experiences repeated criminal acts that according to the law once we file a request you have to provide extra police protection." Sgt. Killackey nodded in agreement, but responded, "Look, Wilson, I understand your frustration, but you have to understand that there are other blocks with much worse crime than yours." "Much worse? My car was stolen! Twice! If other people have worse crime, let them come complain about it. All I know is that if there aren't more foot patrols on my block by the end of this week, my neighbors and I are filing suit! Let your commander know. And let him know that he doesn't have a choice. The law is clear! I've filed my request." With that, he stormed off, but not before calling out, "Say hi to your family!" Killackey was sweating. She hated such confrontations. But she also knew Wilson. He loved to argue for what he thought was right, but she also knew that by the time they saw each other at the Memorial Day parade it would be like nothing happened.

The phone rang, distracting Killackey. On the line was a police detective, calling from the streets. "Hey, Mary," he said. "You know Dario Esposito, right?" Esposito was a local hero, of sorts. He had organized his block against street crime years before, but the police could never do enough to help him. As a result, he began "taking care of business" on his own. A group of men on the block regularly threatened and beat up anyone suspected of even the smallest crime. Killackey heard of one instance where they pulled a young kid's fingernail clear off after the boy stole some things from a local cosmetics shop. The cops wanted to stop Esposito's vigilante ways, but they couldn't pin anything on him. No one would testify against him and they couldn't get any evidence that would be admissible in court. Esposito was a smart cookie. He knew the laws of

evidence inside and out and knew that the police and courts were bound to those rules. He also took advantage of the fact that the cops were overworked. He knew that an act of vengeance, at the right place and time, would just drop through the cracks at police headquarters while serving a purpose on the streets. If the cops did ever pick him up, he had a crew of local residents who would call and clog the switchboard, bringing things down at headquarters to a halt until he was released. "So what's up?" Killackey asked the detective. "Well, we wanted to warn you that we just arrested Esposito for a traffic violation." Minutes later, the phones looked like a house at Christmastime.

Answer **ONE** of the following two questions

2. Imagine you are abducted by aliens and taken to their remote planet. After the usual round of medical inspections, the aliens tell you that what they really want to know is one thing and one thing only: "What is the basis for law in your country?" "We hear lots of things – many explanations from many people – but we don't know whom to believe." They promise to return you to Earth immediately if you will only give them a clear explanation. What do you say?
3. Imagine that you refused to tell the aliens what the basis for law is in your country. The aliens are dissatisfied, but promise to give you good press in the *Weekly World News* if you answer their next question. They are surprised by the general law-abiding nature of American society. On their planet, people disobey traffic signals, steal, and conduct unwarranted inspections with abandon. What, they want to know, is the secret in your country? Why do people obey the law??