

WIDENER UNIVERSITY SCHOOL OF LAW - HARRISBURG BRANCH
Constitutional Law Final Exam
Professor Power

I. (40%)

The University of Maryland, Baltimore County, is part of the system of higher education operated by the State of Maryland. For the past several years, the University has offered a special program of financial aid and other support to African American students showing special promise in the study of math, science and technology. The program was described in a recent copyrighted story in the *New York Times*. The article states:

In the past 3 years, many of this university's professors, administrators and students have come to recognize the tightly-knit group of 70 academically talented black students known as Meyerhoff Scholars. Almost from their first days in 1989 on this predominantly white campus of 10,000 students, these scholars began exploding racial stereotypes about blacks' ability to excel in the study of science and technology.

“We've had 3 years of experience and many of the presuppositions are gone,” Michael K. Hooker, the university's president, said of the program. “Now, very often the best student in a science or math or engineering class is going to be a black student. That has brought about a whole cultural change among their fellow white students and among the faculty.”

The Meyerhoff program was created in 1988 by Robert Meyerhoff, a white Baltimore philanthropist. His aim was to help a score of academically exceptional black male students who were committed to studying science by giving them extensive financial assistance and academic guidance. Mr. Meyerhoff said he started the program because he had been disturbed by the plight of so many young black American men. In its first year, the program was solely financed by a \$522,000 grant from the Robert and Jane Meyerhoff Foundation.

After the first year, the program expanded to include black female students. It also began drawing national attention and financial contributions from the National Science Foundation, the National Aeronautics and Space Administration, AT&T and Apple Computer.

All Meyerhoff students are given full, 4-year academic scholarships. They also get books, personal computers and software, adult mentors, paid summer internships and field trips.

The students are encouraged to be assertive in seeking advice or tutoring, studying in groups and getting to know the university faculty and staff, program officials said.

Of 71 students who have begun the program, only one has dropped out, changing to a non-science major. The students have a cumulative grade point average of 3.4 out of a possible 4.0, university officials said.

Dr. Hooker said that the program is an important part of the university's life and that senior faculty members and department heads are actively involved.

"It has been extremely gratifying," said Mr. Meyerhoff, a 68-year-old businessman and engineering graduate of MIT who, with his wife Jane, has given the program more than \$1 million. "I have always felt that black students had more disadvantages in the sense of not having the economic advantages that a typical white college student had."

As the program evolved, however, it became apparent to those who ran it that the disadvantages that even the most promising black students face at predominantly white colleges and universities had less to do with economic conditions than with a sense among blacks that there was no place at the universities for them. Today, Meyerhoff Scholars repeatedly talk enthusiastically about how the program helps connect them to the institution.

"We feel a sense that we can do well here," said one student.

Most of the students are from Maryland, but they represent a broad socio-economic cross section. Some are the children of professionals while others come from single-parent households in which mothers struggled to feed and clothe their children.

Among the students are honor society presidents, valedictorians and straight-A students, some of whom are equally comfortable with a football or a microscope or a microphone. Self-possessed and accomplished, they are the brightest of the bright, among the top 2% of black students in the U.S.

"What they have in common is that they are very high-achieving students," said Dr. Freeman A. Hrabowski, a black mathematician who is the university's executive vice president and who helped Mr. Meyerhoff launch the program. "What we see, as we do research on the students, is that the family support has been extraordinarily strong."

Yet for all their ability and promise, the Meyerhoff Scholars need special attention, explained Dr. Hrabowski. It is not uncommon for science and mathematics majors, whether they belong to minorities or not, to change their minds about wanting to pursue such difficult and demanding subjects. Without guidance and support, many of them, despite their outstanding academic backgrounds, are likely to become discouraged and change majors.

Such guidance, said Dr. Hrabowski, is critically important for black students, who are often more isolated than white students and do not have black role models, mentors or fellow students who have traveled the course before them.

Interest in black students pursuing science degrees comes amid rising concern that the nation's leadership in science and technology is slipping at a time when racial and ethnic minorities are projected to become an increasing part of the nation's work force.

Today there is a dearth of minority scientists and mathematicians. The National Science Foundation, which supports the Meyerhoff program with an annual grant of \$200,000, discovered in 1989 that of the 861 doctoral degrees awarded in mathematics, 11 went to blacks.

For Meyerhoff Scholars, the road to the program begins with an extensive search for the most qualified applicants. Typically, Meyerhoff Scholars had grade averages of B+ or higher in high school and combined SAT scores in math and language skills in the mid-1200s; the highest possible combined score on the test is 1600. One Meyerhoff Scholar scored a 780 out of a possible 800 on the math portion.

Many Meyerhoff students said they had turned down full scholarships to more prestigious institutions, like MIT, Stanford and the University of Pennsylvania, to be part of the program.

Charles Hines, III, a lanky 20-year-old who is combining majors in biology with psychology, said becoming a Meyerhoff Scholar is “probably one of the best decisions I’ve made.”

Voicing a common complaint among these students, Mr. Hines said that in high school he had often encouraged hostility from other black students who did not share his enthusiasm for learning. “Here, I have found cooperation,” he said.

Oletha Minto, a sophomore who was raised with seven brothers and sisters in Silver Spring, MD, said nothing in her life prepared her for her first days in the program. But it was not that she found the work difficult. She was simply overwhelmed, she said, by images she had never seen.

“I’ve never seen so many smart black people in one place at one time in my life,” she said, with a knowing grin. “The brain power. I was just in awe.”

What, if any, 14th Amendment issues are raised by the Meyerhoff program. How should they be resolved? Explain fully.

II. (20%)

State and briefly describe the test used by the Supreme Court to evaluate governmental attempts to punish speakers based on the content of their speech. **Please note:** a good answer to this question should be short and to the point. As indicated in the instructions, the 20% reflects the weight this question will receive in grading rather than the time needed to set out a complete answer. If you can answer this question more quickly, you will have additional time for questions I and III.