You have recently been hired as an Assistant Attorney General in the state of Louisiana for Attorney General Jeff Landry. He took office after the 2015 when Louisiana Republicans won except that of Governor, every member of the Congressional delegation except for an African-American district, as well as giant majorities in both chambers of the General Assembly. Even though Governor John Bel Edwards is a Democrat, is a very devout Roman Catholic, and is very socially conservative.

His office is charged with defending laws passed by the State Legislature, counties, cities, and school boards. The office must also defend actions taken by those officials. However, if he reasonably believes that a law is unconstitutional, he has the option of not defending it. A large part of your job is to research laws that have been challenged in court to provide his guidance on this the law is able to be defended. On your first day, he places several files on your desk asking for your analysis in the form of a memorandum.

One of the first laws that he needs to seek to defend is a law regarding abortion. Those opposed to legal abortion are in clear control of the General Assembly, and have an ally in Gov. John Bel Edwards. In a large anti-abortion measure, Edwards signed a law that requires that required that all abortions performed in the state to be done so in an accredited hospital with at least one emergency physician on staff at any given time. Since all public hospitals in the state and municipal prohibit abortions to be performed by law, and all other hospitals in the state are owned by either Baptist or Catholic health care associations, this would mean that no facility in the state would be able to perform abortions in Louisiana. NARAL-Pro-Choice America challenged this law as violating the right to privacy. Landry has asked for your guidance on the issue.

Also on the reproductive front, the Louisiana General Assembly, and Gov. Edwards signed a law restricting the use of the so-called “Plan B” pill. Some have referred to this as the “morning after pill” and as an emergency contraceptive after sex has taken place. (I will leave it up to you to briefly research this). Under the Obama Administration, access to this pill was available over the counter. This Louisiana law requires a doctor prescription certifying that the woman was a victim of rape or incest. The same NARAL group challenges this a violation of the right to privacy and Landry again wants your guidance. (Please do not address any federalism or federal supremacy issues here!).

Also at the state level, social conservatives from the rural and suburban parts of the state seek to impose a statewide decency standard on the entire state. They convince the General Assembly to pass a law that prohibits any establishment from operating that allows nude performers. This would be despite whether alcohol was served or not. A group of business persons in New Orleans that own adult themed businesses (including Hustler Magazine publisher Larry Flynt) that feature nude females performing has challenged this law. One of their primary arguments is that one should look at the standards that have traditionally been employed in New Orleans rather than a statewide standard, which they see as very different. Landry wants to see where you would come down on this issue.

Another thing that the General Assembly does, over the veto of the Governor, is on the issue of gay marriage. Voters in Louisiana, when given the chance to vote on the issue had voted overwhelmingly in favor of marriage or one man and one woman in the state constitution and the General Assembly never seemed to accept the federal law on the issue. Members of the General Assembly decided that marriage certificates issued in the state would have multiple boxes to choice from. Initially, things mainly for most places needed to be spouse 1, spouse 2. However, new forms were issued under the guidance of Landry. All straight couples would fill out forms as they always had. However, those that filled out marriage applications as LGBT couples would have to do so on applications whose header included language that the applicant was the State of Louisiana was only granting these licenses under protest and they felt that same sex unions endorsed LGBT behavior which the Old Testament opposed. There was also another difference in the forms, in that LGBT couples were asked if they had ever tested positive for a list of sexually transmitted diseases on their marriage applications. Straight couples did not have to answer these questions. A gay couple in Shreveport (Caddo Parish) hired the ACLU because they wanted to get married and wanted the same form as straight couples in that they see this as a violation of their right to privacy under the Constitution. Attorney General Landry needs your advice here as well.

In order to determine this, Landry has asked you to prepare a legal memorandum analyzing the constitutionality of each of these issues. He would remind you that you are only to consider cases mentioned so far in the textbook or in online lectures. He would also state that all cases should be cited in proper Bluebook form and any quotations to a case from the book should use the book number after the comma, so you are not required to find it within the case. Landry also wants to remind all of his attorneys that plagiarism is unacceptable, so if you take quotes from some legal website to help describe a case, please cite them.

Landry suggests that this legal memorandum start with a very brief description of the facts before us (summarize them, don’t copy and paste from this assignment!), and then move on to the legal analysis of each issue, using the IRAC (Introduction, Rule, Application, and Conclusion) method discussed before and to be sure to consider all relevant legal tests for each issue. He also wants each attorney to take a position in the conclusion as to why each provision is constitutional after explaining the application of the law that led you to arrive at that position.

Landry would also remind you that the longest answers are not necessarily the best ones, but those that best analyze the issue as succinctly as possible. Landry thinks that it will probably take a person 8-12 double spaced pages to correctly analyze these issues, but that is not a hard and fast page limit. Some students may need more pages, while some may need less.