

Assas

**Session :** Janvier 2018

**Année d'étude :** Première année de Master Droit

**Discipline :** *Anglais juridique master*

(Unité d'Enseignements Complémentaires 1)

**Titulaire(s) du cours :** M. Justin BEPLATE Mme Suhasini VINCENT

**Document(s) autorisé(s) :** **Aucun**

**I. Complete the following sentences using at least 10 extra words. Limit your answers to one complete sentence. (30%)**

1. "Diversity jurisdiction" refers to ...
2. The "case or controversy" requirement ...
3. Unlike civil cases, where the standard of proof ...
4. The goals and objectives of sentencing include ...
5. While probation ...

## II. Read the following case extract and answer the questions below.

The plaintiffs in these proceedings are an association called the Associated Students of the University of California at Riverside (ASUCR) and three individual students residing at the University of California at Riverside (UCR). They sought declaratory and injunctive relief in relation to provisions in the U.S. Code which criminalize the mailing of information concerning abortion (18 U.S.C. § 1461). The plaintiffs argued that this law (i) violated First Amendment protections of free speech, and (ii) was too vague and overbroad to satisfy constitutional requirements of due process.

The dispute arose after one of the plaintiffs, a member of ASUCR, arranged for the purchase and mailing of 1,850 copies of a Birth Control Handbook to women students residing in dormitories at UCR. No complaints were made about the contents of the mailing. However, when a further mailing was organized, the US Post Office discovered the contents of the envelopes and refused to deliver them. Lawyers for the US Postal Service wrote to ASUCR informing them that any further attempt to mail the Handbooks would be turned over to the Justice Department for prosecution under 18 U.S.C. § 1461.

In proceedings brought against the Attorney General and the Riverside Postmaster, the plaintiffs sought (i) a declaration that 18 U.S.C. § 1461 was unconstitutional, and (ii) an injunction compelling the Riverside Postmaster to deliver the Handbook through the usual mail service.

### Questions

1. Which court(s) could have jurisdiction to hear this matter? Your response should consider both subject-matter jurisdiction and personal jurisdiction. **(20%)**
2. One of the plaintiffs' arguments was that the relevant criminal law breached "due process" because it was "vague and overbroad". Discuss the legal principles governing this topic, and what the plaintiffs will need to show in order to succeed on this point. **(20%)**
3. Explain the various principles of justiciability that apply to this case, and discuss what arguments could be made by the parties in response to these justiciability issues. **(30%)**