There are nine questions in the exam. PLEASE ALLOCATE YOUR TIME APPROPRIATELY!

Each of these questions provides four options as to the possible answer; one of the four possible answers must be selected for each question. FOR EACH QUESTION, SELECT THE BEST (I.E., LEAST INCORRECT) ANSWER; RECORD EACH ANSWER WITH THE NUMBER OF THE QUESTION. The maximum raw value of each choice is 10 points. Selection of the best answer on each question will receive 10 points; second-best, 7 points; third-best, 3 points; worst answer, 1 points. If you wish you, may write a brief explanation of your answer, indicating the relevant question for that explanation. If well-crafted, these explanations may allow up to 5 additional points to be added to any response. The maximum raw score to be allocated to each question will be 15 points.

AGAIN, ALLOCATE YOUR TIME APPROPRIATELY!

Good luck!
After law school ended, the Foreign Relations Law/International Relations Beer & Pizza Club members went their separate ways, but they stayed in contact. Betty and Heather both went to work at the Department of State. Betty was lucky enough to take and pass the Foreign Service Exam to become a Foreign Service Officer; she was currently posted to the US Mission in Kabul, Afghanistan. Heather, hired as a lawyer by the Legal Adviser (L), was presently assigned to the Office of the Under Secretary for Political Affairs (P) at the main State building on “C” Street in DC’s Foggy Bottom. Arthur and Geoffrey both landed legislative assistant (LA) jobs in Washington, Geoffrey with Senator Moonbeam, Democrat from California, and Arthur with Senator Foghorn, Republican from Oklahoma. Dahlia and Edgar both got offers to become associates at the venerable New York law firm of Dewey, Screwham, and Howe (DS&H). Finally, Chester took a public service job with Human Rights Guardians (HRG) as a staff attorney.

As luck would have it, the group had had an unplanned Saturday encounter in Washington two weeks ago; they all spent the evening getting reacquainted and talking about their new jobs.

When Heather arrived at P early on Monday, she received an urgent phone call from Betty in Kabul. About two hours ago after dinner, Betty had heard from the Swiss Embassy in Teheran that Iran announced that three American civilians had been detained by border guards about two miles into Iran near the Iraqi border. (In 1981, the United States broke diplomatic relations with Iran, and the Swiss Government assumed representation of U.S. interests in Tehran.) Betty had been informed by the Swiss after they visited the detainees that the Americans had gotten lost while hiking in Iraq in the mountainous region near the Iranian border. Minutes later, Heather got a call from Arthur to let Heather know that Senator Foghorn was calling the Secretary of State to tell her that three of his constituents had been abducted by Iranians while in Iraq; Arthur said that the senator demanded immediate military action against Iraq to rescue his constituents.

**Question 1**

Arthur told Heather that Senator Foghorn was talking to other senators about measures to punish Iran for “these kidnappings” since these actions were “declarations of war” by Iran. The Senator wanted to force the President to declare war on Iran. Taken aback, Heather said:

a) Under the Constitution, Congress is the only branch that can initiate military action.
b) Although Congress can declare war, there are several reasons why Senator Foghorn should withhold action until after he consults with the Executive Branch.
c) Congress has no role in the determination that the United States should go to war.
d) As Commander-in-Chief, the President has sole control over employment of the armed forces.

**Question 2**

Heather then received a call from Geoffrey. According to him, Senator Moonbeam was very upset to hear that Senator Foghorn was trying to start a military conflict. According to Geoffrey, Senator Moonbeam believed that Congress could effectively prohibit the President from starting hostilities with Iran. When Geoffrey mentioned the War Powers Resolution, Heather interjected:

a) The War Powers Resolution has no legal relevance since it is only a resolution.
b) Some in the Executive Branch have questioned the constitutionality of the War Powers Resolution.
c) The War Powers Resolution drastically limits the deployment of US military forces into situations involving “imminent hostilities.”
d) Under the terms of the War Powers Resolution, the President could unilaterally initiate military action to rescue the hikers.
At that moment, another colleague from the next office came in to tell Heather to turn on her office TV to watch CNN. She did so, and caught the news that Hossein Marwa, an Iranian-born naturalized American citizen, had been kidnapped at an academic conference in Ottawa, Canada, during the preceding night. However, Marwa had been freed by alert immigration officials in Frankfurt, Germany, as his captors tried to take him aboard a flight to Teheran. On further interrogation, it was determined that the kidnappers were Iranian special forces officers, attached to the Embassy of the Islamic Republic of Iran in Berlin, who had been directed to bring Marwa, a vocal critic of their government, to justices before an Iranian court.

**Question 3**
Dahlia called Heather shortly thereafter. Marwa had sought assistance from the Frankfurt office of Dahlia’s firm, DS&H. Dahlia was to contact the State Department to initiate to seek some action against the kidnappers; she was to seek their extradition for trial in the US. After a moment's thought, Heather responded:

a) Extradition should be no problem since kidnapping is a crime in both the US and Canada
b) Extradition is not possible since the US has no extradition treaty with Iran
c) Extradition may not be possible since some states in the US still enforce the death penalty.
d) Extradition of these particular Iranians may pose special problems.

**Question 4**
Heather thought that there may be additional questions raised during the Hearing before German court about extradition of the Iranian officers to the US for trial. She pointed out some possible challenges:

a) Iranian representatives could protest the German detention of the Iranian officers.
b) Iranian representatives could argue that the US could not claim jurisdiction based on Marwa’s citizenship.
c) Iranian representatives could argue that, since Marwa must appear when summoned by an Iranian court because of his nationality, his detention by the Iranian officers was lawful.
d) Iranian representatives could argue that there should be no extradition to the US since none of the events took place on US territory.

**Question 5**
Dahlia said that one DS&H associate suggested that Marwa might have a viable claim for damages against Iran and/or the individuals who took part in the abduction and detention. Geoffrey, after remarking that he was beginning to remember some of his class materials, pointed out that:

a) Federal courts could grant jurisdiction and also allow many causes of action to bring damage actions against the Iranian officers,
b) Current federal legislation provides only jurisdiction to determine whether an independent cause of action may exist.
c) Current federal legislation may provide both Jurisdiction and some causes of action against the Iranian officers.
d) Current federal legislation may not provide any independent grounds for relief for Marwa since he has become a naturalized citizen of the US.

While Dahlia was meeting with Heather, she received a call on her cell phone from the lead litigation partner at her firm. He told her to come by his office on her return. When Dahlia arrived, the partner told her that an interesting bit of litigation might be coming their way. The annual United Nation General Assembly meeting was to begin next week in New York. During that meeting, Mahmoud Ahmadinejad, the President of the Islamic Republic of Iran, planned to speak to the General Assembly. According Human Rights Guardians would attempt to serve Ahmadinejad with a wrongful-death complaint for the death of Neda Agha-Soltan, the bystander who was shot and killed on June 20, 2009, during an election demonstration in Teheran. A relative of Agha-Soltan had contacted
HRG asking for assistance, and a lawyer with the group suggested the wrongful-death action under the federal Alien Tort Statute. The Permanent Representative of Iran at the UN had contacted DS&H seeking their assistance in opposing the Agha-Soltan action. The senior partners agreed to offer advice, and Dahlia was to assist Edgar in the process.

**Question 6**

Dahlia telephoned the offices of HRG in New York, requesting information about the rumors of an Agha-Soltan complaint. After a brief delay, she heard a familiar voice on the line. After a few pleasantries, her classmate Chester responded to her inquiries, noting that Ahmadinejad had publicly praised the forceful police response to the post-electoral demonstrations. Dahlia listened for a few minutes, and then she said:

a) Ahmadinejad’s statements do not demonstrate his responsibility for Neda’s death.
b) Ahmadinejad is protected by sovereign immunity from any liability that may be attributed to the Iranian police for their law enforcement activity.
c) Since he is the head of the Iranian government, US courts will not exercise jurisdiction over Ahmadinejad.
d) As a participant in the UN General Assembly, Ahmadinejad receives full protection from any civil or criminal arrest, detention, or any other judicial or enforcement procedure.

**Question 7**

Chester replied to Dahlia’s comments by stating that supporters of HRG were planning a number of demonstrations in response to Ahmadinejad’s presence in New York. One group had talked of attempting a symbolic service of process on Ahmadinejad. But Chester said that the group was clear that actual service could only occur:

a) by a personal delivery of a note from the US president to the president of Iran
b) by the means specifically identified in the Foreign Sovereign Immunities Act
c) on the personal delivery of a complaint from the secretary of state to the foreign minister of Iran
d) by deliver of the complaint through normal diplomatic channels

Edgar sat down at the conference table in Dahlia’s office as she finished her conversation with Chester. When she had completed the call, Edgar told her about a news report that had just been released. According to CNN, President Omar al-Bashir of Sudan planned to appear at the General Assembly session in New York. Even though he was under indictment by the International Criminal Court for his complicity in violence in Darfur that US officials have characterized as genocide, al-Bashir knew that a number of African states opposed the indictment as antithetical to the settlement of the situation in Darfur. President Muammar Gaddafi of Libya arranged a nonstop flight from Khartoum to New York to avoid refueling in any country that was a party to the International Criminal Court.

**Question 8**

Edgar had heard that the New York City Council had passed an ordinance that prohibited any city employee from knowingly providing any police, security or emergency services to any person indicted by an international criminal tribunal. Edgar indicated that the City Council wanted to make the city as inhospitable as possible. Dahlia replied:

a) The City has a perfect right to direct its employees in any manner it chooses.
b) The city ordinance is an interference with the federal government’s exercise of its foreign relations powers and a federal court will preempt its execution.
c) The City has no right to interfere with the UN’s Headquarters Treaty right to invite guests to address the General Assembly.
d) If the City ordinance is generally consistent with federal policy toward Sudan, there is no conflict between local and federal law.
Edgar suggested that they call Heather to find out about State Department policy on al-Bashir’s visit. Heather said members of the Congress were suggesting resolutions condemning al-Bashir. She also revealed that the question of al-Bashir was still under discussion at the State Department. On one hand, some of the ranking officials believed that serious pressure had to be brought to bear against al-Bashir and that his visit was unwelcome. Other officials, skeptical of the International Criminal Court, did not want to validate its actions by excluding al-Bashir from participation in the General Assembly. Heather said that she had thought of one possibility:

a) informing Sudan’s UN permanent representative that the Congress was hostile to al-Bashir’s visit, and they played a critical role in foreign policy decisions.
b) informing Sudan’s UN permanent representative that al-Bashir was unwelcome in the United States and that the President was unwilling to meet with him under any circumstances.
c) informing Sudan’s UN permanent representative that President al-Bashir’s late announcement of his attendance at the General Assembly had not allowed sufficient time for issuing the necessary visas and clearances his party; consequently most of his staff could not be granted visas.
d) informing Sudan’s UN permanent representative that, although the Congress was restive, the President was the sole US voice in foreign policy and his policy would prevail.