

Question I (NOCALL) (50 points)

nature of speech - regulation of both commercial and political speech------(3) _____
as to political, content-based regulation-not viewpt; strict scrutiny, but not a flat ban---(4) _____
application of test; compelling ends, narrow (like posting a home against solicitors, no impact on
willing audience), are there less restrictive alternative means------(10) _____
is it like mail where can throw away-self help remedy of just hanging up?------(4) _____
is statute substantially overbroad------(4) _____
as to political speech, is it a reasonable time, place, manner reg or is it based on content(6) _____
as to commercial speech-Central Hudson test (level playing field) or higher------(4) _____
test and application of test - not false or misleading speech, imp int? (annoyance, privacy in
home, protection of captive audience), directly advances int----- (6) _____
narrowly tailored-call,give info,stop if asked;no impact on willing aud;limit on recalls--(6) _____
dif treatmt of pol & comm'l as to rt to call back, any dif between 2 to justify(news racks)(6) _____
Harold Moore-no impact on people who wish to get calls, no rt to force others to listen-(4) _____
miscellaneous _____(3) _____

Question II (City Hall Tile Painting Project) (70 points)

prior restraint scheme-Tile Review Committee------(1) _____
not standardless, but are standards too vague & leave too much discretion to TR Comm(3) _____
vague-meaning of controversial, offensive or references to the shootings?------(3) _____
fully protected artistic expression-even though no words, can still be protected exp------(3) _____
symbolic exp-words and numbers not allowed; excluded tiles contain messages------(3) _____
Spence test-intent to communicate? & likely to be understood? as applied to tiles------(4) _____
O'Brien test-sub'l int, no purpose to suppress, narrowly tailored-applied to tiles------(5) _____
if purpose to suppress particular messages or if content-based-apply strict scrutiny------(4) _____
tiles-pub forum-trad'l?, Kennedy- phys char, open to public, compatibility?------(3) _____
limited designated forum-purpose, practice, compatibility, nature of property------(5) _____
selected access is not enough - access by hundreds not just a few------(2) _____
no automatic rt of access; access unless violate one of excluded categories; presumption(2) _____
nonforum-to decorate building and give it new appearance-government's own benefit not to
advance expression of citizenry, access to walls like bus adv'g spaces not open spaces---(5) _____
if nonforum, restrictions must not be viewpoint based or unreasonable------(4) _____
government speech or Forbes immunity so forum doctrine doesn't apply------(3) _____
if limited pub forum; limits acceptable?, reas TPM or based on content-strict scrutiny---(3) _____
Specific excluded categories-only gov't paint, no numbers or words------(3) _____
controversial-based on viewpt or subj matter-strict scrutiny-comp int, least restrictive alt(4) _____
not obscene or offensive - nude figures, raised finger------(3) _____
references to the shooting-based on content, strict scrutiny------(2) _____
overbroad------(2) _____
miscellaneous _____(3) _____