

Question I (funeral protests) (50 points)

nature of speech-fully protected pol sp, one case of fighting words, but reg not limited to FW--(3)____
place of speech - public forum - public sidewalks and parks - traditional public forum------(3)____
time, place, manner restriction (TPM)------(1)____
content neutral?-all protests, but motive & antifuneral speech is a protest and profuneral isn't--(5)____
substantial ints?-privacy, not in home; upset, violence, but no evid (incident - f.w. no violence)(5)____
narrowly tailored? is 200 ft narrow or too broad? Includes hour before and after, all protests---(5)____
ample alts-beyond 200 feet, other times & places, is form of protest uniquely effective?------(5)____
O'Brien-sub'l int, narrow, motive to suppress expression? to stop protests that upset family----(6)____
if content based - strict scrutiny, compelling interest, narrowly tailored, less restrictive alts----(4)____
overbroad-bans all peaceful, silent protests near funerals even if unrelated to the funeral------(5)____
vague - no def of "other protest activities"-does it include clothing/ buttons, for ex.?------(4)____
narrow construction of statute to avoid overbreadth and vagueness------(1)____
miscellaneous_____ (3)_____

Question II (human images on targets) (50 points)

nature of speech-pol message- full protection, pictures on target & words on back, artistic sp--(4)____
symbolic speech-Spence test-intent to communicate, likely to be understood-applied to targets(5)____
O'Brien test - substantial int, narrowly tailored , unrelated to desire to suppress expression?---(6)____
TPM reg (manner-human images on targets) - sub int, narrow, alt avenues------(6)____
Is ban content neutral-law enforcement exception, aimed at secondary effects or primary?------(4)____
if content based - strict scrutiny - compelling ends, narrow means, no less restrictive alts------(4)____
targets are not unprotected speech - e.g., not incitement to imminent lawless action, not FW----(4)____
obscenity as to XXX marks the spot - but ban on all targets so not regulating obscenity------(3)____
as applied to XXX-Miller test-appeal to prurience? lewd exhibition?, serious value? state law?(4)____
overbroad - all human images, not just those that are anatomically correct------(3)____
vagueness- need to be realistic? life size? correctly proportioned? what if cartoon figures?------(4)____
miscellaneous_____ (3)_____

Question III (public library Material Distribution Table(MDT)) (50 points)

Nature of Speech-commercial speech(CS)? Promotional flyer, but also has info re resumes, etc(3)____
If CS-can it be treated as lesser value in this circumstance or is this like newsrack case------(3)____
Is MDT a public forum-designated, limited or nonforum, but not trad'l or Kennedy analysis----(3)____
Policy and practice-does gov't intend to create a designated forum for expression------(4)____
govt and non-profit - selective access- does it create forum?, forum only for sp of that type?----(5)____
limited forum-does AA fit w/in limits, if not, is limit reasonable given nature of forum, TPM--(6)____
nonpub forum-not just for govt sp, but reasonable, based on subj & speaker identity not viewpt(5)____
public forum immunity-inherently content based, Forbes and ALA - public library case------(5)____
prior restraint on speech since need permission to distribute on table------(1)____
are standards adequate or is discretion too broad------(4)____
are procedural protections adequate under Freedman------(5)____
any need to satisfy Freedman?-didn't need to in Thomas (park permit) if not based on content-(3)____
miscellaneous_____ (3)_____