

Question I (Honk for Peace) (50 points)

- Political speech - signs held by members of HOPE------(2)\_\_\_\_\_
- Symbolic speech - honking of horns as expression under FA - apply Spence test------(5)\_\_\_\_\_
- O'Brien test applied to facts------(5)\_\_\_\_\_
- traditional public forum - sidewalks where members of HOPE gather for Vigil------(2)\_\_\_\_\_
- public forum? - street where drivers are when they honk------(4)\_\_\_\_\_
- time place manner-honk law/br peace/content-based/neutral/sec'y effects, safety, narrow(5)\_\_\_\_\_
- strict scrutiny-if content-based-apply to facts-gov int, narrow, alts------(5)\_\_\_\_\_
- Incitement-unprotected speech-HOPE members incite imminent lawlessness of honking(2)\_\_\_\_\_
- Brandenburg - direct advocacy of imminent lawless action/likely to cause- is honking lawless action under Brandenburg? - not violent but illegal-seriousness of evil------(5)\_\_\_\_\_
- overbreadth - is breach of peace statute too broad?/honking statute?------(5)\_\_\_\_\_
- sufficient evidence of br of peace? peaceful demonstration, occasional horns (Cantwell) (2)\_\_\_\_\_
- vagueness-statutes unconstitutionally vague? loud, offensive conduct, unreasonable act(5)\_\_\_\_\_
- Miscellaneous \_\_\_\_\_(3)\_\_\_\_\_

Question II (Inaugural Celebration Mural) (50 points)

- nature of expression-artistic speech/political speech------(3)\_\_\_\_\_
- lawn mural- trad'l/designated/limited public forum - purpose/practice/selective access---(5)\_\_\_\_\_
- lawn mural a nonpublic forum (or govt's own speech produced by artist hired by gov't)-(5)\_\_\_\_\_
- prior restraint scheme - must submit a design and be selected to be part of mural------(2)\_\_\_\_\_
- standards-vague, too much discretion - "spirit of inauguration", procedural safegds------(5)\_\_\_\_\_
- selection scheme - immune under Forbes-must be able to select based on content/viewpt(4)\_\_\_\_\_
- unconst'l viewpoint discrim or content-based and subject to strict scrutiny review/apply-(4)\_\_\_\_\_
- website display - forum?-whose speech is it-gov't (city website)or private speech?----- (5)\_\_\_\_\_
- submissions removed from website - like internet filtering or book removal------(4)\_\_\_\_\_
- submissions removed - standardless/content or viewpoint based decisionmaking------(4)\_\_\_\_\_
- reasons for removals - obscene, offensive; complaints-heckler's veto - added disclaimer(6)\_\_\_\_\_
- Miscellaneous \_\_\_\_\_(3)\_\_\_\_\_

Question III (Guns on Sale Sign) (50 points)

- Nature of speech - JJ argues commercial speech/RR argues political speech, which is it?(6)\_\_\_\_\_
- Inextricably intertwined? -Mixture - political content but also trying to sell guns------(3)\_\_\_\_\_
- If political speech, what kind of reg? based on content of ad; objects to ad because false-(4)\_\_\_\_\_
- content based statute- strict scrutiny/purpose; narrowly tailored?, least restrictive alt------(5)\_\_\_\_\_
- false political speech is protected unless libelous and published with reckless disregard--(4)\_\_\_\_\_
- is speech libelous?-victim of libel is Obama not JJ; public official; reckless disregard----(4)\_\_\_\_\_
- is this political hyperbole and not a "statement of fact"------(4)\_\_\_\_\_
- is T-in-A stat overbroad? vague? narrowing construction so doesn't apply to store sign?-(4)\_\_\_\_\_
- if commercial speech - can be regulated if T-in-A statute satisfies Central Hudson test---(2)\_\_\_\_\_
- important purpose, directly advances purpose, narrowly tailored - apply to statute------(5)\_\_\_\_\_
- statute applies to untrue/misleading ads so applies to unprotected comm'l speech------(4)\_\_\_\_\_
- content of ad that relates to products sold (guns) is true------(2)\_\_\_\_\_
- Miscellaneous \_\_\_\_\_(3)\_\_\_\_\_