

Question I (War Memorial Garden) (50 points)

Trad'l Public Forum-War Memorial Garden in park, but special area of park, monument(3)____
Kennedy ISKCON PF analysis apply-physical characteristics, open to public, compatible(3)____
Designated/Limited PF-purpose/practice-families honor dead-communicative activity?--(3)____
Nonpublic Forum-not a forum, but a war memorial, only selective access allowed------(3)____
Non-PF standard-guidelines reasonable in light of forum purpose, not based on viewpoint?-(3)____
Does Public Forum doctrine apply? Government speech or immunity under Forbes?------(3)____
Prior Restraint-degree of discretion in standards, content-based, Freedman procedures?--(5)____
Vagueness-are terms dignified & respectful too vague, subjective?------(3)____
Type of Speech - fully protected political speech vs. commercial speech------(4)____
Content & Viewpt Based vs. Content Neutral-dignified, respectful, non-pol, non-comm'l(4)____
Time, Place, Manner reg-content neutral, sub'l int, narrowly tailored, ample alts - apply-(5)____
Strict Scrutiny-compelling interest, narrowly tailored, least restrictive alt-applied to facts(3)____
If commercial speech does Central Hudson apply?, but not regulated as comm'l sp------(3)____
Preference for noncommercial speech - is it justified, unlike in Discovery Network?------(2)____
Miscellaneous _____(3)____

Question II (Barbara Backer vs. Willy Wilton) (50 points)

Fighting Words-def-face to face, insult, resort to violence; and applied to CC's speech---(6)____
Threat-serious expression of intent to commit violence, apply to CC's speech & conduct(6)____
Intimidation-def- threat w/intent to place victim in fear of harm/death, apply to CC------(5)____
Raised fists - symbolic speech? - equivalent to threat, call to violence?------(4)____
Brandenburg Test-advocacy imminent lawless action/likely to cause action-apply to CC-(6)____
Feiner Incitement - inflammatory speech, in circumstances where could cause riot------(3)____
Indecent Speech-foul language-jackass, bitch-low value, but public place, not airwaves--(3)____
Traditional pub forum-speech occurred on sidewalk where CC had rt to be, but did DD?(4)____
CC justified by DD's conduct in front of house?-captive aud; privacy, focused picketing(4)____
Political Hyperbole - as in Watts - exaggerated expression of political position------(3)____
DD's speech in response - is it unprotected, could it result in criminal liability?------(3)____
Miscellaneous _____(3)____

Question III (pedestrian mall anti-solicitation ordinance) (50 points)

Traditional PF-streets even if mall (content-based apply strict scrut or, if not, reas. TPM)(3)____
Kennedy ISKCON PF analysis apply-physical characteristics, open to public, compatible(4)____
Nonpublic or Limited Forum-pedestrian mall not just a reg street-dedicated to other uses(4)____
Regulations reasonable in light of purpose of property & not based on viewpoint------(3)____
Content-based-depends on if solicits donations-content of flyer controls------(3)____
not content based-manner/form of speech not subject -no purpose to suppress message---(3)____
Viewpoint based - different treatment of 2 candidates for city council------(3)____
Reasonable TPM - content neutral, sub'l ints, narrowly tailored, ample alts-apply to facts(5)____
is solicitation a unique means of communication so that alternatives are not sufficient?---(3)____
Strict Scrutiny (comp'g int, narrowly tailored, least restrictive alts) applied to facts------(4)____
Overbreadth-sub'l OB, legit applications vs illegit apps of ordinance, but only as applied(5)____
illegitimate applications? Those beyond immediate monetary donations?------(3)____
Type of Speech-solicitation delivers info so fully protected sp or could it be comm'l sp?(4)____
Miscellaneous _____(3)____