

1st Amendmt Rts Sp 2012 Harpaz Exam No _____ Raw Score ____ Grade ____

Q I (Occupy Springdale - writing on sidewalk) (40 points)

- Political speech - fully protected expression, no unprotected category------(3) _____
- TPM-facial challenge to no writing, test-content neutral, sign gov int, narrow, alts(3) _____
- TPM test applied by AA and by City------(6) _____
- Public Forum AA argues – parks and streets are trad’l pf------(3) _____
- Kennedy Forum – like parks/sts, open to public, compatible w/expression------(3) _____
- Nonpub Forum-city arg-sts not sidewalk writing-like Vincent signs, reas not vwpt(4) _____
- Content/viewpt based-as applied - AA argues city allowed other chalk drawings--(3) _____
- City distinguishes other chalk uses-during Designated PFs-temporary/have ended(3) _____
- Strict scrutiny (if vwpt)-apply test to facts for AA and City, comp’g int, alts------(5) _____
- Govt sp-chalk for city sp-got others to promote city-like donated monuments------(2) _____
- AA-not govt sp-sp of businesses, Rotary Club-not given to city or paid for by city(2) _____
- Miscellaneous _____ (3) _____

Question II (flyers in residential neighborhood) (40 points)

- Brandenburg test-adv of imm lawless action/likely to produce------(2) _____
- Test applied-not advocacy of killing kids; expressing support for crimes of others(4) _____
- True threat-DA-break neck-serious expressn of intent to commit violence to indiv(4) _____
- True threat-CC - not serious; hyperbole, kept walking away after made statement(4) _____
- Fighting Words-up yours-apply test-face to face, personal insult, cause violence--(6) _____
- Feiner incitement?CC argues no inciting sp; no evidence situ will to become riot-(4) _____
- Feiner incitemt-D.A.-inflammatory sp, threats made ag speaker; crowd gathering(4) _____
- Profanity-lower level? unprotected if not combined w/pol message?------(3) _____
- New unprotected category-violence ag children, but no history, Stevens, Brown-(2) _____
- Comments to police-free country(true fact);get the hell away-protected sp or not?(4) _____
- Miscellaneous _____ (3) _____

Question III (digital billboards) (40 points)

- comm’l speech vs. fully protected speech-can govt treat comm’l sp differently?(2) _____
- comm’l sp is less protected, but traffic safety just as affected by noncomm’l ads(4) _____
- Strict Scrutiny-content discrimination-comp’g int, less restrictive alts------(3) _____
- Central Hudson-not false, direct, material advance, signif int, narrow(nonsp alts)(4) _____
- BB argues law fails test------(4) _____
- City argues law satisfies test------(4) _____
- TPM-content neutral? comm’l vs. noncomm’l sp but based on secondary effects(4) _____
- narrowly tailored, significant government int------(4) _____
- ample alternatives - conventional billboards, etc., but are digital billbds unique?(4) _____
- Vague or Overbroad-terms (changing?), even if rarely change, not too bright-----(4) _____
- Miscellaneous------(3) _____