

Question I (Harassment) (50 points)

Section 240 as applied-CC argues fully protected speech-religious and/or political speech(3) _____
not unprotected - not fighting wds, incitement, threats or intimidation-no threatening wds(5) _____
DA argues speech unprotected-true threat or intimidation-Va. v. Black-mailed to specific person;
CC admits intended to cause alarm; reasonable person and BB alarmed for valid reason--(5) _____
Section 240 facial challenge-overbroad-punishes protected annoying speech------(5) _____
vague-no definitions for annoying and alarming - subjective -punish for offensive ideas--(5) _____
not facially invalid-only unwelcome speech directed at individual; manner not message--(3) _____
content-based reg of speech-strict scrutiny-least restrictive alternative------(5) _____
Protective order-prior restraint-ct order is overbroad-all communications to BB banned--(4) _____
Order based on past conduct in indictmt-not convicted-insufficient justif, can throw away(4) _____
Protective order ok-no rt to reach unwilling audience in home, only bans sp to BB------(4) _____
ct. order like injunction but not based on speech only on speaker identity; no harm to 1st A.
values since speech not directed at public only private communication to one person------(4) _____
Miscellaneous _____ (3) _____

Question II (CHEER Parade) (50 points)

protected expression-nature of speech-fully protected?,symbolic?,commercial?------(3) _____
parade- designated p.f.-intended as oppy for public expression about Havenwood(HW)(4) _____
HHC and TT come within subject limits of limited pub forum-message about HW------(3) _____
if p.f.-not a reas TPM-based on content of excluded floats; viewpt of floats------(3) _____
content-based-strict scrutiny-gov't int-boost morale-least restrictive alt------(4) _____
a nonpublic forum-not designated forum-for morale not speech opportunity------(3) _____
if nonpublic forum-viewpt discrim-no negative view of Havenwood------(3) _____
trad'l public forum-public street, but not on parade day like state fair------(3) _____
nonforum-reasonable in light of purpose, not viewpt-just HW's pluses; not pt of view-(3) _____
if limited p.f.- reasonable limits-boost morale-not criticize/advertise-TT/HHC not w/in(3) _____
is it gov't speech or speech by public-gov't message but invited public participation---(4) _____
Forbes immunity-inherently content-based choice-like library books, but no scarcity---(3) _____
commercial sp?Central Hudson test-can HW treat comm'l & non-comm'l differently--(4) _____
prior restraint scheme, standardless or adequate standards and procedural protections?(4) _____
Miscellaneous _____ (3) _____

Question III (Exotic Dancing) (50 points)

Expressive conduct protected by 1st A-intended to communicate-likely to be understood(6) _____
O'Brien test-sub'l int; unrelated to intent to suppress expression, narrowly tailored-apply(8) _____
vague-definitions in statute make unclear scope of zoning law------(4) _____
overbroad-beyond nudity to bar most social dancing-need not be for compensation------(5) _____
sexually explicit non obscene speech regulated because of its secondary effects-Renton--(4) _____
reasonable TPM?- substantial int? narrowly tailored? leaves open ample alternatives?----(7) _____
sexually explicit nonobscene low value sp vs. fully protected-no nudity; content-based---(4) _____
strict scrutiny-compelling int-evidence causes crime?; least restrictive alternative?------(5) _____
evidentiary issues-can use nearby town study;but 1 incident of crime/exotic dancing link(4) _____
Miscellaneous _____ (3) _____