

Question I (Holocaust Memorial (HM)) (70 points)

- Trad'l Public Forum (PF) - HDS - grassy area in park; Town - fenced off memorial----- (4) _____
- Designated PF-policy/practice, no org rejected; Limited PF-is HDS w/in or w/out limits?(3) _____
- Nonpublic Forum-Town-selective access not enough, policy-express gov't message----- (3) _____
- If Non PF or Limited PF-restrictions reasonable/not viewpt?-disruption, protect property(3) _____
- Kennedy forum-phys characteristics?-park vs. memorial, open to public, compatible?---- (4) _____
- Forbes Immunity-Town-memorial choice inherently content; HDS-not to erect memorial(3) _____
- Gov Sp-Town-like Summum monument/OJS speak for gov; HDS-not monument-grass--(4) _____
- If PF-HDS - content-based reg/viewpt based criteria; Town-argues content neutral----- (3) _____
- Strict scrutiny - apply test to facts both for HDS and for Town----- (4) _____
- TPM-PR reg-apply test-imp, narrow, alts-under 50; elsewhere in park, but HM unique--- (4) _____
- Prior Restraint - HDS - permit grounds 2 & 3 based on content - unbridled discretion----- (3) _____
- PR-gov't-complies w/Freedman, not content based, nec'y to protect park/visitors----- (3) _____
- Vagueness - HDS - words of reg - inappropriate, disruptive, incompatible - subjective---- (3) _____
- Vagueness - Town - 2 events, can't protect, disruptive, or incompatible- obj meaning---- (3) _____
- Overbreadth-on face-sub'l OB-do impermissible applications dwarf permissible ones?--- (4) _____
- As applied-past speech-protected pol sp? Or FW or Feiner or Brandenburg Incitement--- (6) _____
- True Threat/Intimidation-serious express'n of intent to harm, put in fear or pol hyperbole(3) _____
- Symbolic Speech-uniform/swastika; Spence-intent; understood, O'Brien test applied---- (4) _____
- Viewpt discrim?-HDS-file 1st, violence? not 2009; incompatible/disruptive bec views?-(3) _____
- Miscellaneous _____ (3) _____

Question II (obscene and indecent lawn signs) (70 points)

- Speech - facial-GG-indecenty not unprotected-can express pol message-emotive-Cohen-(4) _____
- Speech-City-obscenity unprotected-indecent sp-lower level-reg of manner not message--(4) _____
- As applied-mooning sign-not obscene, symbolic sp - Spence, symb pol sp-O'Brien test--(6) _____
- Other signs-anti-censorship message-Pacifica-advocates property rts in home-imp sp---- (3) _____
- Place- lawn of private residence - particularly suited for speech of homeowner - Ladue--(3) _____
- Content-based vs. content neutral-manner not message, but aimed at primary effects----- (4) _____
- TPM - City-like Renton - content neutral, imp ints, narrow like Vincent, ample alts----- (4) _____
- TPM - GG-size, area ok, but content, not place restraint, total medium ban on indecent signs- barred from residential areas, not narrow, no ample alt- unique medium & not bdcast---- (5) _____
- Strict Scrutiny (if content)-GG-alts-can't reduce adults to sp suitable for kids-not bdcast(5) _____
- Strict Scrutiny-City-comp'g-protect kids, captives, pervasive, like bdcast-no effective alt(5) _____
- Vagueness - GG-which words satisfy definition of indecenty? Words referring to sexual or excretory activities-all or only some? Which ones? Slang, offensive? Any obj standard?-(4) _____
- Vagueness - City - not vague; def adequate in Pacifica - same here - manner not message(4) _____
- Overbreadth-GG-broad def, words barred no matter how used, even if for pol pt-Cohen-(4) _____
- Overbreadth-City-not substantially OB, def like Pacifica, uses barred for comp'g ends---(4) _____
- PR-GG-Sec 3-exception-vague, unbridled discretion, content, not obj, procedural flaws-(4) _____
- PR-City-obj factors-ok w/neighbors; no alt way to express-interferes w/message----- (4) _____
- Miscellaneous _____ (3) _____