

Question I (Kiwanis Club Thanksgiving Celebration) (40 points)

- Prior Restraint** (PR) - permit scheme -----(1) _____
- standardless? no discretion to reject application, 1st come, 1st serve, but decide time-----(3) _____
- is PR narrowly tailored means to sub'l gov't int or reg too much speech as in Stratton----(3) _____
- Public Forum** - argue property is a public street and a traditional public forum----- (3) _____
- argue 2 block area a nonforum to anyone but Kiwanis during Thanksgiving Celebration--(3) _____
- If nonforum as to others then reasonable and not based on viewpoint----- (3) _____
- TPM** -if forum, is restriction to designated area a reasonable time, place and manner reg-(1) _____
- content neutral, leave open ample alts, narrowly tailored, sub'l interest----- (6) _____
- is means unique- (Ladue) - roving the area rather than from a fixed location----- (3) _____
- Nature of speech** -pol. sp, disorderly conduct, crowd reaction laughter- Cantwell, Feiner(5) _____
- Strict Scrutiny**-motive to silence Chester, apply test to facts----- (3) _____
- Overbreadth**-facial challenge-didn't apply for permit; also **Vagueness** if need permit----(3) _____
- Miscellaneous** _____ (3) _____

Question II (Public Display of Lions and Tigers) (50 points)

- Designated Public Forum** (DPF) -is art exhibit a designated public forum----- (1) _____
- DPF criteria applied -policy & practice, nature of forum and compatibility w/ expression(5) _____
- If a DPF, it's a limited DPF-Are limits acceptable? Reasonable? Vague? Standardless?--(4) _____
- Nonforum** (NF)-to increase tourism-argue a NF to everyone or if violate guidelines----- (4) _____
- if NF - are exclusions reasonable and not based on viewpoint----- (4) _____
- Viewpoint Discrimination**-view cereal is bad for you would be allowed (like smoking)-(4) _____
- Content Discrim - Strict Scrutiny** (SS)- if DPF, exclusions based on content - apply SS(4) _____
- Immunity** from PDF analysis (Forbes, ALA)-subjective, content-based selection process(4) _____
- Nature of speech**-commercial or pol speech- criteria-eco motive, product name, ad----- (4) _____
- if protected **Political Speech**-issue reverts back to nature of forum & why sp excluded--(2) _____
- Symbolic Expression** with political message - apply Spence and O'Brien tests----- (3) _____
- if **Commercial Speech**, analyze under **Central Hudson** 4 prong test----- (5) _____
- But Discovery Network- must treat equally-review SAC reasons for exclusion of com sp(3) _____
- Miscellaneous** _____ (3) _____

Question III (Terrorist Tiger and Lustful Lion) (30 points)

- a) **Terrorist Tiger**-protected **pol sp** because it relates to terrorism and suicide bombers---(2) _____
- Political Hyperbole**-Watts-painted explosives-reasonable person wld not take seriously-(3) _____
- True Threat**-def-speaker means to communicate serious expression of an intent to commit an act of unlawful violence to a particular individual or group or individuals----- (3) _____
- Definition applied to facts-is it serious, is it communicated to particular people----- (3) _____
- No intent to carry out threat-but no need to have such intent under def. of true threat----- (2) _____
- Is it **Intimidation**-def-true threat w/intent to place victim in fear of bodily harm----- (2) _____
- Def. applied to facts-need actual evidence of intent to intimidate-any on facts?----- (4) _____
- b) **Lustful Lion** - is lion protected by 1st A - is it **Obscene** under 3 **Miller** criteria-test----(3) _____
- apply Miller test-Prurient interest? Defined in statute? Comical? Serious Artistic Value?-(5) _____
- Miscellaneous** _____ (3) _____