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Part Two (23 of 50 total points): As a Supreme Court Justice, write an opinion about ONE of the following two cases. If you write more than one, only the first will be graded.

00-1: SNAC v. PM. Pall Mall, the fourteenth largest enclosed mall in America, is the only concentration of shops and eateries in the Springfield area and is "the" hangout for local youth. One Saturday afternoon, five Springfield High students, members of the Student Nutritional Advancement Club, assemble at PM's food court and begin peaceably to pass out leaflets. The leaflet contains information about the dangers of junk food, especially to youth, and urges a boycott of the food court until PM opens a juice bar/pickleburger stand. Almost immediately PM security offers show up, escort the SNAC Five from the mall and threaten them with arrest should they return and leaflet again. SNAC files suit in federal district court, claiming that they have a right under the First Amendment to pass out leaflets at the Mall. The district court, and the circuit court upon appeal, refuse relief. The case is now pending before the U.S. Supreme Court.

00-2: STA v. Quimby. The Springfield Transit Association, a governmental body, runs the only bus line serving Springfield. It routinely sells advertising space inside and outside its buses for commercial and public service ads. But it has a rule prohibiting any "political" or "public issue" advertising. Quimby, a candidate for mayor of Springfield, attempts to buy advertising space to promote his campaign. When the STA refuses his request, he sues, arguing that he had a right under the First Amendment to advertise on the public buses. The district court, and the circuit court upon appeal, refuse relief. The case is now pending before the U.S. Supreme Court.

8. Brief the case of Near v. Minnesota.

9. Brief the case of Texas v. Johnson.

10. Brief the case of Renton v. Playtime Theatres.

5. Identify the author, case and date of the following quotation:

[W]e hold that there are legitimate state interests at stake in stemming the tide of commercialized obscenity, even assuming it is feasible to enforce effective safeguards against exposure to juveniles and to the passerby. [These] include the interest of the public in the quality of life and the total community environment, the tone of commerce in the great city centers, and, possibly, the public safety itself.

6. Identify the author, case and date of the following quotation:

Every idea is an incitement.

7. Brief the case of Cohen v. California.

Part One (27 of 50 total points; 3 points each): Briefly answer NINE of the following TEN questions. If you answer all ten, only the first nine will be graded.

1. What does the Miller rule add to the previous definition of "obscenity," in an attempt to make the law less vague?

2. Given the Court's previous precedents, what does the word "imminent" in the Brandenburg rule likely mean?

3. Briefly explain why free speech is valuable, in the view of the people who value democratic deliberations.

4. What are Justice Frankfurter's two basic arguments in freedom of speech cases, as judged from his opinions in Barnette and Dennis?