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Part Two (22 of 40 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.

99-1: ACLU v. Reno. On October 21, 1998, President Clinton signed into law the "Child Online Protection Act," which made it a crime to "make any communication" on the World Wide Web "for commercial purposes," if the communication "is available to any minor and . . . includes any material that is harmful to minors." Internet publishers who check for age (for example, by requiring a credit card number before allowing access) are exempt from the statute. All others may be punished by fines of up to \$50,000 and six months imprisonment per violation. The ACLU and others have filed suit claiming COPA is unconstitutional under the first amendment; the case is now before the Supreme Court.

99-2: Jones v. Springfield: Springfield has been beset by a series of bombings targeted at the homes of federal employees. Jones, a well-known local "militia" leader, puts up a webpage praising the attempts but deriding the primitive bomb-making techniques of the perpetrator(s). He includes on the page a method for making a highly efficient explosive from ordinary household materials. He is charged with violating the Springfield Antiterrorism Act, which makes it a crime to "publish electronically information regarding how to make an explosive device if one knows that it will be used in a civil disorder." He claims that the Act is unconstitutional because it violates his first amendment rights; the case is now pending before the Supreme Court.

8. Brief the case of Tinker v. Des Moines.

9. Brief the case of Erznoznik v. City of Jacksonville.

10. Brief the case of Virginia State Board of Pharmacy v. Virginia Citizens Consumer Council.

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

Fear of serious injury cannot alone justify suppression of free speech and assembly. Men feared witches and burnt women. It is the function of speech to free men from the bondage of irrational fears.

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

[The] people as a whole retain their interest in free speech by radio and their collective right to have the medium function consistently with the ends and purposes of the First Amendment. It is the right of the viewers and listeners, not the right of the broadcasters, which is paramount. [It] is the purpose of the First Amendment to preserve an uninhibited marketplace of ideas in which truth will ultimately prevail, rather than to countenance monopolization of that market, whether it be by the Government itself or a private licensee.

7. Brief the case of Cohen v. California.

C30-1: Freedom of Speech, 1999

NAME: \_\_\_\_\_

Part One (18 of 40 total points; 2 points each): Briefly answer NINE of the following TEN questions. If you answer all ten, only the first nine will be graded.

1. Define "prior restraint."

2. Define "obscenity."

3. Briefly explain why a vague law is unconstitutional.

4. What was the central argument Justice Thurgood Marshall used in his lead opinion in the case of Stanley v. Georgia (1969)?