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Communication Studies 101 : Freedom of Communication

Fall Quarter '08

TA: Nabil Ahmad

Monday Sept. 30<sup>th</sup>, 3117 Bunche

### Quiz #1

#### *New York Times v. United States*

#### Fill in the Blanks

1. Most U.S. Supreme Court opinions are authored by an appellate? justice.  
chief
2. If at least 5 justices, including the author, agree on the reasoning and outcome of an opinion, it is a majority opinion.

#### True/False

3. A Majority opinion has a precedential value. True/False
4. A Concurring opinion has a precedential value. True/False
5. A Dissenting opinion has a precedential value. True/False
6. A Per Curiam Opinion has precedential value. True/False

#### Short Answers

7. Briefly describe the Brennan Test :

inevitable

8. Briefly describe the Stewart Test :

irreparable

9. According to this case, what is a prior restraint?

I bought the reader today, haven't read yet.  
Sorry.

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★ remember tests & precedents

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Monday Oct. 6, 3117 Bunche

### Quiz #2

*Nebraska Press v. Stuart, Schenck v. United States, Brandenburg v. Ohio, Chaplinsky v. New Hampshire, Cohen v. California*

#### Fill in the Blanks

1. A restraining order is a type of prior restraint which delays, rather than prevents publicity.
2. In Nebraska Press V. Stuart, Chief Justice Burger, along with 4 other Justices joined together in a majority opinion.

#### True/False

3. Inciteful speech is when the speaker intends to arouse his/her listeners to take some violent illegal action. True/False
4. The *Schenck* "Clear and Present danger" test is no longer used. True/False  
\*superseded by the Brandenburg test.

#### Short Answers

5. Briefly describe the Brandenburg Test : (KKK) speech that was anti-gov't  
if it doesn't explicitly say "let's overthrow the government and here's how we're gonna do it" it's protected speech.  
Advocating Abstractly allowed to discuss replacing the government.
6. Briefly describe the Test for "Obscenity":  
1. lewd 2. profane  
★erotic - needs to be regarded as a personal insult  
Pg. 80 mere advocacy directed or intended likely to incite or produce imminent lawless action and is likely to produce such action.
7. Briefly describe the Test for "Fighting Words":  
no  
If the average person would take offense and be stirred to retaliate. Inciteful speech the average person would act on in an immediate breach of the peace.  
★ words must be directed at the hearer, it must be a direct, personal insult.

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Monday Oct. 13, 3117 Bunche

### Quiz #3

*Frisby v. Schultz, Ward V. Rock Against Racism, City of Ladue v. Gilleo*

#### Fill in the Blanks

1. Two tests are used for regulating public-forum speech : One is for content regulations, and one is for content-neutral regulations.
2. In *City of Ladue v. Gilleo*, the Court found that the ordinance was impermissibly unconstitutional, and failed to pass the time, place, and manner test.

#### True/False

3. **Fora** is plural for place. True/False

↳ technically, though, Forum

#### Short Answers

4. What are the 3 types of **Fora** ? :

1. Private (home)
2. Traditional Public Place (square, street)
3. Government designated public place (park)

1. traditional forum
2. forum by gov't designation

5. Briefly describe the Test for "**Content-based**" :

Are they restricting the subject matter? Favoring one side over the other?

1. necessary to serve a compelling state interest +
2. narrowly tailored to serve that interest

6. Briefly describe the Test for "**Content-Neutral**" :

1. narrowly tailored to serve a significant gov't interest +
2. alternate channels of communication are available.
3. reasonable time, place, & manner

7. What is the difference between **underboard** and **overboard** ?

Facial challenge overboard: too encompassing, prohibits too much protected speech.

underboard: restricts too little speech (allows that may not be protected)

If it fails the content neutral test, it's content based

\* Justified without reference to the content of the regulated speech.