**Constitutional Law I**

**Spring 2024**

**Professor Mike Ramsey**

**Writing Assignment 3 (First Amendment)**

**Instructions:** *Answer the question below in a clear, well-organized essay of 1500 words or less. No research outside of the course materials is expected or permitted. You may take as much time as you like, but under exam conditions a question of this nature would likely be accorded about 1 hour to complete and I recommend keeping to that time limit. There is no ultimate “right” answer; the question has been deliberately written so that arguments are available on both sides, and your goal should be to identify and explain the best contending arguments. If you think additional facts are necessary or helpful to answer the question, you may include them in the discussion (but do not consider unlikely scenarios, scenarios which substantially alter or undermine the premise of the question, or facts contrary to those given). Be sure to consider fully both sides of the debate.*

*Your essay must be submitted to me via email prior to* ***noon*** *on Monday, April 22, 2024.*

*This is a non-graded, credit/no credit assignment. I expect everyone to complete it, and I will impose substantial penalties, including ultimately a failing grade in the course, for failure to complete it.*

***Note****: This was an essay question (one hour, closed book) on the 2018 exam in Constitutional Law I.*

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

The Alanis and the Opponians are ethnic groups in the Republic of Atlantis, an island nation with a long troubled history, including an episode of Alani attacks against the Opponians that many people call a genocide. Members of both groups have migrated to the United States and settled (among other places) in the City of Philadelphia.

Arren Rez is an Alani-American author who has written a book attacking Opponian culture and denying that the supposed genocide occurred. He has been harshly criticized by Opponian-American groups. Recently Rez has been on a tour promoting his book, and his public appearances have become increasingly violent. At his most recent appearance in New York, a group of Opponians protested and tried to shout down his talk. Rez responded by yelling “Stupid Oppies, you should all be dead.” (“Oppie” is considered an extreme insult and is said to have been a taunt used by the Alanis during the alleged genocide). The Opponian protesters then rushed the stage and assaulted Rez and his bodyguards. The fight was eventually broken up by police but not before multiple injuries and extensive property damage occurred.

Rez now plans to speak about his book in Philadelphia. Specifically, he plans to speak at the Port of Philadelphia because a large number of Alani-Americans work there and live nearby. The Port is an area owned by the City and primarily serves as a loading and unloading space for cargo ships. It is also the departure point for sightseeing cruises and for a ferry that crosses the river to New Jersey, and there is an old navy ship docked there that serves as a museum. Although generally not a tourist area, sidewalks provide public access to the cruises, ferry and museum. Members of the public also go to the Port to transact port-related business.

Opponinan groups have vowed to continue their protests if Rez comes to Philadelphia. Rez responded: “Tell the Oppies I’ll be ready for them.”

The City of Philadelphia’s political leaders do not want Rez to speak at the Port because they think he will disrupt its commercial operations. There’s some doubt how to proceed, however. The mayor suggests adopting a rule that no one can give a public speech at the Port on any topic. A council member points out that people have given public speeches at the Port in the past without any problem. He suggests that the city council adopt a rule prohibiting any speakers at the Port “who, whatever their views, have a history of violent confrontations.” The police chief suggests letting Rez start speaking, “but as soon as he says ‘Oppie,’ I’ll shut him down.”

As City Attorney, consider the options and advise how to proceed. Be sure to anticipate Rez’s likely constitutional arguments and explain the City’s best responses.