



UNC
SCHOOL OF LAW

FIRST AMENDMENT LAW REVIEW

Volume 12 | Issue 3

Article 1

3-1-2014

Contents

First Amendment Law Review

Follow this and additional works at: <http://scholarship.law.unc.edu/falr>



Part of the [First Amendment Commons](#)

Recommended Citation

First Amendment Law Review, *Contents*, 12 FIRST AMEND. L. REV. (2014).

Available at: <http://scholarship.law.unc.edu/falr/vol12/iss3/1>

This Front Matter is brought to you for free and open access by Carolina Law Scholarship Repository. It has been accepted for inclusion in First Amendment Law Review by an authorized editor of Carolina Law Scholarship Repository. For more information, please contact law_repository@unc.edu.

ARTICLE

AN UPDATE TO STRIKING A BALANCE: FREEDOM OF THE PRESS VERSUS CHILDREN’S PRIVACY INTERESTS IN JUVENILE DEPENDENCY PROCEEDINGS	<i>William W. Patton & Kelly Crecco</i>	575
--	---	-----

NOTES

OFF-LABEL PROMOTION AFTER <i>UNITED STATES V.</i> <i>CARONIA</i>	<i>Brian M. Blood</i>	593
---	-----------------------	-----

UNANSWERED PRAYERS: <i>LUND V. ROWAN COUNTY</i> AND THE PERMISSIVENESS OF SECTARIAN PRAYER IN MUNICIPALITIES	<i>Kristopher L. Caudle</i>	625
--	-----------------------------	-----

<i>COOKSEY V. FUTRELL</i> : THE FOURTH CIRCUIT ILLUSTRATES HOW INFORMAL COMMUNICATIONS BY STATE AUTHORITIES AND REGULATORS CAN BE USED TO ESTABLISH ARTICLE III STANDING AND RIPENESS IN FIRST AMENDMENT PROCEEDINGS	<i>Neal A. Inman</i>	667
--	----------------------	-----

POLITICAL POWER, A RELIGIOUS AGENDA, AND THE FAILINGS OF THE ENDORSEMENT TEST: HASIDIC EDUCATIONAL SEPARATISM AND THE EAST RAMAPO SCHOOL BOARD	<i>Kathleen Lockwood</i>	697
--	--------------------------	-----

PUT YOUR MOUTH WHERE YOUR MONEY IS: HOW POLITICAL ORGANIZATIONS PROFITEER OFF THE FIRST AMENDMENT AND WHAT CONGRESS SHOULD DO ABOUT IT	<i>Philip A. Thompson</i>	725
--	---------------------------	-----

FIRST AMENDMENT LAW REVIEW

VOLUME 12

SPRING 2014

BOARD OF EDITORS

Editor in Chief

ETHERIDGE BRITTIN RICKS

Executive Editor

KELLY A. CRECCO

Chief Article and Note Editor

SIDNEY L. FOWLER

Publication Editor

BELAL ELRAHAL

Managing Editor

CHARLOTTE R. STEWART

Communication Editor

SATIE R. MUNN

Symposium Editors

CANDRA K. BAIZAN

ANDERSON A. CHANG

ARTICLE AND NOTE EDITORS

GINA C. LEBLANC
PORSHA M. ROBINSON
DANIEL N. MULLINS
JUSTICE D. WARREN
MINISHA D. PATEL

RYAN FAIRCHILD
LAURA ACKERMAN
BRIAN WILLET
LOGAN LILES

WRITING STAFF

ASHLEY L. ANDERSON
BRIAN M. BLOOD
CHARLOTTE M. DAVIS
BRANDON C. ELLIOT
ASIA E. HESTER
ERIN L. LOCKER
MELISSA J. MITCHELL
DAVID C. SEASTRUNK
JOHN W. TUCKER
FREDERICK E. BENZ
LAURE E. BURKETT
EISSABETH K. DIZON
KATHERINE A. GARDZALLA

NEAL A. INMAN
TUCKER B. KASS
KATHLEEN A. LOCKWOOD
ANNA ORR
MARY K. VARNER
ASHLEY L. BERGER
RABEE R. EL-JAOUHARI
CAROLINE C. HALL
TAYLOR A. JOHNSON
SHANG-YUN LIN
SAFA SAJADI
PHILIP A. THOMPSON

FACULTY ADVISORS

WILLIAM P. MARSHALL, *William Rand Kenan, Jr. Distinguished Professor of Law*

The views expressed in signed contributions to the Review do not necessarily reflect the opinions of the Board of Editors.

THE UNIVERSITY OF NORTH CAROLINA SCHOOL OF LAW

Administration

THOMAS W. ROSS, B.S., J.D., *President of the University of North Carolina*
JOHN CHARLES BOGER, A.B., M.Div., J.D., *Dean and Wade Edwards Distinguished Professor of Law*
ROBERT P. MOSTELLER, B.A., M.A., J.D., *Associate Dean for Academic Affairs and J. Dickson Phillips Distinguished Professor of Law*
RICHARD E. MYERS II, B.A., M.A., J.D., *Associate Dean for Student Affairs and George R. Ward Associate Professor of Law*
JOAN H. KRAUSE, B.A., J.D., *Associate Dean for Faculty Development and Dan K. Moore Distinguished Professor of Law; Professor of Social Medicine in the School of Medicine; Adjunct Professor in the Gillings School of Global Public Health*
CRAIG T. SMITH, B.A., J.D., LL.M., *Assistant Dean for Legal Writing and Academic Success and Clinical Professor of Law*
PATRICIA HENNESSEY, B.S., *Associate Dean for Finance and Information Technology*
KRISTINE JENSEN, B.A., *Associate Dean for Advancement*
MICHAEL J. STATES, B.A., J.D., *Assistant Dean for Admissions*
SYLVIA K. NOVINSKY, B.S., J.D., *Assistant Dean for Public Service Programs*
JOHN B. KASPRZAK, B.A., M.A.T., J.D., *Assistant Dean for Student Services*
DOUGLAS B. EDMUNDS, B.A., M.S., *Assistant Dean for Information Technology*
CATHERINE PIERCE, B.A., M.P.A., *Assistant Dean for Policy and Special Assistant to the Dean*
BRIAN D. LEWIS, B.G.S., M.A., *Assistant Dean for Career Services*
ALLISON L. REID, B.A., M.A., *Assistant Dean for Communications*
T. BRANDON WRIGHT, B.S., *Assistant Dean for Advancement*

Faculty

DAVID S. ARDIA, B.S., M.S., J.D., LL.M., *Assistant Professor Law and Journalism and Mass Communication*
VOLKER BEHR, LL.M., PH.D., HABILITATION, *Visiting Professor of Law*
TAMAR R. BIRCKHEAD, B.A., J.D., *Associate Professor of Law*
KIMBERLY C. BISHOP, B.A., J.D., *Clinical Assistant Professor of Law*
JOHN CHARLES BOGER, A.B., M.Div., J.D., *Dean and Wade Edwards Distinguished Professor of Law*
LISSA LAMKIN BROOME, B.S., J.D., *Wells Fargo Professor of Banking Law and Director of the Center for Banking and Finance*
ALFRED L. BROPHY, A.B., J.D., A.M., PH.D., *Judge John J. Parker Distinguished Professor of Law*
CAROLINE NICHOLSON BROWN, B.A., M.A., J.D., *Professor of Law*
PATRICIA L. BRYAN, B.A., J.D., LL.M., *Martha Brandis Professor of Law*
BERNARD A. BURK, B.A., J.D., *Assistant Professor of Law*
SUZANNE M. CHESTER, B.A., J.D., PH.D., *Clinical Assistant Professor of Law*
ALEXA Z. CHEW, A.B., J.D., *Clinical Assistant Professor of Law*
ANDREW CHIN, B.S., PH.D., J.D., *Associate Professor of Law*
LAURA COLLINS BRITTON, B.A., J.D., *Clinical Assistant Professor of Law*
JOHN MARTIN CONLEY, B.A., J.D., PH.D., *William Rand Kenan Jr. Professor of Law*
MICHAEL L. CORRADO, B.A., B.S., A.M., PH.D., J.D., *Arch T. Allen Distinguished Professor of Law*
JOHN F. COYLE, B.A., M.Phil., J.D., *Assistant Professor of Law*
KAREEM U. CRAYTON, A.B., PH.D., J.D., *Associate Professor of Law*
CHARLES EDWARD DAYE, B.A., J.D., *Henry Brandis Professor of Law and Deputy Director of the Center for Civil Rights*
JOSHUA EAGLE, B.A., M.S., J.D., *Visiting Professor of Law*
MAXINE N. EICHNER, B.A., J.D., M.A., PH.D., *Reef C. Ivey II Professor of Law*
LEWIS MOORE EVERETT, B.A., M.A., J.D., *Clinical Assistant Professor of Law*
BARBARA A. FEDDERS, B.A., J.D., *Clinical Assistant Professor of Law*
VICTOR B. FLATT, B.A., J.D., *Thomas F. and Elizabeth Taft Distinguished Professor in Environmental Law and Director of the Center for Law, Environment, Adaptation and Resources (CLEAR)*
TIMOTHY J. GALLINA, B.A., J.D., M.L.I.S., *Reference Librarian and Clinical Assistant Professor of Law*
LAURA N. GASAWAY, B.A., M.L.S., J.D., *Paul B. Eaton Distinguished Professor of Law*
DEBORAH R. GERHARDT, A.B., J.D., *Assistant Professor of Law*
MICHAEL J. GERHARDT, B.A., M.S., J.D., *Samuel Ashe Distinguished Professor in Constitutional Law and Director of the Center for Law and Government*
S. ELIZABETH GIBSON, B.A., J.D., *Burton Craige Professor of Law*
MARGARET F. HALL, B.A., M.L.I.S., J.D., *Reference and Student Services Librarian and Clinical Assistant Professor of Law*
AARON R. HARMON, B.A., M.A., J.D., *Clinical Assistant Professor of Law*
THOMAS LEE HAZEN, B.A., J.D., *Cary C. Boshamer Distinguished Professor of Law*
JEFFREY MICHAEL HIRSCH, B.A., M.P.P., J.D., *Associate Professor of Law*
AMANDA S. HITCHCOCK, B.A., J.D., *Clinical Assistant Professor of Law*
DONALD THOMAS HORNSTEIN, B.A., J.D., *Aubrey L. Brooks Professor of Law*
MELISSA B. JACOBY, B.A., J.D., *Graham Kenan Professor of Law*

THOMAS A. KELLEY, III, A.B., J.D., *Professor of Law and Director of Clinical Programs*
 JOSEPH E. KENNEDY, B.A., J.D., *Professor of Law*
 CATHERINE Y. KIM, B.A., J.D., *Assistant Professor of Law*
 JULIE L. KIMBROUGH, B.A., J.D., M.L.S., *Assistant Director for Collection Services and Clinical Assistant Professor of Law*
 P. ANNE KLINEFELTER, B.A., M.L.S., J.D., *Director of Law Library and Associate Professor of Law*
 JOAN H. KRAUSE, B.A., J.D., *Associate Dean for Faculty Development and Dan K. Moore Distinguished Professor of Law; Professor of Social Medicine in the School of Medicine; Adjunct Professor in the Gillings School of Global Public Health*
 HOLNING S. LAU, B.A., J.D., *Associate Professor of Law*
 ANNE LOOJESTIJN-CLEARIE, B.A., M.A., LL.M., *Visiting Professor of Law*
 WILLIAM P. MARSHALL, B.A., J.D., *William Rand Kenan Jr Distinguished Professor of Law*
 JON PAUL MCCLANAHAN, B.A., J.D., *Clinical Assistant Professor of Law and Director of Academic Success Programs*
 STEVEN J. MELAMUT, B.A., B.S., J.D., M.S.L.S., *Information Technology Services Librarian and Clinical Assistant Professor of Law*
 ROBERT P. MOSTELLER, B.A., M.A., J.D., *Associate Dean for Academic Affairs and J. Dickson Phillips Distinguished Professor of Law*
 ERIC L. MULLER, A.B., J.D., *Dan K. Moore Distinguished Professor of Law in Jurisprudence and Ethics and Director of UNC Center for Faculty Excellence*
 RICHARD E. MYERS II, B.A., M.A., J.D., *Associate Dean for Student Affairs and George R. Ward Associate Professor of Law*
 GENE R. NICHOL, B.A., J.D., *Boyd Tinsley Distinguished Professor of Law and Director of the Center on Poverty, Work and Opportunity*
 DONNA L. NIXON, B.S., J.D., M.S.L.S., *Electronic Resources Librarian and Clinical Assistant Professor of Law*
 SAULE T. OMAROVA, PH.D., J.D., *Assistant Professor of Law*
 JOHN V. ORTH, A.B., J.D., M.A., PH.D., *William Rand Kenan Jr. Professor of Law*
 MARY-ROSE PAPANDREA, A.B., J.D., *Visiting Associate Professor of Law*
 GREGG D. POLSKY, B.A., J.D., LL.M., *Willie Person Mangum Professor of Law*
 GERALD J. POSTEMA, A.B., M.A., PH.D., *Cary C. Boshamer Professor of Philosophy and Professor of Law*
 KATIE ROSE GUEST PRYAL, A.B., M.A., J.D., PH.D., *Clinical Assistant Professor of Law*
 ALICE A. RATLIFF, B.A., M.A., J.D., *Clinical Professor of Law*
 DANA A. REMUS, A.B., J.D., *Visiting Professor of Law*
 KATHRYN A. SABBETH, B.A., J.D., *Assistant Professor of Law*
 OSCAR J. SALINAS, B.A., J.D., M.A., *Clinical Assistant Professor of Law*
 SARA A. SAMPSON, B.S., J.D., M.L.I.S., *Deputy Director of the Law Library and Clinical Assistant Professor of Law*
 MELISSA SAUNDERS, B.A., J.D., *Professor of Law*
 MARIA SAVASTA-KENNEDY, B.A., J.D., *Clinical Professor of Law and Director of the Externship Program*
 RICHARD S. SAVER, B.A., J.D., *Professor of Law and Professor of Social Medicine in the School of Medicine; Adjunct Professor in the Gillings School of Global Public Health*
 NICK SEXTON, B.A., J.D., M.S.L.S., *Reference and Information Delivery Services Librarian and Clinical Assistant Professor of Law*
 JAMES W. SHERWOOD, B.A., J.D., LL.M., M.L.I.S., *Reference/Foreign and International Law Librarian and Clinical Assistant Professor of Law*
 CRAIG T. SMITH, B.A., J.D., LL.M., *Assistant Dean for Legal Writing and Academic Success and Clinical Professor of Law*
 ROBERT J. SMITH, B.A., J.D., *Assistant Professor of Law*
 LESLIE A. STREET, B.A., J.D., M.L.I.S., *Assistant Director of Public Services of the Law Library and Clinical Assistant Professor of Law*
 WILLIAM J. TURNIER, B.S., M.A., J.D., *Willie Person Mangum Professor of Law*
 JUDITH WELCH WEGNER, B.A., J.D., *Burton Craige Professor of Law*
 W. MARK C. WEIDEMAIER, B.A., J.D., *Assistant Professor of Law*
 ARTHUR MARK WEISBURD, A.B., J.D., *Reef C. Ivey II Distinguished Professor of Law*
 DEBORAH M. WEISSMAN, B.A., J.D., *Reef C. Ivey II Distinguished Professor of Law*
 ERIKA WILSON, B.S., J.D., *Assistant Professor of Law*
 JANINE M. ZANIN, B.A., J.D., *Faculty Supervisor of Externship Programs and Clinical Assistant Professor of Law*

Adjunct Faculty

MICHAEL R. ABEL, A.B., J.D., *Adjunct Professor of Law*
 MICHAEL W. BALLANCE, B.A., J.D., *Adjunct Professor of Law*
 SETH A. BLUM, B.A., M.A., J.D., *Adjunct Professor of Law*
 ELIZABETH BRASWELL, B.A., J.D., *Adjunct Professor of Law*
 ERIC J. BRIGNAC, B.A., J.D., *Adjunct Associate Professor of Law*
 JONATHAN E. BROUN, B.Ph., J.D., *Adjunct Professor of Law*
 JOSEPH H. BYLINSKI, B.A., M.B.A., PH.D., *Adjunct Associate Professor of Law*
 MARY BETH CHOPAS, B.A., J.D., *Adjunct Assistant Professor of Law*

JOANNA CAREY CLEVELAND, B.A., J.D., M.P.A., *Adjunct Professor of Law*
 FELICE M. CORPENING, B.A., J.D., *Adjunct Professor of Law*
 KEARNS DAVIS, B.A., M.A., J.D., *Adjunct Professor of Law*
 THE HONORABLE M. PATRICIA DEVINE, B.A., J.D., *Adjunct Professor of Law*
 MARK E. DOROSIN, B.A., M.A., J.D., *Adjunct Professor of Law*
 JAMES C. DRENNAN, B.A., J.D., *Adjunct Professor of Law*
 AMY FLANARY-SMITH, B.A., J.D., *Adjunct Assistant Professor of Law*
 JAMES C. FULLER, B.A., J.D., *Adjunct Professor of Law*
 ANTHONY GAETA, JR., B.A., J.D., *Adjunct Professor of Law*
 DAVID L. HARRISON, B.S., J.D., *Adjunct Professor of Law*
 R. HARPER HECKMAN, B.A., J.D., *Adjunct Professor of Law*
 NORMA HOUSTON, B.S., J.D., *Adjunct Professor of Law*
 MALCOLM HUNTER, B.A., J.D., *Adjunct Professor of Law*
 ROBERT O. JENKINS, B.A., M.P.A., J.D., *Adjunct Professor of Law*
 SALLY C. JOHNSON, B.S., M.D., *Adjunct Professor of Law*
 VALERIE A. JOHNSON, B.A., J.D., *Adjunct Professor of Law*
 THE HONORABLE ABRAHAM JONES, B.A., J.D., *Adjunct Professor of Law*
 MICHAEL G. KADENS, A.B., J.D., *Adjunct Professor of Law*
 SEBASTIAN KIELMANOVICH, J.D., J.D., *Adjunct Associate Professor of Law*
 KELLIE D. MANNETTE, B.A., J.D., *Adjunct Assistant Professor of Law*
 THE HONORABLE MARK D. MARTIN, B.S., B.A., J.D., LL.M., *Adjunct Professor of Law*
 WILLIAM S. MILLS, A.B., J.D., *Adjunct Professor of Law*
 JOHN M. MOYE, B.A., J.D., *Adjunct Assistant Professor of Law*
 SAMUEL T. OLIVER, B.A., J.D., *Adjunct Professor of Law*
 THE HONORABLE ROBERT F. ORR, A.B., J.D., *Adjunct Professor of Law*
 DAVID W. OWENS, B.A., M.R.P., J.D., *Adjunct Professor of Law*
 J. DICKSON PHILLIPS, III, A.B., J.D., *Adjunct Professor of Law*
 BETH POSNER, A.B., M.A., J.D., *Adjunct Professor of Law*
 SCOTT L. SILLIMAN, B.A., J.D., *Adjunct Professor of Law*
 ELLIOT M. SILVERSTEIN, B.A., J.D., PH.D., *Adjunct Professor of Law*
 THOMAS M. STERN, B.A., J.D., *Adjunct Professor of Law*
 KATHERINE TOPULOS, B.A., M.A., M.S.L.S., J.D., *Adjunct Professor of Law*
 DEVON WHITE, A.A.S., B.A., M.A., J.D., *Adjunct Associate Professor of Law*
 GORDON WIDENHOUSE, A.B., M.A., J.D., *Adjunct Professor of Law*
 MELVIN F. WRIGHT JR., B.A., J.D., *Adjunct Professor of Law*

Faculty Emeriti

WILLIAM BRANTLEY AYCOCK, B.A., A.M., J.D., LL.D., *Kenan Professor of Law Emeritus*
 KENNETH S. BROUN, B.S., J.D., *Henry Brandis Professor of Law Emeritus*
 HARRY E. GROVES, B.A., J.D., LL.M., *Henry Brandis Professor of Law Emeritus*
 PAUL HARDIN, B.A., J.D., *Professor of Law Emeritus*
 PAUL G. HASKELL, A.B., J.D., LL.B., *William Rand Kenan, Jr. Professor of Law Emeritus*
 JOSEPH JOHN KALO, B.A., J.D., *Graham Kenan Professor of Law Emeritus*
 RONALD CHARLES LINK, A.B., M.A., J.D., *Dan K. Moore Distinguished Professor of Law Emeritus*
 ARNOLD H. LOEWY, B.S., J.D., LL.M., *Graham Kenan Professor of Law Emeritus*
 RUTH ANN MCKINNEY, B.A., M.Ed., J.D., *Clinical Professor of Law Emeritus*
 RICHARD A. ROSEN, B.A., J.D., *Professor of Law Emeritus*

The *First Amendment Law Review* is published three times a year by the First Amendment Law Review.

Subscriptions: Annual subscriptions are \$40.00 per year (domestic). Subscriptions are accepted for complete volumes only and will be renewed automatically unless the subscriber provides adequate notice of cancellation. Notification as to change of address should include both the old and new addresses and should be made at least one month before publication date to ensure prompt delivery. Subscriptions and address changes should be directed to the Communications Editor at the following address:

First Amendment Law Review
The University of North Carolina School of Law
100 Ridge Road, CB# 3380
3002 Van Hecke-Wettach Hall
Chapel Hill, North Carolina 27599-3380
(919) 843-6683
falr@unc.edu

Single and Back Issues: Volumes 3, 4, 5, 6, 7, 8, 9, and 10 may be purchased from the *Review* for \$30.00 per issue (domestic).

Manuscripts: The *Review* invites the submission of unsolicited manuscripts. Manuscripts cannot be returned unless accompanied by a self-addressed, postage-paid envelope. Correspondence and manuscripts should be directed to the Editor in Chief.

Copyright: Copyright © 2014 by the North Carolina Law Review Association. Except as otherwise provided, permission is hereby granted for copies of each article to be made for classroom use, provided that: (1) all copies are distributed at or below cost, (2) the author and the *First Amendment Law Review* are identified, (3) proper notice of copyright is affixed to each copy, and (4) the *First Amendment Law Review* is notified of the use.

Publication Information: The *Review* is printed by Joe Christensen, Inc. of Lincoln, Nebraska. The text and citations in Volume 10 conform generally to THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION (Columbia Law Review Ass'n et al. eds, 19th ed. 2010).

Cite as: FIRST AMEND. L. REV.

www.firstamendmentlawreview.org

The Board of Editors would like to thank the following individuals
and organizations for their support of the
First Amendment Law Review:

Dean John Charles Boger

Associate Dean Robert P. Mosteller

Professor William P. Marshall

Professor Arnold H. Loewy

Associate Dean Eric L. Muller

Assistant Dean John B. Kasprzak

Assistant Dean Louise Harris

Student Services Coordinator Elizabeth Dorsey Bachenheimer

University of North Carolina Center for
Media Law & Policy

Graduate and Professional Student Federation of the University of
North Carolina at Chapel Hill

Student Bar Association

Student Congress of the University of North Carolina at
Chapel Hill

North Carolina Law Review

North Carolina Banking Institute

North Carolina Journal of International Law and
Commercial Regulation

North Carolina Journal of Law and Technology

and the many alumni of *First Amendment Law Review* and UNC
School of Law who helped build and continue to support this
publication.