ARTICLES

PHYSICIANS, FIREARMS & FREE EXPRESSION: RECONCILING FIRST AMENDMENT THEORY WITH DOCTRINAL ANALYSIS REGARDING THE RIGHT TO POSE QUESTIONS TO PATIENTS ...... Clay Calvert, et. al. 1

IT'S MY PARTY AND I'LL DO WHAT I WANT TO: POLITICAL PARTIES, UNCONSTITUTIONAL CONDITIONS, AND THE FREEDOM OF ASSOCIATION............................. Michael R. Dimino, Sr. 65

RELIGIOUS LIBERTY AND THE FINANCIAL WAR ON TERROR ............................................................. Malick W. Ghachem 139

CRUSHING ANIMALS AND CRASHING FUNERALS: THE SEMIOTICS OF FREE EXPRESSION ....................................... Harold Anthony Lloyd 237

WHEN OPEN GOVERNMENT AND ACADEMIC FREEDOM COLLIDE................................. Jonathan Peters, Charles N. Davis 295

A CONSTITUTIONAL BALANCING IN NEED OF ADJUSTMENT: ON DEFAMATION, BREACHES OF CONFIDENTIALITY, AND THE CHURCH......................................................... Mark Strasser 325
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. SEA STRUNK
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. KASPRAEK, 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. BIRKHEAD, 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., 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. CORSADO, B.A., B.S., A.M., Ph.D., J.D., Arch T. Allen Distinguished Professor of Law
JOHN P. COYLE, B.A., M.P.H., 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 Don 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 LOQUESTUN-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 MCCLANANAH, B.A., J.D., Clinical Assistant Professor of Law and Director of Academic Success Programs
STEVEN J. MELAMUT, B.S., 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 or Law
GERALD J. POSTEMA, A.B., M.A., Ph.D., Cary C. Boshamer Professor of Philosophy and Director of the Center on Philosophy and Public Affairs
KATIE ROSE PRYAL, A.B., M.A., J.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., M.A., J.D., Clinical Assistant Professor of Law
SARA A. Sampson, B.S., J.D., M.L.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.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 Assistant Professor of Law
ROBERT J. SMITH, B.A., J.D., Assistant Professor of Law
LESLEY A. STREET, B.A., J.D., M.L.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. BYLINKSI, 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. DOROBIN, 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
VALERIE A. JOHNSON, B.S., M.D., Adjunct Professor of Law
SEBASTIAN KIELMANOVICH, J.D., Adjunct Associate Professor of Law
KELLIE D. MANNETTE, B.A., J.D., Adjunct Assistant Professor of Law
WILLIAM S. MILLS, A.B., 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
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., 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 © 2013 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.