2007

Front Matter

First Amendment Law Review

Follow this and additional works at: https://scholarship.law.unc.edu/falr

Part of the Law Commons

Recommended Citation
Available at: https://scholarship.law.unc.edu/falr/vol16/iss2/1

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.
BOARD OF EDITORS

Editor-in-Chief
ASHTON L. COOKE

Executive Editor
TAYLOR SPENCER

Chief Article and Note Editor
JESSICA L. STONE-ERDMAN

Chief Staff Editor
EMILY S. JESSUP

Managing Editor
KATHERINE L. RIPPEY

Online Editor
AMBER N. LEE

Symposium Editors
JOHN A. CASHION
LINDSIE D. TREGO

Article Editors
EMILY E. MANN
JACK M. MIDDOUGH
ELIZABETH M. PAILLERE
J. MILES WOBBLETON

Note Editors
TYLER D. ABBoud
NATALIO D. BUDASOFF
KIRSTIN S. VINAL
TRAVIS W. WHITE

WRITING STAFF

ALEXANDRA BARUCH BACHMAN
EVAN DANCY
EMMA FERRIOLA-BRUCKENSTEIN
ADAM F. GRIFFIN
MATTHEW R. HINSON
RACHEL C. KOKENES
TYRA D. PEARSON
KAYLA C. ROWSEY
MEGAN E. SHOOK
JONATHAN M. ZATOR
SABRINA T. HECK
LESLIE S. BRIGHT
KALEIGH R. DARTY

LINDSAY B. FRAZIER
DEVIN GUSTAFSON
W. ROY JACOBS
RACHEL M. LABRUYERE
COREY A. NOLAND
JASMIN PLOTT
J.P. WILSON SAFRIT
JOSCELYN SOLOMON
SARA D. SWARTZWELDER
JACK F. WILLIAMS
SAMANTHA E. APARICIO
SARAH M. ROZEK

FACULTY ADVISOR

DAVID S. ARDIA, Associate Professor of Law and Co-Director of the UNC Center for Media Law and Policy

SYMPOSIUM ADVISOR

MARY-ROSE PAPANDREA, Associate Dean for Academic Affairs and Professor of Law
The University of North Carolina
School of Law

Administration

MARGARET SPELLINGS, B.A., Honorary Doctorate, President of the University of North Carolina

MARTIN H. BRINKLEY, A.B., J.D., Dean

MARY-ROSE PAPANDREA, B.A., J.D., Associate Dean for Academic Affairs and Judge John J. Parker Distinguished Professor of Law

JEFFREY MICHAEL HIRSCH, B.A., M.P.P., J.D., Associate Dean for Strategy and Geneva Yurgang Rand Distinguished Professor of Law

HOLNING S. LAU, B.A., J.D., Associate Dean for Faculty Development, Willie Person Mangum Distinguished Professor of Law, and Faculty Director of the LL.M. Program

CRAIG T. SMITH, B.A., J.D., LL.M., Assistant Dean for the Writing and Learning Resources Center and Clinical Professor of Law

KELLY PODGER SMITH, B.A., J.D., Associate Dean for Student Services

DESIREE GORDON, B.S., Associate Dean for Advancement

AMY BAREFOOT, B.A., Assistant Dean for Communications

JENNIFER L. GOTSCHALL CLARK, B.S., Assistant Dean for Finance

LOUISE W. HARRIS, B.A., Assistant Dean for Development

JOHN B. KASPIZKA, B.A., M.A.T., J.D., Assistant Dean for Student Development and Adjunct Associate Professor of Law

BRIAN D. LEWIS, B.G.S., M.A., Assistant Dean for Career Development

BIANCA MACK, B.A., M.B.A., J.D., Assistant Dean for Admissions

Faculty

DAVID S. ARDIA, B.S., M.S., J.D., LL.M., Associate Professor Law and Co-Director of the Center for Media Law and Policy

KEVIN BENNARDO, B.A., J.D., Clinical Associate Professor of Law

KIMBERLY C. BISHOP, B.A., J.D., Clinical Associate Professor of Law

MARTIN H. BRINKLEY, A.B., J.D., Dean

LISA LAMKIN BROOME, B.S., J.D., Burton Cauge Distinguished Professor of Law and Director of the Center for Banking and Finance

PATRICIA L. BRYAN, B.A., J.D., LL.M., Henry P. Brandis Distinguished Professor of Law

Tiffany Camp, B.A., J.D., M.I.S., Reference Librarian and Clinical Assistant Professor of Law

ALEXA Z. CHEW, A.B., J.D., Clinical Associate Professor of Law

ANDREW CHIN, B.S., Ph.D., J.D., Professor of Law

JOHN MARTIN CONLEY, B.A., J.D., Ph.D., William Rand Kenan Jr. Professor of Law

JOHN F. COYLE, B.A., M.P.H., J.D., Ref C. Ivey II Term Associate Professor of Law

NICOLE M. DOWNING, B.S., J.D., M.S.L.S., Reference Librarian and Clinical Assistant Professor of Law

MAXINE N. EICHER, B.A., J.D., M.A., Ph.D., Graham Kenan Distinguished Professor of Law

KATE SARBOSKEY ELENGOLD, B.A., J.D., Clinical Associate Professor of Law

LEWIS MOORE EVERETT, B.A., M.A., J.D., Clinical Associate Professor of Law

BARBARA A. FEEDERS, B.A., J.D., Assistant Professor of Law

DEBORAH R. GERHARDT, A.B., J.D., Associate Professor of Law

MICHAEL J. GERHARDT, B.A., M.S., J.D., Samuel Ashe Distinguished Professor of Constitutional Law

RACHEL I. GURVICH, B.A., J.D., Clinical Assistant Professor of Law

THOMAS LEE HAZEN, B.A., J.D., Cary C. Bohsamer Distinguished Professor of Law

ANDREW HESSICK, B.A., J.D., Professor of Law

CARISSA BYEEN HESSICK, B.A., J.D., Anne Shea Ramsdell and William Garland “Buck” Ramsdell, Jr., Distinguished Professor of Law

JEFFREY MICHAEL HIRSCH, B.A., M.P.P., J.D., Associate Dean for Strategy and Geneva Yurgang Rand Distinguished Professor of Law

DONALD THOMAS HORNSTEIN, B.A., J.D., Aubrey L. Brooks Professor of Law

MELISSA HYLAND, B.A., J.D., M.S.L.S., Reference Librarian

MELISSA B. JACOBY, B.A., J.D., Graham Kenan Professor of Law

EISHA JAIN, B.A., J.D., Assistant Professor of Law

THOMAS A. KELLEY, III, A.B., J.D., Paul B. Eaton Distinguished Professor of Law and Interim Director of Clinical Programs

JOSEPH E. KENNEY, B.A., J.D., Martha Brandis Term Professor of Law

CATHERINE Y. KIM, B.A., J.D., George R. Ward Term Associate Professor of Law

JULIE L. KIMBROUGH, B.A., J.D., M.S.L.S., Deputy Director of the Law Library and Clinical Assistant Professor of Law

AARON S. KIRSCHENFELD, A.B., M.S.I.S., J.D., Digital Initiatives Law Librarian and Clinical Assistant Professor of Law

P. ANNE KLINEFELTER, B.A., M.S.L.S., J.D., Director of Law Library and Associate Professor of Law

JOAN H. KRAUSE, B.A., J.D., 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 Dean for Faculty Development, Willie Person Mangum Distinguished Professor of Law, and Faculty Director of the LL.M. Program

Jonas J. Monast, B.A., J.D., William Rand Kenan Jr. Distinguished Professor of Law

JANUS J. MONAST, B.A., J.D., Boyd Gray Distinguished Fellow, Assistant Professor of Law and Director of the Center on Climate, Energy, Environment & Economics (CE2)

ROBERT P. MOSTELLER, B.A., M.A., J.D., 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

RICHARD E. MYERS, B.A., M.A., J.D., Henry Brandis Distinguished Professor of Law

PETER NEMEROVSKI, A.B., J.D., Clinical Associate Professor of Law

GENE R. NICHOL, B.A., J.D., Boyd Tinsley Distinguished Professor of Law

DORIS L. NIDON, B.S., J.D., M.S.L.S., Electronic Resources Librarian and Clinical Assistant Professor of Law

John V. Orth, A.B., J.D., M.A., Ph.D., William Rand Kenan Jr. Professor of Law

MAY-ROSE PAPANDREA, B.A., J.D., Associate Dean for Academic Affairs and Judge John J. Parker Distinguished Professor of Law

BETH S. POSNER, A.B., M.A., J.D., Clinical Assistant Professor of Law

GERALD J. POSTEMA, A.B., M.A., Ph.D., Cary C. Bohsamer Professor of Philosophy and Professor of Law
Adjunct Faculty

E. Kent Auberry, A.B., J.D., Adjunct Professor of Law
Michael W. Ballance, B.A., J.D., Adjunct Professor of Law
Carmen Bannon, B.S., J.D., Adjunct Associate 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. Bregnac, B.A., J.D., Adjunct Professor of Law
Jonathan E. Broun, B.Ph., J.D., Adjunct Professor of Law
Suzanne Buckley, B.A., J.D., Adjunct Associate Professor of Law
R. Jean Cadigan, B.A., M.A., Ph.D., Adjunct Assistant Professor of Law
Carol Lynn Calder, B.A., J.D., Adjunct Professor of Law
Joanna Carey Cleveland, B.A., J.D., M.P.A., Adjunct Professor of Law
Felice M. Coppening, B.A., J.D., Adjunct Professor of Law
Karen Davidson, B.A., M.A., J.D., Adjunct Professor of Law
Kearns Davis, B.A., M.A., J.D., Adjunct Professor of Law
David G. Delaney, B.S., M.A., J.D., Adjunct Professor of Law
The Honorable M. Patricia DeVine, B.A., J.D., Adjunct Professor of Law
Jina Dhillon, B.A., M.P.H., J.D., Adjunct Assistant Professor of Law
The Honorable Chris Dillon, B.A., J.D., Adjunct Professor of Law
Mark E. Dorosin, B.A., M.A., J.D., Managing Attorney for the UNC Center for Civil Rights and Adjunct Professor of Law
Sherry Honeycutt Everett, B.A., M.A., J.D., Adjunct Associate Professor of Law
Tristan Frielker, B.S., Ph.D., J.D., Adjunct Professor of Law
Calley Gerber, B.A., J.D., Adjunct Professor of Law
W. Mark Griffith, B.A., J.D., Adjunct Professor of Law
Mikael R. Gross, B.S., M.S., J.D., Adjunct Professor of Law
Elizabeth M. Haddock, B.A., J.D., Staff Attorney for the UNC Center for Civil Rights and Adjunct Professor of Law
J. Richard Hazlett, B.A., J.D., Adjunct Professor of Law
R. Harper Heckman, B.A., J.D., Adjunct Professor of Law
Elizabeth Hopkins Thomas, B.A., J.D., Adjunct Assistant Professor of Law
Malcolm Hunter, B.A., J.D., Adjunct Professor of Law
Samuel S. Jackson, A.B., 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
John B. Kasprzak, B.A., M.A.T., J.D., Assistant Dean for Student Development and Adjunct Associate Professor of Law
Mark J. Kleinschmidt, B.A., J.D., Adjunct Professor of Law
John Loftin, A.B., Ph.D., J.D., Adjunct Professor of Law
Maria M. Lynch, B.A., J.D., Adjunct Professor of Law
Rina Lyubrin, B.S., J.D., Adjunct Clinical Professor of Law
Richard L. Magee, A.B., J.D., Adjunct Professor of Law
James M. Markham, B.A., J.D., Adjunct Associate Professor of Law
Jessica Marsden, B.A., J.D., Adjunct Assistant Professor of Law
C. Steven Mason, B.A., J.D., Adjunct Professor of Law
John Rankin McArthor, B.A., J.D., Adjunct Professor of Law
Amy K. McCool, B.A., M.S.W., J.D., Adjunct Associate Professor of Law
William S. Mills, B.A., J.D., Adjunct Professor of Law
Sylvia K. Novinsky, B.S., J.D., Adjunct Professor of Law
The Honorable Robert F. Orr, A.B., J.D., Adjunct Professor of Law
Bentley Olive, B.S., B.S., J.D., Adjunct Professor of Law
Mark Olive, B.S., J.D., Adjunct Professor of Law
Wyatt T. Orsborn, B.A., J.D., LLM., Adjunct Associate Professor of Law
Barbara Osborne, B.A., M.A., M.Ed., J.D., Adjunct Professor of Law
David W. Owens, B.A., M.R.P., J.D., Adjunct Professor of Law
Heather Payne, B.Ch.E., J.D., Assistant Director for the Center for Climate, Energy, Environment, and Economics (CEE) and Adjunct Assistant Professor of Law
PETER E. FRONT, B.S., J.D., L.L.M., Adjunct Professor of Law
ZANETA M. ROBINSON, B.S., J.D., Adjunct Professor of Law
ANNE L. SHOWALTER, B.S., M.A., J.D., Adjunct Professor of Law
Elliott M. Silverstein, B.S., J.D., Ph.D., Adjunct Professor of Law
JARED S. SMITH, B.A., J.D., Adjunct Assistant Professor of Law
ThOMAS M. STEIN, B.A., J.D., Adjunct Professor of Law
DANIEL K. TRACEY, B.A., M.B.A., J.D., Adjunct Assistant Professor of Law
DEVON WHITE, B.A., M.A., J.D., Adjunct Professor of Law
THE HONORABLE FRANK D. WHITNEY, B.A., J.D., M.B.A., Adjunct Professor of Law

Faculty Emeriti

JOHN CHARLES BOGER, A.B., M.Div., J.D., Wade Edwards Distinguished Professor of Law Emeritus
KENNETH S. BROUN, B.S., J.D., Henry Brandis Professor of Law Emeritus
CAROLINE NICHOLSON BROWN, B.A., M.A., J.D., Professor of Law Emerita
MICHAEL L. CORADO, B.A., B.S., A.M., Ph.D., J.D., Arch T. Allen Distinguished Professor of Law Emeritus
CHARLES EDWARD DAYE, B.A., J.D., Henry Brandis Professor of Law Emeritus
LAURA N. GASAwaY, B.A., M.S., J.D., Paul B. Eaton Distinguished Professor of Law Emerita
S. ELIZABETH GIBSON, B.A., J.D., Burton Craig 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. LEOWY, 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 Emerita
ALICE A. RATLlFF, B.A., M.A., J.D., Clinical Professor of Law Emerita
RICHARD A. ROSEn, B.A., J.D., Professor of Law Emeritus
WILLIAM J. TURNER, B.S., M.A., J.D., Willie Person Mangum Professor of Law Emeritus
JUDITH WELCH WEGNER, B.A., J.D., Burton Craig Professor of Law Emeritus
The First Amendment Law Review is published three times a year by the First Amendment Law Review. The views expressed in signed contributions to the Review do not necessarily reflect the opinions of the Board of Editors.

Subscriptions: We have stopped printing issues and therefore stopped accepting subscriptions. The contact information for the Review is listed below:

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

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 © 2018 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.


Cite as: First Amend. L. Rev.

www.falrunc.wordpress.com
The Board of Editors would like to thank the following individuals and organizations for their support of the *First Amendment Law Review*:

Dean Martin H. Brinkley  
Professor David S. Ardia  
Dean Mary-Rose Papandrea  
Professor William P. Marshall  
Assistant Dean John B. Kasprzak  
Student Services Coordinator Elizabeth Dorsey Bachenheimer  
Director of Student Services Lakethia Jefferies  
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  
The *North Carolina Journal of International Law and Commercial Regulation*  
The *North Carolina Journal of Law and Technology*  
and the many alumni of the First Amendment Law Review and UNC School of Law who helped to build and continue to support this publication.
KEYNOTE SPEAKER
Angie Drobnic Holan
PolitiFact

PANELISTS
Clay Calvert
University of Florida College of Journalism and Communications

Ashley Messenger
National Public Radio, Inc.

Richard L. Hasen
University of California, Irvine School of Law

David S. Han
Pepperdine University School of Law

Michael Curtis
Wake Forest University School of Law

Helen Norton
University of Colorado Law School

Lili Levi
University of Miami School of Law

Catherine J. Ross
The George Washington University Law School

Joseph Blocher
Duke University School of Law

Sonja R. West
University of Georgia School of Law

Deen Freelon
University of North Carolina School of Media and Journalism
ARTICLES

THE MEDIA’S DEFINITION OF FAKE NEWS VS. DONALD TRUMP’S
Angie Drobnic Holan ......................................................121

ECOSYSTEM OF DISTRUST
Mark Verstraete & Derek E. Bambauer ..................................129

FILTERING FAKE NEWS THROUGH A LENS OF SUPREME COURT OBSERVATIONS AND ADAGES
Clay Calvert & Austin Vining ..............................................153

CONSPIRACY THEORIES AND THE MARKETPLACE OF FACTS
David S. Han ......................................................................178

CHEAP SPEECH AND WHAT IT HAS DONE (TO AMERICAN DEMOCRACY)
Richard L. Hasen ...............................................................200

REAL “FAKE NEWS” AND FAKE “FAKE NEWS”
Lili Levi .............................................................................232

THE EPISTEMIC AND MORAL DIMENSIONS OF FAKE NEWS AND THE FIRST AMENDMENT
Ashley Messenger ...............................................................328

THE GOVERNMENT’S MANUFACTURE OF DOUBT
Helen Norton .....................................................................342

MINISTRY OF TRUTH: WHY LAW CAN’T STOP PREVARICATIONS, BULLSHIT, AND STRAIGHT-OUT LIES IN POLITICAL CAMPAIGNS
Catherine J. Ross ...............................................................367

JUST THE (ALTERNATIVE) FACTS, MA’AM: THE STATUS OF FAKE NEWS UNDER THE FIRST AMENDMENT
Jessica Stone-Erdman .........................................................410

MALADIES IN THE MISINFORMATION MARKETPLACE
Emily A. Thorson & Stephan Stohler ......................................442