

# Northern Illinois University Law Review

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Volume 40 | Issue 3

Article 3

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6-1-2020

## Vol. 40, no. 3, Summer 2020: Table of Contents

Northern Illinois University Law Review

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### Recommended Citation

Northern Illinois University Law Review (2020) "Vol. 40, no. 3, Summer 2020: Table of Contents," *Northern Illinois University Law Review*. Vol. 40: Iss. 3, Article 3.

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NORTHERN ILLINOIS UNIVERSITY  
LAW REVIEW

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VOLUME 40

SUMMER 2020

NUMBER 3

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C O N T E N T S

ARTICLES

Time, Place, and Manner Restrictions on Speech

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*The category of time, place, and manner restrictions on speech, as supposedly distinct from absolute bans, appears to be central to free speech law. Even a modest examination of the case law, however, suggests the arbitrariness of any such distinction. Any familiar time, place, or manner restriction on speech can be reasonably re-described as an absolute ban on speech, and vice versa. Any differences in how the relevant regulations of speech should be judicially tested, whether by differing degrees of rigor or otherwise, are correspondingly arbitrary.*

*This Article recommends abandoning any attempt to substantively distinguish between time, place, and manner restrictions and absolute prohibitions of speech. The three currently used judicial tests for presumed content-neutral restrictions on the supposed time, place, and manner of speech should be substantially revised and consolidated. Any replacement test should then de-emphasize concerns for any degree of narrowness of tailoring, focusing instead on whether the regulated speakers are now meaningfully worse off, in terms of their own free speech values, given whatever channels of communication remain available to them after the speech regulation in question has been imposed.*

## NOTES AND COMMENTS

America’s Pastime: Human Trafficking, Cuba, and the Road to the Show

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*Cuban athletes face a treacherous journey in venturing from Cuba to the United States in order to pursue their dreams of becoming professional athletes. The MLB-FCB Agreement of 2018 sought to ease this journey by alleviating the smuggling of Cuban athletes by violent gangs and criminal organizations. However, the Agreement was declared unconstitutional by the Trump administration months later. This Comment analyzes the MLB-FCB Agreement, including the benefits and risks associated with it, and presents potential alternate solutions to cut down on the trafficking of Cuban athletes.*

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**NORTHERN ILLINOIS UNIVERSITY**  
**LAW REVIEW**

VOLUME 40

SUMMER 2020

NUMBER 3

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\*Allison Piper Geber, Kathryn Keizer, Katlin Kiefer, and Colin Siegel are hereby recognized for their superb efforts and talents in the editing process and are thus named Best Cite Check Performers for Volume 40, Number 3.

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*Special thanks to our dedicated staff and faculty members who continue to support the journal and serve as mentors year after year. We appreciate all you do.*