The Court has defined three categories of public property for public forum analysis. First, there is the traditional public forum—places such as streets and parks that have traditionally been used for public assembly and debate, where the government may not prohibit all communicative activity and must justify content-neutral time, place, and manner restrictions as narrowly tailored to serve a legitimate interest.[1437] Second, there is the designated public forum, where the government opens property for communicative activity and thereby creates a public forum. Such a forum may be limited—hence the expression "limited public forum"—for "use by certain groups, *e.g.*, *Widmar v. Vincent* (student groups), or for discussion of certain subjects, *e.g.*, *City of Madison Joint School District v. Wisconsin PERC* (school board business)," [1438] but, within the framework of such legitimate limitations, "a content-based prohibition must be narrowly drawn to effectuate a compelling state interest." [1439] Third, with respect to "[p]ublic property which is not by tradition or designation a forum for public communication," the government "may reserve the forum for its intended purposes, communicative or otherwise, as long as the regulation on [sic] speech is reasonable and not an effort to suppress expression merely because public officials oppose the speaker's view." [1440] The distinction between the first and second categories, on the one hand, and third category, on the other, can therefore determine the outcome of a case, because speakers

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breach of the peace conviction of a speaker who refused to cease speaking upon the demand of police who feared imminent violence. Feiner v. New York, 340 U.S. 315 (1951). In Niemotko v. Maryland, 340 U.S. 268, 273 (1951) (concurring opinion), Justice Frankfurter wrote: "It is not a constitutional principle that, in acting to preserve order, the police must proceed against the crowd whatever its size and temper and not against the speaker."

[1437] "[A]lthough a park is a traditional public forum for speeches and other transitory expressive acts, the display of a permanent monument in a public park is not a form of expression to which forum analysis applies. Instead, the placement of a permanent monument in a public park is best viewed as a form of government speech and is therefore not subject to scrutiny under the Free Speech Clause." Pleasant Grove City, Utah v. Summum, 129 S. Ct. 1125, 1129 (2009).

[1438] Perry Educ. Ass'n v. Perry Local Educators' Ass'n, 460 U.S. 37, 45, 46 n.7 (1983).

[1439] 460 U.S. at 46.

[1440] 460 U.S. at 46. Candidate debates on public television are an example of this third category of public property: the "nonpublic forum." Arkansas Educational Television Comm'n v. Forbes, 523 U.S. 666, 679 (1998). "Although public broadcasting as a general matter does not lend itself to scrutiny under the forum doctrine [*i.e.*, public broadcasters ordinarily are entitled to the editorial discretion to engage in viewpoint discrimination], candidate debates present the narrow exception to this rule." Id. at 675. A public broadcaster, therefore, may not engage in viewpoint discrimination in granting or denying access to candidates. Under the third type of forum analysis, however, it may restrict candidate access for "a reasonable, viewpoint-neutral" reason, such as a candidate's "objective lack of support." Id. at 683.