the United States Supreme Court endorsed Holmes' view.[1406] Years later, beginning with *Hague v. CIO*,[1407] the Court reconsidered the issue. Justice Roberts wrote in *Hague*: "Wherever the title of streets and parks may rest, they have immemorially been held in trust for the use of the public and, time out of mind, have been used for purposes of assembly, communicating thoughts between citizens, and discussing public questions. Such use of the streets and public places has from ancient times, been a part of the privileges, immunities, rights, and liberties of citizens." Although this opinion was not itself joined by a majority of the Justices, the Court subsequently endorsed the view in several opinions.[1408]

The Roberts view was called into question in the 1960s, however, when the Court seemed to leave the issue open,[1409] and when a majority endorsed an opinion by Justice Black asserting his own narrower view of speech rights in public places.[1410] Later decisions restated and quoted the Roberts language from *Hague*, and that is now the position of the Court.[1411] Public streets and parks,[1412] including those adjacent to courthouses[1413] and foreign embas-

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[1406] Davis v. Massachusetts, 167 U.S. 43, 48 (1897).

[1407] 307 U.S. 496 (1939). Only Justice Black joined the Roberts opinion, but only Justices McReynolds and Butler dissented from the result.

[1408] *E.g.*, Schneider v. Town of Irvington, 308 U.S. 147, 163 (1939); Kunz v. New York, 340 U.S. 290, 293 (1951).

[1409] Cox v. Louisiana, 379 U.S. 536, 555 (1965). For analysis of this case in the broader context, *see* Kalven, *The Concept of the Public Forum: Cox v. Louisiana*, 1965 SUP. CT. REV. 1.

[1410] Adderley v. Florida, 385 U.S. 39 (1966). *See* id. at 47–48; Cox v. Louisiana, 379 U.S. 559, 578 (1965) (Justice Black concurring in part and dissenting in part); Jamison v. Texas, 318 U.S. 413, 416 (1943) (Justice Black for the Court).

[1411] *E.g.*, Shuttlesworth v. City of Birmingham, 394 U.S. 147, 152 (1969); Grayned v. City of Rockford, 408 U.S. 104, 115 (1972); Carey v. Brown, 447 U.S. 455, 460 (1980).

[1412] Hague v. CIO, 307 U.S. 496 (1939); Niemotko v. Maryland, 340 U.S. 268 (1951); Kunz v. New York, 340 U.S. 290 (1951); Shuttlesworth v. City of Birmingham, 394 U.S. 147 (1969); Coates v. City of Cincinnati, 402 U.S. 611 (1971); Grayned v. City of Rockford, 408 U.S. 104 (1972); Greer v. Spock, 424 U.S. 828, 835–36 (1976); Carey v. Brown, 447 U.S. 455 (1980).

[1413] Narrowly drawn statutes that serve the state's interests in security and in preventing obstruction of justice and influencing of judicial officers are constitutional. Cox v. Louisiana, 379 U.S. 559 (1965). A restriction on carrying signs or placards on the grounds of the Supreme Court is unconstitutional as applied to the public sidewalks surrounding the Court, since it does not sufficiently further the governmental purposes of protecting the building and grounds, maintaining proper order, or insulating the judicial decisionmaking process from lobbying. United States v. Grace, 461 U.S. 171 (1983).