been held in trust for the use of the public and . . . have been used for the purposes of assembly, communicating thoughts between citizens, and discussing public questions." In the aftermath of *Hague,* the Supreme Court has further honed the definition of "public forum," the most famous example of which is *Perry Education Association v. Perry Local Educators' Association* (1983), where the Court held that "with respect to public property that is not by tradition or government designation a forum for public communication, a State may reserve the use of the property for its intended purposes . . . as long as a regulation on speech is reasonable and not an effort to suppress expression merely because public officials oppose the speaker's view."

Significance

This case upheld the rights of groups to hold public meetings without governmental interference.

Related Cases

Davis v. Massachusetts, 167 U.S. 43 (1897)

Lovell v. City of Griffin, 303 U.S. 444 (1938)

Perry Education Association v. Perry Local Educators' Association, 460 U.S. 37 (1983)

Recommended Reading

Finan, Christopher M. *From the Palmer Raids to the Patriot Act: A History of the Fight for Free Speech in America.* Boston: Beacon Press, 2007.

Richard T. Pfohl, Hague v. CIO *and the Roots of Public Forum Doctrine: Translating Limits of Powers into Individual Rights,* 28 Harvard Civil Rights–Civil Liberties Law Review 533 (1993).

Ross, Susan Dente. *Deciding Communication Law: Key Cases in Context.* Mahwah, N.J.: Routledge, 2004.

Lee Rudy, *A Procedural Approach to Limited Public Forum Cases,* 22 Fordham Urban Law Journal 1255 (1995).

Whitney M. Smith, *The Right to Access to Public Forums: Does a Failure to Require the Least Restrictive Alternative Result in a Failure to Communicate?*, 36 Seton Hall Law Review 627 (2006).

Case Title: *Schneider v. State*

Legal Citation: 308 U.S. 147

Year of Decision: 1939

Key Issue

May a municipality completely ban the distribution of leaflets in the city to prevent littering?

History of the Case

Four different cities completely banned the distribution of information leaflets. The cities mainly argued that the ban was to prevent littering. State courts upheld convictions under the municipal ordinances regulating or forbidding the distribution of literature in public places or the streets. The Supreme Court took two of the cases through certiorari, and two went to the Supreme Court through appeal.

Summary of Arguments

The plaintiffs argued that the ordinance violated the right to free speech as guaranteed by the First Amendment.

The cities argued that keeping the streets clean was a substantial interest that outweighed an individual's right to be on a public street handing out literature.

Decision

Justice Roberts delivered the opinion of the Court. The Supreme Court invalidated the ordinances forbidding the distribution of leaflets because they violated the constitutional protection of the freedom of speech and press. The Court stated that the purpose of keeping the

streets clean was not a good enough reason to deny a person the right to free expression through literature. The Court also noted that the street was a natural place to disseminate information and opinion. Litter control could be managed by punishing those who actually threw the leaflets on the ground, not by punishing those who handed out the literature.

Aftermath

Schneider has not been overruled and is still cited as good law.

Significance

Schneider has played a role in keeping a public forum open for communication through the distribution of information on the street. The right to use the streets as a public forum cannot be banned completely and can be regulated only if there are weighty reasons.

Related Cases

Hague v. CIO, 307 U.S. 496 (1939)

Jamison v. Texas, 318 U.S. 413 (1943)

Recommended Reading

Stephen Durden and David Ray, *Litter or Literature: Does the First Amendment Protect Littering of Neighborhoods?,* 26 Stetson Law Review 837 (1997).

Michael S. Wichman, *Cyberia: The Chilling Effect of Online Free Speech by the Communications Decency Act,* 3 U.C.L.A. Entertainment Law Review 427 (1996).

Case Title: *Thornhill v. Alabama*

Legal Citation: 310 U.S. 88

Year of Decision: 1940

Key Issue

Is an Alabama statute prohibiting picketing in front of businesses, specifically during labor disputes, a violation of the right to free speech as protected by the Constitution?

History of the Case

Thornhill worked for a company whose union had ordered a strike. A picket line formed outside the company on company property. Thornhill, who was picketing, approached someone who was reporting to work and told the worker that the union did not want employees to work. Thornhill was convicted of a misdemeanor under an Alabama statute prohibiting picketing during a labor dispute. The court of appeals considered the constitutional issue and affirmed the judgment. The Alabama Supreme Court refused to hear the case. The U.S. Supreme Court agreed to hear the case because of the important constitutional question presented.

Summary of Arguments

Thornhill argued that the Alabama statute violated the Constitution by depriving him of his right of peaceful assembly, his right to free speech, and his right to petition for redress. The state of Alabama argued that the purpose of the statute was to protect the community from violence and breaches of peace that occurred during labor disputes.

The state argued that the statute was needed to keep peace.

Decision

The Court ruled that the Alabama statute violated the First Amendment's guarantee of free speech and press. The Court stated that a penal statute covering such a large number of activities lent itself to discriminatory enforcement by local officials against groups they did not favor. This resulted in a continuous restraint on the freedom of discussion. The Court ruled that labor matters were a public concern and that the