

1  **Time, Place, Manner Restrictions**

2  **Definitions**

■ Time refers to chronological date, time or period when and utterance is made or events occur.

■ Place refers to the forum or site of the expression

■ Manner refers to the medium by which the expression occurs (words or symbols).

3  **TPM Test**

■ Intermediate Scrutiny Standard of Judicial Review:

▫ Rule must be neutral as to content - on its face and in manner applied

▫ If not content neutral government must show compelling interest.

▫ Rule must not be complete ban on a kind of communication.

▫ Rule must state a substantial government interest

▫ Rule must be narrowly tailored to further state interest and not restrain more speech than is required.

4  **Some concerns with TPM test:**

■ a) alternative modes of communication may not be as effective

■ b) sometimes the mode itself has communicative or expressive value.

5  **Forum Analysis**

■ Traditional Public Forum

▫ immemorially held in trust for the use of the public - had to close

▫ Highest level of First Amendment protection

▫ Public sidewalks, street corners, parks

▫ Subject to the 4-part intermediate scrutiny test

6 

■ Designated Public Forum

▫ Created by government with an *intent* for public use.

▫ Intent determined by

▫ Saying expression is an intended use

▫ Has been used that way as a matter of practice or policy

▫ Naturally compatible with expressive activities

▫ City auditoriums, fairgrounds, community halls, student

newspapers.

- Government can close these, but when open it functions like a traditional public forum.

■ Public Property that is not a public forum

- Prisons, military bases, airports,
- Government has greater power to restrict expressive activities here.
- Less judicial scrutiny - restrictions tend to be upheld as long as they are reasonable and viewpoint neutral.

■ Private Property

- No First Amendment rights.