

Federal, Case, State and Local Laws Surrounding Freedom of Speech	
FEDERAL	
First Amendment	Freedom of speech and Assembly
Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.	
Case Law	
Grayned V. City of Rockford	https://www.law.cornell.edu/supremecourt/text/408/104
Anti-noise ordinance prohibiting a person while on grounds adjacent to a building in which a school is in session from willfully making a noise or diversion that disturbs or tends to disturb the peace or good order of the school session is not unconstitutionally vague or overbroad. The ordinance is not vague, since, with fair warning, it prohibits only actual or imminent, and willful, interference with normal school activity, and is not a broad invitation to discriminatory enforcement. Cox v. Louisiana, 379 U.S. 536; Coates v. Cincinnati, 402 U.S. 611, distinguished. The ordinance is not overbroad as unduly interfering with First Amendment rights since expressive activity is prohibited only if it "materially disrupts classwork." Tinker v. Des Moines School District, 393 U.S. 503, 513. Pp. 107-121.	
Ward v. Rock against racism	https://www.law.cornell.edu/supremecourt/text/491/781
Time Place and Manner Determination for constitutionality- Content Neutral Test	
A. Is the guideline content-neutral and justified without content of regulated speech	
B. The guideline is narrowly tailored to serve significant governmental interests	
(c) The guideline leaves open ample alternative channels of communication, since it does not attempt to ban any particular manner or type of expression at a given place and time.	
Hill v. Colorado (2000)	https://www.law.cornell.edu/supct/html/98-1856.ZS.html
May a State Law pass a law making it unlawful to approach someone within 8' of another person entering a health care facility	
Yes- Colorado law Section 18—9—122(3) passes the Ward content-neutrality test for three independent reasons. First, it is a regulation of places where some speech may occur, not a "regulation of speech." Second, it was not adopted because of disagreement with the message of any speech. Most importantly, the State Supreme Court unequivocally held that the restrictions apply to all demonstrators, regardless of viewpoint, and the statute makes no reference to the content of speech. Third, the State's interests are unrelated to the content of the demonstrators' speech.	

Section 18—9—122(3) is also a valid time, place, and manner regulation under *Ward*, for it is “narrowly tailored” to serve the State’s significant and legitimate governmental interests and it leaves open ample alternative communication channels. When a content-neutral regulation does not entirely foreclose any means of communication, it may satisfy the tailoring requirement even though it is not the least restrictive or least intrusive means of serving the statutory goal. The 8-foot zone should not have any adverse impact on the readers’ ability to read demonstrators’ signs. That distance can make it more difficult for a speaker to be heard, but there is no limit on the number of speakers or the noise level. Nor does the statute suffer from the failings of the “floating buffer zone” rejected in *Schenck*. The zone here allows the speaker to communicate at a “normal conversational distance,” 519 U.S., at 377, and to remain in one place while other individuals pass within eight feet. And the “knowing” requirement protects speakers who thought they were at the proscribed distance from inadvertently violating the statute. Whether the 8-foot interval is the best possible accommodation of the competing interests, deference must be accorded to the Colorado Legislature’s judgment. The burden on the distribution of handbills is more serious, but the statute does not prevent a leafletter from simply standing near the path of oncoming pedestrians and proffering the material, which pedestrians can accept or decline. See *Heffron v. International Soc. for Krishna Consciousness, Inc.*, 452 U.S. 640. Pp. 21—25.

Section 18—9—122(3) is not overbroad. First, the argument that coverage is broader than the specific concern that led to the statute’s enactment does not identify a constitutional defect. It is precisely because the state legislature made a general policy choice that the statute is assessed under *Ward* rather than a stricter standard. Second, the argument that the statute bans virtually the universe of protected expression is based on a misreading of the statute and an incorrect understanding of the overbreadth doctrine. The statute does not ban any forms of communication, but regulates the places where communications may occur; and petitioners have not, as the doctrine requires, persuaded the Court that the statute’s impact on the conduct of other speakers will differ from its impact on their own sidewalk counseling, see *Broadrick v. Oklahoma*, 413 U.S. 601, 612, 615. Pp. 25—27.

e) Nor is §18—9—122(3) unconstitutionally vague, either because it fails to provide people with ordinary intelligence a reasonable opportunity to understand what it says or because it authorizes or encourages arbitrary and discriminatory enforcement, *Chicago v. Morales*, 527 U.S. 41, 56—57.

(f) Finally, §18—9—122(3)’s consent requirement does not impose a prior restraint on speech. This argument was rejected in both *Schenck* and *Madsen*. Furthermore, “prior restraint” concerns relate to restrictions imposed by official censorship, but the regulations here only apply if the pedestrian does not consent to the approach. Pp. 29—30.

973 P.2d 1246, affirmed.

Texas v. Johnson (1989)

<https://www.billofrightsinstitute.org/educate/educator-resources/landmark-cases/freedom-of-speech-general/>

Is the desecration of an American flag, by burning or otherwise, a form of speech that is protected under the First Amendment?

In a 5-to-4 decision, the Court held that Johnson's burning of a flag was protected expression under the First Amendment. The Court found that Johnson's actions fell into the category of expressive conduct and had a distinctively political nature. The fact that an audience takes offense to certain ideas or expression, the Court found, does not justify prohibitions of speech. The Court also held that state officials did not have the authority to designate symbols to be used to communicate only limited sets of messages, noting that "[i]f there is a bedrock principle underlying the First Amendment, it is that the Government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable."

STATE					
Penal Code 415	Disturbing the peace				
a) Any person who (1) unlawfully fights within any building or upon the grounds of any school, community college, university, or state university or challenges another person within any building or upon the grounds to fight, or (2) maliciously and willfully disturbs another person within any of these buildings or upon the grounds by loud and unreasonable noise, or (3) uses offensive words within any of these buildings or upon the grounds which are inherently likely to provoke an immediate violent reaction is guilty of a misdemeanor punishable by a fine not exceeding four hundred dollars (\$400) or by imprisonment in the county jail for a period of not more than 90 days, or both.					
Penal Code 403	Disturbing a public meeting				
Every person who, without authority of law, willfully disturbs or breaks up any assembly or meeting that is not unlawful in its character, other than an assembly or meeting referred to in Section 302 of the Penal Code or Section 18340 of the Elections Code, is guilty of a misdemeanor.					
Penal Code 626.4	Withdrawal of Consent from campus-Affiliated				
(a) The chief administrative officer of a campus or other facility of a community college, a state university, the university, or a school, or an officer or employee designated by the chief administrative officer to maintain order on such campus or facility, may notify a person that consent to remain on the campus or other facility under the control of the chief administrative officer has been withdrawn whenever there is reasonable cause to believe that such person has willfully disrupted the orderly operation of such campus or facility.					
Penal Code 626.6	Withdrawal of Consent from campus- Non Affiliated				
(a) If a person who is not a student, officer or employee of a college or university and who is not required by his or her employment to be on the campus or any other facility owned, operated, or controlled by the governing board of that college or university, enters a campus or facility, and it reasonably appears to the chief administrative officer of the campus or facility, or to an officer or employee designated by the chief administrative officer to maintain order on the campus or facility, that the person is committing any act likely to interfere with the peaceful conduct of the activities of the campus or facility, or has entered the campus or facility for the purpose of committing any such act, the chief administrative officer or his or her designee may direct the person to leave the campus or facility. If that person fails to do so or if the person willfully and knowingly reenters upon the campus or facility within seven days after being directed to leave, he or she is guilty of a misdemeanor and shall be punished as follows:					
(b) The provisions of this section shall not be utilized to impinge upon the lawful exercise of constitutionally protected rights of freedom of speech or assembly.					
Penal Code 602 (q)	Trespassing				
Refusing or failing to leave a public building of a public agency during those hours of the day or night when the building is regularly closed to the public upon being requested to do so by a regularly employed guard, watchperson, or custodian of the public agency owning or maintaining the building or property, if the surrounding circumstances would indicate to a reasonable person that the person has no apparent lawful business to pursue.					

	LOCAL				
CSULB Regulation IX	POLICY ON TIME, PLACE AND MANNER OF FREE EXPRESSION				
<p>Preamble- CSULB supports creative, thoughtful, and respectful discourse where conflicting perspectives are vigorously debated and thoroughly discussed. CSULB is dedicated to affording all members of the CSULB community the protections for free speech, expression, assembly, religion, and press available under the U.S. and California constitutions and all applicable federal and state laws, in accordance with the University’s purpose and function except insofar as limitations on those freedoms are necessary to CSULB’s functioning.</p>					
<p>Time, Place and Manner- Time, place, and manner of expression are limited by the following general conditions and by additional specific conditions addressed in this policy. The exercise of free speech and assembly rights must comply with all applicable federal, state, and local laws, and may not:</p>					
<p>a. interfere with class instruction or other scheduled academic, educational, or cultural/arts programs or with use of the University Library, or endanger campus safety and security;</p>					
<p>b. obstruct the flow of pedestrian or vehicular traffic, or create an unreasonable risk of harm;</p>					
<p>c. interfere with or disrupt the conduct of University business;</p>					
<p>d. be conducted in or on campus parking lots, parking structures, driveways, and crosswalks;</p>					
<p>e. employ sound amplification or create noise that disrupts University activities or unreasonably interferes with the exercise of free speech by others;</p>					
<p>f. harass, intimidate, or impede the movement of persons;</p>					
<p>g. create or cause unsafe congestion around stairs and escalators; or</p>					
<p>h. violate any federal, state, or local safety code, such as regulations set by the State Fire Marshal</p>					
CSULB Regulation X	AMPLIFICATION POLICY				
<p>Sound amplification equipment used on campus is restricted to that provided by ASI or by the University. Any group wanting to use its own sound amplification system must receive permission. Equipment to be used in the USU may be requested at the USU Conference and Events Center, USU-232, up to three (3) working days in advance of the scheduled meeting. Requests for amplification require approval by the Office of Student Life and Development, USU-215. The maximum allowable noise level is 85 decibels. Pursuant to the California Code of Regulations, Title 8, Section 5097, this level represents the maximum permissible noise exposure.</p>					
TIME: Monday through Friday, noon to 1 p.m., Friday, 6 p.m. to 9 p.m., and Saturday, 10 a.m. to 9 p.m.	PLACE: Southwest Terrace, South Plaza (no more than two reservations in one week), and University Student Union pool. Amplification is not allowed simultaneously at the Southwest Terrace and South Plaza.	MANNER: Musical performances with amplification must be presented in a manner that is conducive to, and will not disturb, the academic environment. Amplification above 85 decibels will not be permitted for musical performances.			