

Table 13-1
PUBLIC AND NONPUBLIC FORA

FORUM WHERE SPEECH OCCURRED	DEFINITION	FIRST AMENDMENT ANALYSIS
Public fora	A place, such as a sidewalk or a park that has been traditionally open for public expression.	The ability of the government to limit speech is sharply circumscribed. Content-based regulation is justified only when necessary to serve a compelling state interest and when it is narrowly drawn to achieve that end, and content-neutral restrictions that regulate the time, place, and manner of speech are permissible so long as they are narrowly tailored to serve a significant government interest, and they leave open ample alternative channels of communication.
Designated public fora	The government intentionally opens a nontraditional form to public discourse.	Same as public fora.
Limited public fora	A nonpublic forum that the government intentionally has opened to certain groups or for the discussion of certain topics.	Restrictions governing access to a limited public forum are permitted so long as they are viewpoint neutral and reasonable in light of the purpose served by the forum. In determining whether the restriction is viewpoint neutral, a court must identify whether exclusion of speech is content discrimination, which may be permissible if it preserves the purpose of the limited forum, or viewpoint discrimination, which is presumed impermissible when directed against speech otherwise within the forum's limitations. Content discrimination occurs when the government chooses the subjects that may be discussed, while viewpoint discrimination occurs when the government prohibits speech by particular speakers, thereby suppressing a particular view about a subject.
Nonpublic fora	All remaining public property.	The challenged regulation need only be reasonable, as long as the regulation is not an effort to suppress the speaker's activity due to disagreement with the speaker's view.