

Case Brief

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Name of Case: *University of Cincinnati Chapter of Young Americans for Liberty v. Williams*

Who are the parties: University of Cincinnati Chapter of Young Americans for Liberty, et al., are the plaintiffs. Gregory Williams, et al., are the Defendants.

What Court/Procedural History: United States District Court, S.D. Ohio, Western Division

Facts: The University of Cincinnati (UC) determined that Student Members of the UC Chapter of Young Americans for Liberty (Plaintiffs) were not allowed to “circulate freely across the college campus seeking to gather signatures”. Instead, they were confined to gathering signatures in UC’s Free Speech Area or be subject to arrest. They complied but did not receive many signatures due to lack of foot traffic. In response, the Plaintiffs filed a lawsuit stating that UC’s “prohibition against any and all spontaneous student speech...is overbroad and facially unconstitutional”. The University responds by stating their interest in regulating all expressive activity on its campus through declaring the entire campus is a limited public forum.

The Courts used a three-part test to evaluate a First Amendment claim: “(1) whether the speech is protected (2) the nature of the forum where the speech is to occur and the proper standard for restrictions in that forum; (3) whether the government justification satisfies the applicable standard”.

Issues: Did the University possess the authority to declare the entire campus is a limited public forum whereby they may restrict speech to the discussion of certain topics? Does their policy requiring prior notice violate the right to free, spontaneous speech?

Holding: The Court determines that the University’s policy to require both students and outsiders to provide “prior notice and permit scheme and restrict all ‘demonstrations, picketing, and rallies’ to a Free Speech Area” is a that scheme violates the First Amendment and cannot stand.

Analysis/Reasoning: (1) The student’s speech is protected because “the solicitation of signatures for a petition involves protected speech... (and) is at the core of our electoral process”. (2) There are other open areas of campus designated as public fora not limited public fora, so the Plaintiffs have established a significant likelihood that the University’s location requirements unconstitutionally burden their right to free speech. (3) Defendant’s view would allow the university to restrict the speech of all students to limited topics essentially banning spontaneous speech.

Other Opinions: No concurring or dissenting opinions.

Personal Views/Opinions: The courts seemed to rule in favor of the correct party in this case. UC is in clear violation of the First Amendment and did indeed “essentially ban spontaneous speech”. In addition, this contradicts the mission of higher education institutions as a whole.