

CONTROLLING LEGAL PRINCIPLES

*Free Exercise Clause Decision – The “Contemplation of Justice”
USPS v. Council of Greenburgh Civic Assns., 453 U.S. 114 (1981)*



While Congress may not, by its own ipse dixit, destroy the "public forum" status of streets and parks, a letterbox may not properly be analogized to streets and parks. Pp. 453 U. S. 133-134.

The present case is a good example of Justice Holmes' aphorism that "a page of history is worth a volume of logic."

It is thus unnecessary for us to examine § 1725 in the context of a "time, place, and manner" restriction on the use of the traditional "public forums" referred to above.

This Court has long recognized the validity of reasonable time, place, and manner regulations on such a forum, so long as the regulation is content-neutral, serves a significant governmental interest, and leaves open adequate alternative channels for communication.

See, e.g., Consolidated Edison Co. v. Public Service Comm'n, 447 U. S. 530, 447 U. S. 535-536 (1980); Linmark Associates, Inc. v. Willingboro, 431 U. S. 85, 431 U. S. 93 (1977); Virginia Pharmacy Board v. Virginia Citizens Consumer Council, Inc., 425 U. S. 748, 425 U. S. 771 (1976); Grayned v. City of Rockford, 408 U. S. 104 (1972); Cox v. New Hampshire, 312 U. S. 569 (1941).

JUSTICE BRENNAN argues that a letterbox is a public forum because "the mere deposit of mailable matter without postage is not 'basically incompatible' with the 'normal activity' for which a letterbox is used, i.e., deposit of mailable matter with proper postage or mail delivery by the Postal Service. On the contrary, the mails and the letterbox are specifically used for the communication of information and ideas, and thus surely constitute a public forum appropriate for the exercise of First Amendment rights subject to reasonable time, place, and manner restrictions such as those embodied in § 1725. . . ."

Post at 453 U. S. 137-138. JUSTICE BRENNAN's analysis assumes that, simply because an instrumentality "is used for the communication of ideas or information," it thereby becomes a public forum. Our cases provide no support for such a sweeping proposition.