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The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLES MOLONY CONDON
ATTORNEY GENERAL

July 23, 1997

James T. Bagnall, Chief
Department of Public Safety
Denmark Technical College
P. O. Box 327
Denmark, South Carolina 29042-0327

Re: Informal Opinion

Dear Chief Bagnall:

You have sought information regarding "any applicable law ... [with respect] to picketing or protesting at the entrance or around a State supported college." You further state that

> [t]he issue is not to prevent this activity totally in that there is a first amendment right, however, a question has arisen in reference to some type of notice or permission as well as parameters for the function i.e. amplified sound, type and content on signs, whether the signs must be held by the protesters and placement of signs along the roadway.
>
> I have been advised by Sheriff Darnell of Bamberg County that there is not a county ordinance that regulates any type of picketing or protest, however, the S.C. Code 16-17-420. Disturbing schools does make unlawful "... For any person to (a) enter upon any such school or college premises or (b) loiter around the premises, except on business, without the permission of the principle or president in charge ... ."

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Request Letter

LAW / ANALYSIS

The statute which you reference, S.C. Code Ann. Sec. 16-17-420 provides as follows:

> [i]t shall be unlawful:
>
> (1) For any person wilfully or unnecessarily (a) to interfere with or to disturb in any way or in any place the students or teachers of any school or college in this State, (b) to loiter about such school or college premises or (c) to act in an obnoxious manner thereon; or
>
> (2) For any person to (a) enter upon any such school or college premises or (b) loiter around the premises, except on business, without the permission of the principal or president in charge.
>
> Any person violating any of the provisions of this section shall be guilty of a misdemeanor and, on conviction thereof, shall pay a fine of not less than one hundred dollars nor more than one thousand dollars or be imprisoned in the county jail for not less than thirty days nor more than ninety days.

This statute has been referenced in cases involving the attempted "takeover" by students at the University of South Carolina on May 7, 1970. The statute was cited both in Herman v. University of South Carolina, 341 F.Supp. 226 (D.S.C.1971) as well as Bistrick v. University of South Carolina, 324 F.Supp. 942 (D.S.C.1971). In neither of these cases, however, was the statute really construed beyond the Court's simply noting that the law played a role in the Court's determination that

> a student does not abandon his Constitutional rights upon his registration into college, [as] the First Amendment loses none of its awesome force when taken to the campuses of America and that the right of students and teachers to freedom of expression is preserved. However, the Court [also recognizes] ... the difference between freedom of expression and expression which takes the form of action that materially and

> substantially interferes with the normal activities of the institution or invades the rights of others.

Herman, supra at 230.

While there is not much other law in South Carolina concerning your question, there is a great deal of authority elsewhere. The following general statement of law is somewhat helpful:

> [s]tudents have the right to express their views individually or collectively with respect to matters of concern to the college or to a larger community, and they are neither required to limit their expression of views to the campus nor to confine their opinions to matters that affect the academic community only. Disciplinary action taken again students may not be based on the disapproved content of protected speech, and the mere dissemination of ideas, no matter how offensive to good taste, on a state university campus may not be shut off in name alone of "conventions of decency."
>
> The achievement of a state university's educational goals would preclude regulations unduly restricting the freedom of students to express themselves; and a state cannot force students to forfeit their constitutionally protected right of freedom of expression as a condition to their attending a state-supported institution.
>
> Although students have a right to demonstrate and voice opinions on issues of the day, universities, for the sake of order, may establish reasonable rules of conduct to govern such student activity, and reasonable regulations with respect to the time, place and manner in which student groups conduct their speech-related activities must be respected.
>
> Associational activities may not be tolerated where they infringe reasonable campus rules, interrupt classes or substantially interfere with the opportunity of other students to obtain an education. Conduct involving rowdiness, rioting, destruction of property, reckless display of impropriety or any unjustifiable disturbance of public order on or off a university

> campus is indefensible, however sincere to some cause or ideal.

14 A C.J.S., Colleges and Universities, § 36.

In addition, the United States Supreme Court has set forth the following general statement concerning the balancing of First Amendment rights on a college campus with the necessity of university or college officials to preserve order and maintain an environment conducive to peaceful study:

> [t]his Court has recognized that the campus of a public university, at least for its students, possesses many of the characteristics of a public forum. See generally Police Dept. of Chicago v. Mosley, 408 U.S. 92, 92 S.Ct. 2286, 33 L.Ed.2d 212 (1972); Cox v. Louisiana, 379 U.S. 536, 85 S.Ct. 453, 13 L.Ed.2d 471 (1965). "The college classroom with its surrounding environs is peculiarly 'the marketplace of ideas.' " Healy v. James, 408 U.S. 169, 180, 92 S.Ct. 2338, 2345, 33 L.Ed.2d 266 (1972). Moreover, the capacity of a group or individual "to participate in the intellectual give and take of campus debate ... [would be] limited by denial of access to the customary media for communicating with the administration, faculty members, and other students." Id., at 181-182, 92 S.Ct., at 2346. We therefore have held that students enjoy First Amendment rights of speech and association on the campus, and that the "denial [to particular groups] of use of campus facilities for meetings and other appropriate purposes" must be subjected to the level of scrutiny appropriate to any form of prior restraint. Id., at 181, 184, 92 S.Ct., at 2346, 2347.
>
> At the same time, however, our cases have recognized that First Amendment rights must be analyzed "in light of the special characteristics of the school environment." Tinker v. Des Moines Independent School District, 393 U.S. 503, 506, 89 S.Ct. 733, 736, 21 L.Ed.2d 731 (1969). We continue to adhere to that view. A university differs in significant respect from public forums such as streets or parks or even municipal theaters. A university's mission is education, and decisions of this Court have never denied a university's authority to impose

> reasonable regulations compatible with that mission upon the use of its campus and facilities. We have not held, for example, that a campus must make all of its facilities equally available to students and nonstudents alike, or that a university must grant free access to all its grounds or buildings.

Widmar v. Vincent, 454 U.S. 263, 102 S.Ct. 269, 273, 70 L.Ed.2d 440 (1981).

While these two general statements are clearly relevant and helpful, the difficulty obviously lies in their application to a particular situation. Each factual circumstance is different, and courts have held that one set of facts where the actions of university or college officials actions are valid, would be unlawful where the facts are different. I will now review the various cases which I have found in this area with the hope that these authorities will offer you additional guidance.

For example, it has been held that a campus rule prohibiting the distribution of literature on campus without a permit was constitutional on its face where the affidavit of the Director of Student Activities attested that the distribution was not an "event" subject to a five-week waiting period and that such permits were routinely granted. City of Parma v. Manning, 33 Ohio App.3d 67, 514 N.E.2d 749 (1986).

And in Buttny v. Smiley, 281 F.Supp. 280 (D.Colo.1968), the Court held that state university students who participated in protest demonstrations at university placement service on campus could not exclude other persons from free movement in the area.

The California Court has ruled that a state university's requirement that students must conform to the community's accepted norms of propriety with respect to loud, repeated use of objectionable terms was reasonably necessary for the orderly conduct of protests on campus and thus valid. Goldberg v. Regents of University of California, 57 Cal.Reptr. 463 (1967). There, the Court concluded as follows:

> [t]he question here is whether the University's requirement that plaintiffs conform to the community's accepted norms of propriety with respect to the loud, repeated public use of certain terms was reasonably necessary in furthering the University's educational goals. We note that plaintiffs were not disciplined for protesting the arrest of Thomson, but for doing so in a particular manner. The qualification imposed was simply that plaintiffs refrain from repeatedly, loudly and publicly using terms which, when so used, clearly infringed on

> the minimum standard of propriety and the accepted norm of public behavior of both the academic community and the broader social community. Plaintiff's contention that the words were used only in the context of their demonstration is not borne out by the record which indicates that the terms were used repeatedly, and often out of context, or when used in context given undue emphasis. The conduct of plaintiffs thus amounted to coercion rather than persuasion.

57 Cal.Reptr. at 472. (emphasis added).

Another useful case in this area is State v. Wiggins, 272 N.C. 147, 158 S.E.2d 37, cert.den. 390 U.S. 1028, 20 L.Ed. 285, 88 S.Ct. 1418. There, it was concluded by the North Carolina Court that, although public high school students who participated in a picketing demonstration in front of their school while classes were in session had marched silently, had not been on school grounds and had neither threatened nor provoked any violence, their conduct violated a North Carolina statute which made it a misdemeanor for any person to wilfully interrupt or disturb any public or private school either within or without the place where such school is held. In Wiggins, the defendants were driven to a point on the highway in front of the school. They possessed picket signs and walked up and down a ditch separating the highway from the campus. One of the signs was addressed to the school principal, and other signs mentioned the name of the school. A class was being held at the school approximately 10 to 25 feet from the school building. The students at the school were obviously distracted by the protests. While the teacher tried to keep the students busy, some of the students stopped what they were doing and watched the marchers. The defendants argued that the North Carolina statute with which they were charged with violating, was void for vagueness. The Court rejected this argument by stating that

> [g]iving the words of GS § 14-273 their plain and ordinary meaning, it is apparent that the elements of the offense punishable under this statute are: (1) Some act or course of conduct by the defendant, within or without the school; (2) an actual, material interference with, frustration of or confusion in, part all of the program of a public or private school for the instruction or training of students enrolled therein and in attendance thereon, resulting from such act or conduct; and (3) the purpose or intent on the part of the defendant that his act or conduct have that effect.

The Court further noted that the warrants charged the defendant "in plain and precise language with each element of the statutory offense at the specified time and place by the specified conduct of picketing in front of the school, which picketing interfered with classes at the school." 158 S.E.2d at 43.

With respect to the First Amendment issue, the Court distinguished between protected freedom of speech and the "protection of the freedom of others and of its own [the State's] paramount interests, such as its interest in the education of its children [and thus the State] ... may impose reasonable restraints of time and place upon the exercise of both speech and movement." The North Carolina statute in question, which is, incidentally, somewhat similar to our own Section 16-17-420, was valid, in the view of the Court, because it

> ... is not discriminatory upon its face. It is universal in its application. Anyone who does that which is prohibited by the statute is subject to its penalty ... .
>
> Neither the statute nor its application in this case has the slightest relation to State approval or disapproval of the ideas expressed on the signs carried by the defendants, or of the position taken by the defendants in their controversy, whatever it may have been, with the principal of the school. Like the ordinance involved in Kovacs v. Cooper, [336 U.S. 77, 69 S.Ct. 448, 93 L.Ed. 513], this statute does not undertake censorship of speech or protest. As the Court said in the Kovacs case: "City streets are recognized as a normal place for the exchange of ideas by speech or paper. But this does not mean the freedom is beyond all control." Again in Schneider v. State of New Jersey, 308 U.S. 147, 60 S.Ct. 146, 84 L.Ed.2d 155, the Court, recognizing the authority of a municipality, as trustee for the public, to keep its streets open and available for the movement of people and property, said, by way of illustration, a person could not exercise his liberty of speech "by taking his stand in the middle of a crowded street, contrary to traffic regulations, and maintain his position to the stoppage of all traffic ... ." G.S. § 14-273 does not have "the objectionable quality of vagueness and overbreadth" thought by the United States Supreme Court to render void the Virginia statute under examination in NAACP v. Button, 371 U.S. 415, 83 S.Ct. 328, 9 L.Ed.2d 405. G.S. § 14-273 is not

"susceptible of sweeping and improper application" so as to prevent the advocacy of unpopular ideas and criticisms of public schools or public officials.

Unquestionably, "the hours and place of public discussion can be controlled" by the State in the protection of its legitimate and vital public interest in the efficient operation of schools, public or private. See Saia v. People of State of New York, supra; Kovacs v. Cooper, supra. The classic statement by Mr. Justice Holmes in Schenck v. United States, 249 U.S. 47, 39 S.Ct. 247, 63 L.Ed. 470, "The most stringent protection of free speech would not protect a man in falsely shouting fire in a theatre and causing a panic," is still regarded by the Supreme Court of the United States as a correct interpretation of the First Amendment. The education of children in schools, public or private, is a matter of major importance to the State, at least as significant to as the free flow of traffic upon a city street.

In Cox v. State of Louisiana, supra, the Court recognized that picketing and parading are subject of state regulation, even though intertwined with expression and association. There the Court, quoting from Giboney v. Empire Storage & Ice Co., 336 U.S. 490, 69 S.Ct. 684, 93 L.Ed. 834, said "[I]t has never been deemed an abridgment of freedom of speech or press to make a course of conduct illegal merely because the conduct was in part initiated, evidenced, or carried out by means of language, either spoken, written or printed." Accordingly, the Court there held valid on its face a state statute prohibiting picketing and parading in or near a building housing a state court, with the intent of obstructing or impeding the administration of justice. The Court said, "Placards used as an essential and inseparable part of a grave offense against an important public law cannot immunize that unlawful conduct from State control." It deemed "irrelevant" the fact that "by their lights," the marchers in that case were seeking justice. Similarly, it is irrelevant here that the defendants may have been "by their lights: seeking the improvement of the educational processes at Southwestern High School. Whatever their motives, the result of their

> wilful activities was the disruption of those processes at that school. That is what the statute forbids and, in so doing, it does not violate limitations imposed upon the State by the First Amendment to the Constitution of the United States, now deemed by the Supreme Court of the United States to be made applicable to the states by the Fourteenth Amendment.
>
> It is also irrelevant that the defendants marched silently, were not on the school grounds, and neither threatened nor provoked violence. Their actions can admit of no interpretation other than that they were planned and carried out for the sole purpose of attracting and holding the attention of students or teachers in the Southwestern High School at a time when the program of the school required those students and teachers to be engaged in its instructional and training activities. There can also be no doubt that they succeeded in this purpose. The uncontradicted evidence as to the defendant Frinks is that, before the marching began, this statute was called to his attention and explained to him in substance, to which he replied, "I don't care anything about what is in the Statute Books." In the light of the uncontradicted evidence, the sentences imposed by the presiding judge were lenient.
>
> As the Supreme Court of the United States said in Cox v. State of Louisiana, supra, "There is a proper time and place for even the most peaceful protest and a plain duty and responsibility on the part of all citizens to obey all valid laws and regulations." The defendants wilfully ignored this elementary principle of sound government under the Constitution of our country.

In Grayned v. City of Rockford, 408 U.S. 104, 92 S.Ct. 2294, 33 L.Ed.2d 222 (1972), the United States Supreme Court upheld convictions for violations of a noise ordinance. Demonstrators marched around on a sidewalk about 100 feet from a school building which was set back from the street. The ordinance provided that no person while on public or private grounds adjacent to any building in which a school or any class thereof is in session, shall willfully make or assist in the making of any noise or diversion which disturbs or tends to disturb the peace or good order of such school session or class thereof ... ." The Court upheld the noise regulation both against an attack on vagueness,

as well as on First Amendment overbreadth grounds. As to the vagueness issue, the Court stated that

> [a]lthough the prohibited quantum of disturbance is not specified in the ordinance, it is apparent from the statute's announced purpose that the measure is whether normal school activity has been or is about to be disrupted ... . Although the Rockford ordinance may not be as precise as the statute we upheld in Cameron v. Johnson, 390 U.S. 611, 88 S.Ct. 1335, 20 L.Ed.2d 182 (1968) -- which prohibited picketing "in such a manner as to obstruct or unreasonably interfere with free ingress or egress to and from" any courthouse -- we think that, as in Cameron, the ordinance here clearly "delineates its reach in words of common understanding." ...
>
> [Here] Rockford's antinoise ordinance does not permit punishment for the expression of an unpopular point of view, and it contains no broad invitation to subjective or discriminatory enforcement. ... [T]here must be demonstrated interference with school activities. ... It is not impermissibly vague.

At to the First Amendment question, the Court put it this way:

> [c]learly, government has no power to restrict such activity because of its message. Our cases make equally clear, however, that reasonable "time, place and manner" regulations may be necessary to further significant governmental interests, and are permitted. For example, two parades cannot march on the same street simultaneously, and government may allow only one. Cox v. New Hampshire, 312 U.S. 569, 576, 61 S.Ct. 762, 765, 85 L.Ed. 1049 (1941). A demonstration or parade on a large street during rush hour might put an intolerable burden on the essential flow of traffic, and for that reason could be prohibited. Cox v. Louisiana, 379 U.S., at 554, 85 S.Ct., at 464. If overamplified loudspeakers assault the citizenry, government may turn them down. Kovacs v. Cooper, 336 U.S. 77, 69 S.Ct. 448, 93 L.Ed. 513 (1949); Saia v. New York, 334 U.S. 558, 562, 92 L.Ed. 1574, 1578, 68 S.Ct. 1148 (1948). Subject to such reasonable regulation, however, peaceful demonstrations in public places are protect-

> ed by the First Amendment. Of course, where demonstrations turn violent, they lose their protected quality as expression under the First Amendment.

408 U.S. at 112.

Specifically, as to the immediate property surrounding a school, the Court made the test whether disruption of the school was occurring or threatened:

> [j]ust as Tinker [v. Des Moines School District, 393 U.S. 503 (1969)] made clear that school property may not be declared off limits for expressive activity by students, we think it clear that the public sidewalk adjacent to school grounds may not be declared off limits for expressive activity by members of the public. But in each case, expressive activity may be prohibited if it "materially disrupts classwork or involves substantial disorder or invasion of the rights of others." ...
>
> We would be ignoring reality if we did not recognize that the public schools in a community are important institutions, and are often the focus of significant grievances. Without interfering with normal school activities, daytime picketing and handbilling on public grounds near a school can effectively publicize those grievances to pedestrians, school visitors, and deliverymen, as well as to teachers, administrators, and students. Some picketing to that end will be quiet and peaceful, and will in no way disturb the normal functioning of the school. For example, it would be highly unusual if the classic expressive gesture of the solitary picket disrupts anything related to the school, at least on a public sidewalk open to pedestrians. On the other hand, schools could hardly tolerate boisterous demonstrators who drown out classroom conversation, make studying impossible, block entrances, or incite children to leave the schoolhouse.

408 U.S. at 115-116, 118-119.

Other cases are in accord with the above-referenced authorities. For example, in Auburn Alliance For Peace and Justice v. Martin, 684 F.Supp. 1072 (M.D.Ala.1988), affd., 853 F.2d 931, the Court upheld the action of university officials in forbidding a

week-long camp-out on university's public forum, in view of the fact that the university offered to extend the forum hours and to allow use of an alternate forum when designated forum was unavailable, and that the restriction was content-neutral in that it did not relate to the purpose of the camp-out; and was reasonable as to time, place and manner in an effort to avoid disruption of normal campus activities. The Court thus concluded:

> [t]his is not a case where the University officials have denied speakers or demonstrators an opportunity to speak or demonstrate. This is not a case where University officials have denied a speaker or a demonstrator an opportunity to give expression to his message by unreasonably determining that the requested activity would interfere with the mission of the University. One may argue that a week long, 24-hour-a-day camp-out by numerous students and others in close proximity to dormitories would not unreasonably interfere with students studying or sleeping in the dormitories, but a contrary decision by defendants was certainly a reasonable one and does not manifest any desire to be unreasonably restrictive of speech or demonstrations. "Therefore, so long as the administration protects freedom of expression without substantial impairment, it must be afforded the flexibility to issue ad hoc directions specifying the time, place and manner in which particular activities are to be held ..." Bayless v. Martine, 430 F.2d 873, 882 (5th Cir.1970), concurring opinion of Thornberry, J.

In Students Against Apartheid Coalition v. O'Neil, 838 F.2d 735 (4th Cir.1988), the Fourth Circuit Court of Appeals upheld a school regulation prohibiting display of symbolic shanties on the lawn of the Rotunda building at the University of Virginia. The Court noted that the validity of the University regulation "depends on whether it is content neutral, narrowly tailored to meet a significant government interest and leave open other channels of communication." Id. at 736. And in Student Coalition for Peace v. Lower Merion School District, 776 F.2d 431 (3d Cir.1985), the Third Circuit upheld the school board's denial of access to school's athletic field for a peace exposition. The athletic field had not been dedicated for use as a "public forum" in the view of the Third Circuit. Said the Court,

> [w]e do not think that the evidence in this case shows an intent by appellees to create a public forum at Arnold Field. The Board's policy requires each nonschool sponsored organization, such as SCP, to obtain permission to use the

> Field. ... We agree with the district court that SCP has not met its burden of showing that such permission was in fact granted as a matter of course. Thus, neither the written policy nor the actual practice of the appellees manifests an intent to designate Arnold Field as a public forum. Cf. Bender v. Williamsport Area School Dist., 741 F.2d 538, 548-49 (3d Cir.1984), cert. granted, 469 U.S. 1206, 105 S.Ct. 1167, 84 L.Ed.2d 319 (1985).
>
> The nature of the property at issue in this case supports our conclusion. It has long been recognized that "First Amendment rights must be analyzed 'in light of the special characteristics of the school environment.'" Widmar v. Vincent, 454 U.S. 263, 268 n. 5, 102 S.Ct. 269, 273, 70 L.Ed.2d 440 (1981), quoting Tinker v. Des Moines Indep. School Dist., 393 U.S. 503, 506, 89 S.Ct. 733, 736, 21 L.Ed.2d 731 (1969). The courts have never "suggested that students, teachers, or anyone else has an absolute constitutional right to use all parts of a school building or its immediate environs for his unlimited expressive purpose." Grayned v. City of Rockford, 408 U.S. 104, 117-18, 92 S.Ct. 2294, 2303-04, 33 L.Ed.2d 222 (1972). While an athletic field obviously differs from a school building, neither exists primarily for expressive activity, especially where large numbers of nonstudents are involved. This fact, while not dispositive, bolsters our conclusion that Arnold Field has not been designated as a public forum for community events. ...
>
> Finally, we affirm the district court's determination that appellees did not act from a desire to suppress expression with which they disagreed. Viewpoint discrimination, of course, is impermissible regardless of the nature of the forum. Cornelius [v. NAACP Legal Defense Fund, 473 U.S. 788, 105 S.Ct. 3439, 87 L.Ed.2d 567 (1985)], 105 S.Ct. at 3454. The district court found that SCP "did not produce any evidence that defendant sought to censor its point of view." We agree. Other than denying its request to use school facilities for the Peace Fair, appellees have not interfered in any way with SCP's other activities, including its activities on school grounds. Indeed, appellees were apparently willing to permit

> the Peace Fair to be held on school property, albeit in a facility that SCP found unacceptable. Nor was any evidence introduced that any individual Board members were personally hostile to SCP's political goals. While under some circumstances a disparity between the government's proclaimed justification for denying access to its property and its actual practice might be evidence of viewpoint discrimination, see Cornelius, 105 S.Ct. at 3454-55, we find no significant disparity here.

776 F.2d at 436-437.

In summary, Section 16-17-420, the statute which you reference, may be applicable to the type of situation which you describe. You will note that Section 16-17-420 does not require that conduct which interferes with a school occur on campus property. If a person willfully or unnecessarily interferes with or disturbs the teachers or students of a school "in any place", such is a violation of the statute. In order for a statute such as this to be applied without contravening the First Amendment, however, courts look to a number of factors. These include:

> (a) Whether the reason for the exclusion or the application of a statute such as Section 16-17-420 or a rule of the school is content-neutral; in other words, college or university officials cannot punish First Amendment expression simply because they disagree with or dislike what is being said. On the other hand, a reasonable regulation of the time, place and manner of the speech is generally constitutionally valid.
>
> (b) Whether the speech is occurring on or in a traditional "public forum" which has been provided to others for First Amendment expression. Again, university officials cannot pick and choose between the types of speech which they like or dislike.
>
> (c) Whether the speech interferes with or is likely to interfere with other school activities or the operation of the school. This is where Section 16-17-420 can be best applied, consistent with the First Amendment. Undue noise or activity which is actually interfering with students and teachers is generally not constitutionally protected. Courts are particularly sensitive

> to conduct or activity which actually interferes with or threatens interference with the operation of a school.
>
> (d) Whether the school is reasonably regulating the time, place and manner of the speech as opposed to the content thereof. The regulation must be reasonable even where only time, place and manner is involved. For example, even if there is some noise involved in a protest, if it does not interfere with school activities, a court might say this goes too far with respect to free speech.

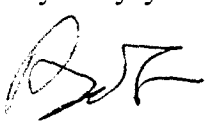
Again, each situation will necessarily be governed by its own unique facts. What would be constitutionally valid in one factual setting will not necessarily be so in another.

In addition, I would also call your attention to the case of In The Interest of Joseph B., 278 S.C. 502, 299 S.E.2d 331 (1983). There, our Supreme Court distinguished the State v. Hanapole, 255 S.C. 258, 178 S.E.2d 247 (1970) which had held that Section 16-11-530 which deems school districts "to be the owners and possessors of all school property" must be considered with respect to trespass upon the lands of a school district. Section 59-53-52 (3) empowers a TEC Board to "[a]cquire by gift, purchase or otherwise all kinds and descriptions of real and personal property." Thus, it could be argued that Section 16-11-620 may be also applicable here, particularly in light of Section 16-17-420's authorization to the President of a University or college to expel an individual from the campus. Again, even if this trespass provision is applicable, its use must be with the same caveats concerning the First Amendment outlined above.

This letter is an informal opinion only. It has been written by a designated Assistant Deputy Attorney General and represents the position of the undersigned attorney as to the specific questions asked. It has not, however, been personally scrutinized by the Attorney General nor officially published in the manner of a formal opinion.

With kind regards, I am

Very truly yours,



Robert D. Cook
Assistant Deputy Attorney General

RDC/ph