

1982 WL 189292 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 14, 1982

*1 Mr. Robert E. David
Executive Director
S. C. Employment Security Commission
Post Office Box 995
Columbia, SC 29202

Dear Mr. David:

You advised this Office that you have received a request from a candidate for political office that he be permitted to hold a news conference or to film a political advertisement inside a local office of the Employment Security Commission, and you have further requested an opinion as to the response you should make. It is the opinion of this Office that the Commission should prohibit such activity insofar as it would be disruptive of the usual public business being conducted in that office.

There is no right under State law giving a citizen access to a public building or office for any reason other than to conduct usual activities and functions in that building or office. See, State v. Boone, 243 Ga. 416, 254 S.E.2d 367, 368 (1979).^{a1} The activity proposed by the political candidate, that is, holding a news conference or filming an advertisement, would not constitute the conduct of usual activities or functions in the local office of the Commission. In fact, you have advised that the activity proposed would be disruptive of usual activities or functions in that office.

In like manner, there is no right arising under federal law which would give a citizen access to a local office of the Commission to hold a news conference or to film a political advertisement. A question might be raised as to whether the First Amendment would require the Commission to open its local offices to a political candidate for this purpose. It is our opinion that it does not.

The U. S. Supreme Court has held that simply because 'members of the public are permitted freely to visit a place owned or operated by the Government [does not thereby make] that place . . . a 'public forum' for purposes of the First Amendment.' Green v. Spock, 424 U.S. 828, 836, 47 L.Ed.2d 505, 513 (1976). The State may regulate certain types of speech or other expression in places operated by the State if such regulation is necessary in light of 'the nature of [the] place [and] the pattern of its usual activities' Pell v. Procnier, 417 U.S. 817, 826, 41 L.Ed.2d 495, 504 (1974), citing Grayned v. City of Rockford, 408 U.S. 104, 116, 33 L.Ed.2d 222 (1972). Thus, if a press conference or filming activity in a local office of the Commission would be disruptive of usual business in that office, then such activity may be prohibited by the Commission. Clearly, the political candidate would have numerous other places to express freely any political views or other matters sought to be expressed here in this unusual way. See, Pell v. Procnier, supra, at 827, 41 L.Ed.2d at 504.

For the foregoing reasons, it is the opinion of this Office that the Commission may prohibit a political candidate from holding a news conference or filming a political advertisement in a local office of the Commission insofar as that activity would be disruptive of the usual public business being conducted in that office.

Sincerely yours,

*2 David C. Eckstrom
Assistant Attorney General

Footnotes

a1 See also [Carter v. Lake City Baseball Club](#), 218 S.C. 255, 62 S.E.2d 470 (1950).
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