The First Amendment: Free Speech & Freedom of Religion

- Advertising and Information Dissemination
  - *Metromedia, Inc. v. City of San Diego*

- Church and Worship Regulation
  - *Church of Lukumi Babalu Aye, Inc. v. City of Hialeah*

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**Commercial Speech Standard**

1. First Amendment protects speech re lawful activity that is not misleading. Restriction is valid if it seeks to implement—

2. a substantial government interest,

3. directly advances that interest, and

4. reaches no further than necessary.
Metromedia Cont’d

• Noncommercial v. Commercial Speech
• Safety
• Aesthetics
• Alternative Channels

What Advice Would You Give?

• Neon signs
• Sex-oriented business signs
• Display of flags
**Tien Tao Association, Inc. v. Kingsbridge Park Community Association, Inc.**

953 S.W.2d 525 (Tex. App. 1997) (on web page)

**Deed Restrictions**

- Architectural Control Committee
- Use Restrictions
- Offensive Activities
- Constitutional Claims

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**Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah**

508 U.S. 520 (1993) (on web page)

- *Employment Division v. Smith*
- Is the ordinance neutral and of general applicability?
- Does the ordinance target religious activity? **Strict Scrutiny.**
  - Compelling government interest?
  - Narrowly tailored to advance that interest?
Examples of Restrictions

• Restrictions on home worship
• Zoning for houses of worship
• Restrictions on uses that carry out religious missions
• Historic preservation laws