



San Diego City Attorney Jan I. Goldsmith

NEWS RELEASE

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JUDGE UPHOLDS NFL'S RIGHT TO ENFORCE "FAN CODE OF CONDUCT"

San Diego, CA: A San Diego Superior Court Judge who earlier ruled that the NFL could not remove a fan for violation of the "Fan Code of Conduct" under the First Amendment to the United States Constitution, has reversed her decision.

The San Diego City Attorney's Office filed papers last month with Judge Gale Kaneshiro contending that fans are invitees at the football stadium subject to compliance with the NFL's "Fan Code of Conduct". The Code was adopted by the NFL to help avoid violence at football games. The City Attorney's Office argued that the fan may be innocent on other grounds, but not on constitutional grounds that would deter security guards from enforcing the rules.

Judge Gale Kaneshiro issued a written opinion agreeing with the City Attorney:

"[The fan] was an invitee or a conditional licensee at the Stadium as a paying customer; he was subject to compliance with the NFL's 'Fan Code of Conduct' while on the premises on the Stadium."

Judge Kaneshiro explained that Stadium personnel may revoke that conditional license for violating the rules by asking the perpetrator to leave the stadium. Refusal to do so would render the fan a trespasser. At that point, the private security guards could use reasonable force to eject the fan from the stadium as a trespasser.

However, Judge Kaneshiro ruled, in this case the fan "was not asked by the security guards to leave the Stadium and he did not refuse to leave the Stadium. The security guards did not tell him that he was being evicted from the Stadium prior to grabbing him; his conditional license to be on the premises had not been revoked and he was not a trespasser."

San Diego City Attorney Jan Goldsmith called the decision a victory for the ability of NFL teams to take reasonable steps to avoid violence. "This case was noteworthy only because it was originally based upon First Amendment rights. We were concerned that the decision would deter enforcement of the rules designed to prevent violence. Judge Kaneshiro's revised decision upholds the right to enforce those rules and remove unruly fans from the stadium as long as it is done right," Goldsmith said. "We are pleased with her decision."

"Unfortunately, there have been too many instances of violence at sporting events, including serious injury and deaths. I did not want this case to deter the NFL or other sponsors from taking reasonable steps toward prevention." Goldsmith added. "These are sporting events that families should feel free to attend without fear of being caught up in a brawl."

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