

# The Burger Court Opinion Writing Database

## *Members of City Council of Los Angeles v. Taxpayers for Vincent*

466 U.S. 789 (1984)

Paul J. Wahlbeck, George Washington University  
James F. Spriggs, II, Washington University in St. Louis  
Forrest Maltzman, George Washington University



Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
THE CHIEF JUSTICE

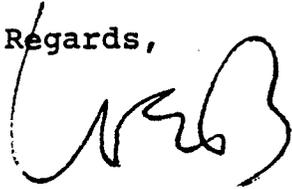
February 15, 1984

Re: 82-975 - Members of City Council v. Taxpayers  
for Vincent

Dear John:

I join.

Regards,

A handwritten signature in black ink, appearing to be 'J. Stevens', written over the typed word 'Regards,'.

Justice Stevens

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702

Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE Wm. J. BRENNAN, JR.

October 17, 1983

No. 82-975

Members of the City Council  
of the City of Los Angeles  
v. Taxpayers for Vincent, etc.

---

Dear Thurgood and Harry,

We three are in dissent in the  
above. I will try my hand at the  
dissent.

Sincerely,



Justice Marshall

Justice Blackmun

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Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE Wm. J. BRENNAN, JR.

February 24, 1984

No. 82-975

Members of the City Council  
of Los Angeles v. Taxpayers  
for Vincent, etc.

---

Dear John,

I am sorry that I didn't have the answer to your question about the above case at Conference. I shall be writing separately and will try not to hold you up too long.

Sincerely,



Justice Stevens

Copies to the Conference

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To: The Chief Justice  
Justice White  
Justice Marshall  
Justice Blackmun  
Justice Powell  
Justice Rehnquist  
Justice Stevens  
Justice O'Connor

From: **Justice Brennan**

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1st DRAFT

**SUPREME COURT OF THE UNITED STATES**

No. 82-975

**MEMBERS OF THE CITY COUNCIL OF THE CITY OF  
LOS ANGELES ET AL. v. TAXPAYERS FOR  
VINCENT ET AL.**

**ON APPEAL FROM THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

[May —, 1984]

JUSTICE BRENNAN, dissenting.

The plurality opinion in *Metromedia, Inc. v. San Diego*, 453 U. S. 490 (1980), concluded that the City of San Diego could, consistently with the First Amendment, restrict the commercial use of billboards in order to "preserve and improve the appearance of the City." *Id.*, at 493 (plurality opinion). Today, the Court sustains the constitutionality of Los Angeles' similarly motivated ban on the posting of political signs on public property. Because the Court's lenient approach towards the restriction of speech for reasons of aesthetics threatens seriously to undermine the protections of the First Amendment, I dissent.

The Court finds that the City's "interest [in eliminating visual clutter] is sufficiently substantial to justify the restrictive effect of the ordinance on appellees' expression" and that the effect of the ordinance on speech is "no greater than necessary to accomplish the City's purpose." *Ante*, at 15. These are the right questions to consider when analyzing the constitutionality of the challenged ordinance, see *Metromedia, supra*, at 525-527 (BRENNAN, J., concurring in judgment), *Heffron v. International Society for Krishna Consciousness*, 452 U. S. 640, 656 (1981) (BRENNAN, J., concurring in part and dissenting in part), but the answers that the Court provides reflects a startling insensitivity to the

STYLISTIC CHANGES THROUGHOUT.  
SEE PAGES: 14

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JUSTICE MARSHALL

'84 MAY 10 P3:55

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Justice White  
Justice Marshall  
Justice Blackmun  
Justice Powell  
Justice Rehnquist  
Justice Stevens  
Justice O'Connor

From: Justice Brennan

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2nd DRAFT

## SUPREME COURT OF THE UNITED STATES

No. 82-975

MEMBERS OF THE CITY COUNCIL OF THE CITY OF  
LOS ANGELES ET AL. *v.* TAXPAYERS FOR  
VINCENT ET AL.

ON APPEAL FROM THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

[May —, 1984]

JUSTICE BRENNAN, with whom JUSTICE MARSHALL and  
JUSTICE BLACKMUN join, dissenting.

The plurality opinion in *Metromedia, Inc. v. San Diego*, 453 U. S. 490 (1980), concluded that the City of San Diego could, consistently with the First Amendment, restrict the commercial use of billboards in order to “preserve and improve the appearance of the City.” *Id.*, at 493 (plurality opinion). Today, the Court sustains the constitutionality of Los Angeles’ similarly motivated ban on the posting of political signs on public property. Because the Court’s lenient approach towards the restriction of speech for reasons of aesthetics threatens seriously to undermine the protections of the First Amendment, I dissent.

The Court finds that the City’s “interest [in eliminating visual clutter] is sufficiently substantial to justify the restrictive effect of the ordinance on appellees’ expression” and that the effect of the ordinance on speech is “no greater than necessary to accomplish the City’s purpose.” *Ante*, at 15. These are the right questions to consider when analyzing the constitutionality of the challenged ordinance, see *Metromedia, supra*, at 525-527 (BRENNAN, J., concurring in judgment), *Heffron v. International Society for Krishna Consciousness*, 452 U. S. 640, 656 (1981) (BRENNAN, J., concurring in part and dissenting in part), but the answers

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Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE BYRON R. WHITE

February 14, 1984

Re: 82-975 -

Members of the City Council of the City of  
Los Angeles v. Taxpayers for Vincent, etc.

---

Dear John,

I agree.

Sincerely,



Justice Stevens

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cpm

Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE THURGOOD MARSHALL

May 4, 1984

Re: No. 82-975-Members of the City Council of The  
City of Los Angeles v. Taxpayers For Vincent

Dear Bill:

Please join me in your dissent.

Sincerely,



T.M.

Justice Brennan

cc: The Conference

Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE HARRY A. BLACKMUN

May 10, 1984

Re: No. 82-975, Members of the City Council of the  
City of Los Angeles v. Taxpayers for Vincent, Etc.

Dear Bill:

Please join me in your dissent.

Sincerely,



Justice Brennan

cc: The Conference

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Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE LEWIS F. POWELL, JR.

February 6, 1984

82-975 Members of City Council v. Taxpayers for Vincent

Dear John:

Please join me.

Sincerely,



Justice Stevens

lfp/ss

cc: The Conference

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Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE WILLIAM H. REHNQUIST

February 2, 1984

Re: No. 82-975 City Council of Los Angeles v.  
Taxpayers for Vincent

Dear John:

Please join me.

Sincerely,



Justice Stevens

cc: The Conference

REPRODUCED FROM THE COLLECTIONS OF THE MANUSCRIPT DIVISION, LIBRARY OF CONGRESS

To: The Chief Justice  
Justice Brennan  
Justice White  
Justice Marshall  
Justice Blackmun  
Justice Powell  
Justice Rehnquist  
Justice O'Connor

From: **Justice Stevens**

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1st DRAFT

## SUPREME COURT OF THE UNITED STATES

No. 82-975

MEMBERS OF THE CITY COUNCIL OF THE CITY OF  
LOS ANGELES, ET AL., APPELLANTS *v.* TAXPAYERS  
FOR VINCENT, ETC., ET AL.

ON APPEAL FROM THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

[February —, 1984]

JUSTICE STEVENS delivered the opinion of the Court.

Section 28.04 of the Los Angeles Municipal Code prohibits the posting of signs on public property.<sup>1</sup> The question pre-

<sup>1</sup>The ordinance reads as follows:

"Sec. 28.04. Hand-bill, signs-public places and objects:

(a) No person shall paint, mark or write on, or post or otherwise affix, any hand-bill or sign to or upon any sidewalk, crosswalk, curb, curbstone, street lamp post, hydrant, tree, shrub, tree stake or guard, railroad trestle, electric light or power or telephone or telegraph or trolley wire pole, or wire appurtenance thereof or upon any fixture of the fire alarm or police telegraph system or upon any lighting system, public bridge, drinking fountain, life buoy, life preserver, life boat or other life saving equipment, street sign or traffic sign.

(b) Nothing in this section contained shall apply to the installation of terrazzo sidewalks or sidewalks of similar construction, sidewalks permanently colored by an admixture in the material of which the same are constructed, and for which the Board of Public Works has granted a written permit.

(c) Any hand-bill or sign found posted, or otherwise affixed upon any public property contrary to the provisions of this section may be removed by the Police Department or the Department of Public Works. The person responsible for any such illegal posting shall be liable for the cost incurred in the removal thereof and the Department of Public Works is authorized to effect the collection of said cost.

(d) Nothing in this section shall apply to the installation of a metal plaque or plate or individual letters or figures in a sidewalk commemorating an historical, cultural, or artistic event, location or personality for

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SEE PAGES:

To: The Chief Justice  
Justice Brennan  
Justice White  
Justice Marshall  
Justice Blackmun  
Justice Powell  
Justice Rehnquist  
Justice O'Connor

From: Justice Stevens

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2nd DRAFT

## SUPREME COURT OF THE UNITED STATES

No. 82-975

MEMBERS OF THE CITY COUNCIL OF THE CITY OF  
LOS ANGELES, ET AL., APPELLANTS *v.* TAXPAYERS  
FOR VINCENT, ETC., ET AL.

ON APPEAL FROM THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

[February —, 1984]

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(b) Nothing in this section contained shall apply to the installation of terrazzo sidewalks or sidewalks of similar construction, sidewalks permanently colored by an admixture in the material of which the same are constructed, and for which the Board of Public Works has granted a written permit.

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From: **Justice Stevens**

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SEE PAGES: 2, 3

3rd DRAFT

**SUPREME COURT OF THE UNITED STATES**

No. 82-975

**MEMBERS OF THE CITY COUNCIL OF THE CITY OF  
LOS ANGELES ET AL. v. TAXPAYERS FOR  
VINCENT ET AL.**

**ON APPEAL FROM THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

[May —, 1984]

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Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE SANDRA DAY O'CONNOR

February 6, 1984

Re: No. 82-975 Members of the City Council of the  
City of Los Angeles v. Taxpayers  
For Vincent, etc.

Dear John,

Please join me.

Sincerely,



Justice Stevens

Copies to the Conference