

STUDENT ACTIVITY

High School Students (Grades 7-12)

First Amendment: Can a Municipality Forbid Political Signs on Residential Property?

Note: This lesson could be presented by a resource person such as a lawyer or judge, or the resource person could focus on the analysis of the issues and conduct one of the activities listed at the end.

Focus

Margaret Gilleo, a homeowner, challenged a city ordinance (local law) that prohibited her from placing an antiwar sign in the window of her house. Does a city ordinance violate the First Amendment when it bars residents from posting political signs on their property, but allows them to display nonpolitical signs, such as "for sale" signs?

Background

The city of Ladue, Missouri, is a wealthy, beautiful suburb of St. Louis. It has an ordinance that generally prohibits all signs within its 8.5 square miles. The purpose of the law was to prevent "ugliness, visual blight, and clutter," as well as to maintain real-estate values.

A limited number of exceptions were allowed for traffic signs, health inspection signs, and identification signs for commercial buildings. For residential property, only "for sale" signs were allowed.

Facts

In 1990, Margaret Gilleo, a Ladue homeowner, placed an 8 " x 11" sign in an upstairs window of her house to express her opposition to the Persian Gulf war. The sign said "For Peace in the Gulf." It was visible from the street.

Gilleo sued the city, its mayor, and the city council to prevent them from enforcing the ordinance. The lower courts ruled that the ordinance was unconstitutional because it favored the content of some speech over other types.

The ordinance allowed commercial speech ("for sale" signs), while forbidding political protest. The lower courts said this type of discrimination violated the First Amendment.

The Ladue officials appealed to the U.S. Supreme Court.

Decision

In a unanimous decision (see *City of Ladue v. Gilleo*, 114 S. Ct. 2038 (1994)), the Supreme Court ruled that cities may not bar residents from posting political signs on their own property. The Court wrote that, even if the ban did not favor some speech over others (in effect, a ban on all signs), it would still be unconstitutional because it prohibited too much speech.

In confirming the right of individuals to use their homes to express their opinions, the Court acknowledged a time-honored tradition. Justice John Paul Stevens wrote that a "special respect for individual liberty in the home has long been part of our culture and our law."

Stevens said displaying a sign from a person's own home carries a unique message, while using letters, handbills, or flyers has a different impact. The Court concluded that there really is no adequate substitute for posting signs and banners at one's home. "A sign advocating 'Peace in the Gulf' on the front lawn of a retired general or decorated war veteran may provoke a different reaction than the same sign in a 10-year-old child's bedroom window, or the same message on the bumper sticker of a passing automobile," Stevens wrote.

The Court stressed that the ruling does not interfere with cities' ability to control signs. Municipalities would still have the power to regulate the size and number of home signs.

Student Activities

1. Hold a town meeting to discuss the Ladue ordinance. Assign students to role-play residents for and against the ban, the American Civil Liberties Union, and members of the city council, business community, and "Ladue Beautification Society." Have students testify before the city council on the pros and cons of keeping the law as it is. Students acting as city council members should question those testifying and then make a decision about the ordinance. Have students make signs supporting their decisions.
2. Put students in groups of four to five. Have them draft a new law regulating signs that will further the interests of Ladue (for example, signs that protect the beauty of the community and maintain real-estate values) and at the same time insure First Amendment rights.
3. Have students compose a dissenting opinion in *Gilleo*.
4. Have students discuss reasons why commercial speech (such as advertisements) has been given less protection under the First Amendment than noncommercial speech (such as political or social signs).
5. Have students research local laws that pertain to the regulation of residential signs, posters, and handbills.

This set of activities was prepared by Aggie Alvez, compliance officer for the Montgomery County Public Schools in Montgomery, Maryland, and formerly a program director with the National Institute for Citizen Education in the Law. She prepared it for Update on the Courts, Fall 1994, © 1994 American Bar Association.