



From: NJLM - Municipal Clerks [mailto:njlm-clerks@cityconnections.com]
Sent: Thursday, February 26, 2009 3:14 PM
To: Lashway, Lisa
Subject: From NJLM US Supreme Court Rules and Fed Stimulus Update

LEAGUE ALERT

Municipal Clerk: Please forward to Mayor and Governing Body.

February 26, 2009

**Re: I U.S. Supreme Court Rules on Standards for
Acceptance of Permanent Monuments for
Display in Municipal Parks**

Re: II Federal Stimulus Funding Information Update

**Re: I. U.S. Supreme Court Rules on Standards for Acceptance of Permanent Monuments
for Display in Municipal Parks**

Dear Mayor:

A unanimous Supreme Court released its decision in *Pleasant Grove City, Utah v. Summum*, No. 07-665, today. The question before the Court was whether the Free Speech Clause of the First Amendment entitled a private group, Summum, to insist that the City permit it to place a permanent monument in a city park in which other donated monuments, including a Ten Commandments monument, were previously erected and currently displayed. The City had rejected Summum's monument of the Seven Aphorisms on the basis that it did not meet its criteria – it did not directly relate to the City's history, and was not being donated by a group with long-standing ties to the community. When the matter reached the Tenth Circuit, that court held that the park monuments constituted private, not government, speech, in a traditional public forum. Pleasant Grove City's content-based choices and policy failed strict scrutiny review, and the City was ordered to accept the monument.

The Supreme Court reversed, finding that the placement of a permanent monument in a public park was a form of government speech and was, therefore, not subject to scrutiny under the Free Speech Clause. Although parks were a traditional public forum for speeches and other transitory expressive acts, the display of a permanent monument in a public park was not a form of expression to which forum analysis applied.

It is important to note, however, that although this case was litigated on the basis of free speech, which the Court found inapplicable in this context, the opinion pointed out that the Establishment Clause of the First Amendment did apply to government speech and would apply here. The plaintiff did not argue a violation of the Establishment Clause, and therefore, the Court did not deal with the issue. **However, the opinion made it clear that prior holdings by the Court on the application of the Establishment Clause to religious displays on government-owned property are still valid.**

A copy of the opinion is available online at <http://www.supremecourtus.gov/opinions/08pdf/07-665.pdf>.

If you have any questions or concerns about this communication, please contact Deborah M. Kole, Staff Attorney, at the League, ex. 137, or at dkole@njslom.com

Very truly yours,

William G. Dressel, Jr.
Executive Director

Re: II. Federal Stimulus Funding Information Update

Dear Mayor:

We hope that many of you were able to take advantage of yesterday's NLCTV webcast of the latest information on Recovery Bill funding. If you were not able to view that special, you can still access the information.

NLC's Director of Federal Relations, Carolyn Coleman, and her staff put together a power point presentation of the highlights of the Act, which you can access at: http://www.nlc.org/ASSETS/F98602E862A4425BA19E65476C642B6B/ARRA_Presentation.pdf and the entire webcast, including over a half hour of questions and answers, should be available later today at the NLCTV website archives at <http://www.nlctv.org/>.

Meanwhile, here in Trenton, on Monday, Governor Corzine named his chief of staff, Ed McBride, and the state comptroller, Matt Boxer, to lead a group that will oversee the execution and implementation of the \$787 billion American Recovery and Reinvestment Act in New Jersey.

This group will be charged with ensuring that New Jersey gets "access (to) every dollar available in the federal stimulus package ...," and, "that the money is directed efficiently and effectively to the appropriate programs."

The Center for American Progress has estimated that New Jersey will receive some \$17.4 billion from the federal stimulus program, including \$7.2 billion in tax cuts that will provide relief to

more than 3.5 million taxpayers in New Jersey beginning as early as some people's next paycheck. The stimulus package also contains much-needed assistance for the growing burden on state Unemployment Insurance funds as well as other social safety net programs as well as substantial investments in roads, bridges, dams and other infrastructure that will create billions of jobs across the nation.

Corzine plans to identify other members of the group in the coming week. He had previously established two internal working groups on the federal stimulus package, one focused on the infrastructure portion and another on the other components.

Though our information is incomplete at this time, with both Federal and State agencies working day and night on funding and application procedures, if you have any questions, you can call Jon Moran at 609-695-3481, ext. 121.

Very truly yours,

William G. Dressel, Jr.
Executive Director

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