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of the flyers identified her as the author, but others were signed "Concerned Parents and Tax Payers." None of the information on the flyers was false, misleading, or libelous. An assistant school superintendent informed McIntyre that some of the flyers did not conform to Ohio's election laws because they did not identify the author. McIntyre handed out more flyers at a second public meeting. The tax levy was defeated in two public votes before being approved in a third election. Five months after the levy was approved, the assistant school superintendent filed a complaint with the Ohio Elections Commission, charging McIntyre with illegal distribution of anonymous flyers. The commission found that her actions were unlawful and fined her \$100, a decision reversed by a local trial court. The Ohio Court of Appeals reversed the local court and reinstated the fine, a decision affirmed by the Ohio Supreme Court.

In a seven-two decision, the U.S. Supreme Court reversed, holding that McIntyre's right to distribute anonymous campaign literature was protected by the constitutional guarantee of free speech. In its ruling, the Court overturned Ohio's law and similar laws on the books in nearly every other state. In his opinion for the majority, Justice John Paul Stevens surveyed the history of anonymous speech in the United States, pointing out such important works as *The Federalist Papers*, written by Alexander Hamilton, James Madison, and John Jay under the name "Publius," and the writings of Samuel Clemens, written under the pen name "Mark Twain." Stevens wrote, "No form of speech is entitled to greater constitutional protection than Mrs. McIntyre's." Anonymous speech about important public issues was "core political speech," and any attempt by a state to regulate this speech must be "narrowly tailored" to achieve the state's legitimate interest in prohibiting unknown authors from providing the electorate with fraudulent and libelous information. The Court found that the Ohio prohibition was not narrowly tailored because it punished all unknown authors, not only those who attempted to publish false and misleading information. Justice Stevens limited the reach of the ruling by indicating that the Court was addressing only written communications. He also stated that the Court was not overturning laws requiring the disclosure of the identities of campaign contributors.

The breadth of Justice Stevens's opinion concerned Justice Antonin Scalia, who, joined by Chief Justice William H. Rehnquist, stated in dissent, "[I]t may take decades to work out the shape of this newly expanded right-to-speak-incognito."

Justice Ruth Bader Ginsburg filed an opinion concurring with the majority's holding but stressing the narrow nature of the ruling. She also signed the majority opinion. Justice Clarence Thomas did not sign the majority opinion; instead, he offered a concurring opinion with his own survey of anonymous writing in the United States. Using a stricter interpretation of the Constitution, he concluded that "anonymous political leafleting" was part of the framers' original intent of freedom of speech and the press.

Margaret McIntyre died of cancer one year before the Supreme Court issued the ruling in her case.

John David Rausch Jr.

See also: Anonymous Political Speech; First Amendment.

FURTHER READING

- Bezanson, Randall P. *Speech Stories: How Free Can Speech Be?* New York: New York University Press, 1998.
- Greenhouse, Linda. "Justices Allow Unsigned Political Flyers." *New York Times*, April 20, 1995.

Members of City Council of Los Angeles v. Taxpayers for Vincent (1984)

In *Members of City Council of Los Angeles v. Taxpayers for Vincent*, 466 U.S. 789 (1984), the U.S. Supreme Court concluded that a municipal ordinance prohibiting the posting of signs on public property did not unconstitutionally burden free speech rights protected under the First Amendment to the U.S. Constitution and applied to the states through the Fourteenth Amendment. Taxpayers for Vincent (TFV), a group supporting Roland Vincent for the Los Angeles City Council, contracted with a political sign service company to construct and post signs supporting his candidacy. The company designed the cardboard signs to

be draped over the cross-wires supporting utility poles and then stapled at the bottom. In accordance with the ordinance, city workers removed Vincent's signs, and the TFV group brought suit, alleging an unconstitutional abridgment of its First Amendment speech rights.

The TFV organization argued that the ordinance was both facially unconstitutional (because of its overbreadth) and unconstitutional as applied to the group's particular situation. In the course of a political campaign, many candidates, parties, and interests must employ the most efficient, influential, and economical methods for communicating their message to the public. Categorically prohibiting the posting of signs on public property deprived many potential speakers and advocates of an important medium. Yet, the city contended, to provide unrestricted access to public property for these purposes would cause visual clutter and blight, diminish property values, increase public expenses, and constitute a safety hazard for those municipal workers charged with removing the signs. States and localities have a legitimate interest in preserving the aesthetic appeal of their communities, and viewpoint-neutral regulations of this sort serve such interests.

Writing for the Court, Justice John Paul Stevens found that the statute was not unconstitutional, facially or as applied, but rather was a reasonable "time, place, and manner" regulation. Reaffirming the Court's holding in other cases involving undesired exposure to certain forms of expression, Justice Stevens reasoned that the ordinance was a content-neutral effort to minimize the visual assault launched upon drivers and passersby. Moreover, although First Amendment rights were certainly implicated, the Court was confident that the TFV group had alternative methods for communicating its message. Or did it?

Writing for the dissent, Justice William J. Brennan Jr. criticized the majority for relying on an imprecise and inherently subjective standard like "aesthetic appeal" and for failing to consider that a dissident group, or a position or proposal lacking broad appeal, might not have access to an alternative forum. (Those advocating an increase in property taxes, for example, would likely have trouble persuading private property owners to post signs supporting such a position.) The

medium and method chosen by TFV entailed relatively small expense and allowed it to reach a wide audience; to foreclose such options, the dissenters argued, subordinated speech to subjective assessments and unfounded suppositions.

To what degree should government be able to restrict First Amendment rights in the interest of aesthetics—or in an effort to preserve the appeal or ambience of public spaces or property? At what point does a collection of ideas, voices, or propositions become a clutter? *Taxpayers for Vincent* offered important insight into the Court's balancing of individual and community interests: When the burden on expression is presumed to be minimal and legitimate municipal concerns may be demonstrated, states and localities may impose reasonable, content-neutral restrictions on speech in its various forms.

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See also: First Amendment; Lawn Signs; Overbreadth Doctrine; Police Power; Time, Place, and Manner Restrictions.

FURTHER READING

- Costonis, John. "Law and Aesthetics: A Critique and a Reformation of the Dilemmas." *Michigan Law Review* 80 (1982): 355.
- Quadres, Harold. "Content-Neutral Public Forum Regulations: The Rise of the Aesthetic State Interest, the Fall of Judicial Scrutiny." *Hastings Law Journal* 37 (January 1986): 439-97.
- Stone, Geoffrey. "Fora Americana: Speech in Public Places." *Supreme Court Review* (1974): 233.

Metro Broadcasting Co. v. Federal Communications Commission (1990)

In *Metro Broadcasting Co. v. Federal Communications Commission*, 497 U.S. 547 (1990), the U.S. Supreme Court upheld affirmative action initiatives by the Federal Communications Commission (FCC) that were aimed at promoting greater diversity and responsiveness to the American public by giving preference to

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